Department of Energy
Washington, DC 20585

March 17, 2008

Mr. Jeffrey D. Mousseau, P.E.
President and General Manager
Bechtel BWXT Idaho, LLC
850 Energy Drive, Suite 200
Idaho Falls, Idaho 83401-1502

Dear Mr. Mousseau:

The Department of Energy's (DOE) Office of Enforcement conducted an investigation based on the deficiencies described in the following Noncompliance Tracking System (NTS) Reports:

- NTS-ID--BBWI-AMWTF-2007-0004, *TRUPACT-II/HalfPACT Loading Program*,
- NTS-ID--BBWI-AMWTF-2007-0006, *Incorrect Drum Shipped to Waste Isolation Pilot Plant*, and
- NTS-ID--BBWI-AMWTF-2007-0007, *TSR Violation - No Post Maintenance Test on RTR Unit Z-213-101*.

Our evaluation included personnel interviews and reviews of pertinent documents during September 2007. The results of this investigation were provided to you in a December 4, 2007, letter addressed to Mr. Paul Divjak. Our investigation noted multiple potential violations in the areas of procedural adequacy and implementation with respect to transuranic waste characterization and shipping. Your December 18, 2007, response to our investigation declined the opportunity for an enforcement conference. Consequently, we have concluded that violations of 10 C.F.R. Part 830, *Nuclear Safety Management*, have occurred as a result of the activities described in the above NTS reports.

During the investigation, your organization's root cause analyses and corrective actions concerning these events were reviewed and discussed with members of your staff. We determined that your causal analyses effectively analyzed the events, and that corrective actions were traceable to causal analysis findings and appeared comprehensive and appropriate for the identified causes. Your analyses included an evaluation of extent of condition; additionally, sufficient evidence was provided that processes were in place to assess the effectiveness of corrective actions.

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At this time, the Office of Enforcement sees no benefit in further pursuing a formal enforcement action in this matter. This decision is based on the lesser significance of the individual events under consideration, and in consideration of your causal analysis and corrective action efforts as described above.

Although not affecting the enforcement path-forward, we are also cognizant that the programmatic implications of these events have been appropriately addressed through DOE contractual actions and through Waste Isolation Pilot Plant corrective actions and dissemination of lessons learned through TRUPACT user forums.

In conjunction with the investigation, the Office of Enforcement also performed a follow-up review of your Price-Anderson Amendments Act (PAAA) program. Our initial program review was conducted during September 2006, and identified a number of significant weaknesses. Overall, we concluded your PAAA program lacked maturity and effectiveness, and indicated in our January 2007 report transmittal that we would be conducting a follow-up review. The September 2007 follow-up review identified that prior program weaknesses had been satisfactorily corrected, and that effective noncompliance identification, tracking, reporting, and corrective action processes were in place.

No response to this enforcement letter is required. Should you have any questions, please contact me at (301) 903-2178 or have your staff contact Mr. Tony Weadock at (301) 903-4283.

Sincerely,

Arnold E. Guevara
Director
Office of Enforcement
Office of Health, Safety and Security

cc: Kay Emanuelson, BBWI