



## B&W Nuclear Environmental Services, Inc.

a McDermott company

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May 20, 1994

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington D.C. 20555

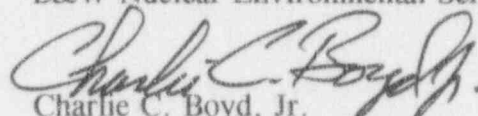
**Subject: Reply to a Notice of Violation**

Gentlemen:

In accordance with 10 CFR 2.201, the B&W Nuclear Environmental Services, Inc. Lynchburg Technology Center, is providing the attached reply to the referenced Notice of Violation contained in NRC Inspection Report No. 70-824/94-02, dated April 22, 1994.

If you should have any further questions concerning this matter, please feel free to contact me at (804) 522-5753.

Sincerely,  
B&W Nuclear Environmental Services, Inc.

  
Charlie C. Boyd, Jr.  
Licensing & Compliance Officer

Attachment

cc:

U.S. Nuclear Regulatory Commission  
Attn: Stewart Ebnetter, Regional Administrator  
101 Marietta ST., N.W.  
Atlanta GA 30323

R.V. Carlson  
S.W. Schilthelm  
D.W. Zeff

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### REPLY TO A NOTICE OF VIOLATION

The following response is the B&W Nuclear Environmental Services, Inc. (B&W NESI) reply to the Notice of Violation which was issued as part of NRC Inspection Report No. 70-824/94-02.

#### Violation

Area Operating Procedure, B-GP-3, Receipt of Radioactive Materials, Revision 7, dated November, 1993, requires, for receipt of radioactive materials after normal working hours, that the B&W Naval Nuclear Fuel Division (NNFD) security force be in possession of a call list of whom to call and notify of the receipt.

Contrary to the above, on March 22, 1994, the Naval Nuclear Fuel Division night shift security force members were not in possession of the call list, were not aware of the shipment's scheduled arrival, and consequently caused the shipment to be delivered to the B&W Commercial Nuclear Fuel Plant.

#### Response To Violation

B&W has conducted an in-depth review of the facts pertaining to the alleged violation, and has been unable to identify that it violated any regulatory requirement for the shipment.

The NRC Notice of Violation stated that contrary to a license requirement to conduct operations with licensed material in accordance with procedures, B&W failed to follow procedure B-GP-3 in that NNFD security force members were not in possession of a call list. However, for the past several years, LTC has provided NNFD security with a call list for after-hours delivery of radioactive materials to the Lynchburg Technology Center. This call list was most recently updated on March 14, 1994, and we have confirmed that NNFD security in fact now has and did at the time of the shipment have the call list. In addition, as noted on page 2 of the NRC inspection report, NNFD Security was advised of this specific shipment. B&W thus believes it fully met its procedure obligations regarding the call list.

We have similarly been unable to identify any B&W violation of NRC Physical Protection requirements for transporting spent fuel, as these requirements apply to licensees who transport or deliver material to a carrier for transport. B&W was neither the shipper nor the transporter in this case, and did not take possession of the shipment since it was addressed to another licensee.

It is B&W's belief that the root cause of the shipment not being delivered to the LTC is that the shipping paperwork shown to B&W personnel at the time the shipment arrived at the Mt. Athos Site was improperly addressed to the wrong licensee. We believe that B&W personnel acted responsibly in assisting the driver in locating the destination specified on the referenced

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paperwork. It would have been inappropriate for B&W personnel to presume they should accept any shipment addressed to another company. We further believe that if the paperwork shown to B&W personnel had identified B&W LTC as the intended recipient, our procedure would have triggered use of the standing call list, notifications would have been made, and the shipment would have been directed to LTC.

In reviewing this case, B&W attempted to find, but did not identify, any regulatory or other weaknesses in its program for receipt of radioactive materials. While it is true that night shift security personnel did not receive an optional verbal notice, B&W believes that the formal written call-list system currently in place provides a high degree of assurance that notification requirements will be implemented for after-hours receipt of radioactive material whenever a shipment is properly addressed to B&W LTC.

We therefore believe that the fundamental and only problem was incorrectly-addressed paperwork.