



**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

RDM-05-008

August 1, 2005

ATTN: Document Control Desk  
Director, Spent Fuel Project Office,  
Office of Nuclear Material Safety and Safeguards,  
U.S. Nuclear Regulatory Commission,  
Washington, DC 20555-0001

**Subject: 10 CFR 71.95 Report of Non-Compliance with Certificate of Compliance USA/9203/AF, Revision 13, for the Model No. DHTF Package**

**To Whom It May Concern:**

On May 31, 2005, Framatome ANP (FANP), Inc., an AREVA and Siemens Company, received a shipment of pellets contained in DHTF and BW-2901 containers at their Lynchburg Mount Athos Road (MAR) Facility. The shipment was transferred from the Richland Horn Rapids Road (HRR) Facility on May 27, 2005. During unpacking of the shipment, FANP personnel discovered that, contrary to the requirements of the Certificate of Compliance (COC), a stainless steel plate (spacer), used to separate layers of pellet boxes in a DHTF package was observed to be missing from a single package. The missing stainless steel plate involved only a single DHTF container (#146).

Condition 5(a)(3) of the Certificate of Compliance (CoC) requires that the construction of the containers must be in accordance with Framatome Cogema Fuels (FCF) Drawing Nos. 1249874E, Rev.5; 1259100C, Rev. 0; 1259101C, Rev. 0; and 1215600D, Rev. 6. Also, Condition 6 requires that each package must have a stainless steel plate (spacer) positioned between pellet boxes, as shown on FCF Drawing No. 1249874E, Rev. 4.

The current loading procedure for the DHTF, SOP-40078 V4.0 Section 7.0 Step 4, requires that a stainless steel plate be placed between the two layers of B-Boxes in a DHTF container; however there is currently no check off to ensure that this step is performed prior to closing the container. Such a check off does exist for the B-10 Boron plates used in the BW-2901 containers. A check off inspection sheet will be created to cover the stainless steel plate for both the DHTF and the BW-2901. Until the new check off sheet is developed and available, a notation will be made on the "BW-2901, DHTF

HMSS01

An AREVA and Siemens Company

Pellet Packaging Shipment Record” to verify the use of the stainless steel plates on current shipments.

FANP has taken immediate corrective actions that include changing procedural requirements to clarify expectations, training appropriate personnel to these changes, and discussing the appropriate required actions with the packaging group to prevent a recurrence of this error with the DHTF and also with a similar container (BW-2901).

Per 10 CFR 71.95 (a)(1), FANP does not consider the single package, with the missing stainless steel plate (spacer), listed in this notice, to have caused a significant reduction in the effectiveness of the package. There was no impact to the safety basis of the package or increased risk to the public. The performance criteria (multiplication factor for the package array) would not have been exceeded as a result of a single missing stainless steel plate (spacer). This report is being made in accordance with the requirements of 10 CFR 71.95 (a)(3); Instances in which the conditions of approval in the Certificate of Compliance were not observed in making a shipment.

If you or your staff have any questions, require additional information, or wish to discuss the matter further, please contact me at 423-791-5719. Please reference the unique document identification number in any correspondence concerning this letter.

Sincerely,

Framatome ANP, Inc., an AREVA and Siemens Company



Richard D. Montgomery, Advisory Engineer  
Nuclear Criticality Safety & Shipping Containers

Cc:  
E. W. Brach, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety and Safeguards,  
U.S. Nuclear Regulatory Commission,  
Washington, DC 20555-0001