



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

RDM-07-003

April 6, 2007

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

Subject: **10 CFR 71.95 Report of Non-Compliance with Certificate of Compliance USA/9251/AF, Revision 12, for the Model No. BW-2901 Package**
Letter to NRC dated February 2, 2007, "10 CFR 71.95 Report of Non-Compliance with Certificate of Compliance USA/9251/AF, Revision 12, for the Model No. BW-2901 Package".

To Whom It May Concern:

On February 8, 2007, AREVA NP Inc., an AREVA and Siemens Company, experienced an additional instance in which a condition of the Certificate of Compliance USA/9251/AF, Revision 12, for the Model No. BW-2901 package was not satisfied. A return shipment was made to our Richland facility that involved 19 boxes in BW-2901 containers. One container had six boxes of pellets on trays. Another container had two boxes of pellets on trays and four boxes of pellets in bags. Two other BW-2901 shipping containers had return pellets in bags. A compliance evaluation was completed by a single individual for the shipment, however the individual reviewing the pellet certification inadvertently reviewed the incorrect pellet certification. The incorrect certification that was reviewed met the container limits, but the actual pellets shipped did not. The other containers involved in this shipment met the Certificate of Compliance requirements.

Condition 5(b)(1)(i) of the Certificate of Compliance (CoC) indicates that the minimum pellet diameter is 0.315 inch, and the maximum pellet diameter is 0.375 inch. There are no current fuel designs that would violate the minimum pellet diameter requirement of 0.315 inch however three fuel designs have pellet diameters that exceed the 0.375 inch limitation up to a maximum diameter of 0.381 inch including fabrication tolerances.

As a result of the repeat out of compliance pellet shipment, an additional "Apparent Cause Analysis" was performed. On notification that there was an issue in which the BW-2901 Certificate of Compliance was not met for certain pellet shipments to and from our Lynchburg and Richland facilities, an immediate action was taken to verify compliance for future shipments. Although actions were implemented, management did not ensure a robust system was in place. In retrospect, it would have been prudent to stop shipments until a formal verification could be put in place. Thus, the apparent cause for this inappropriate action is "Management Ineffectiveness or Errors with Inadequate Implementation of corrective actions". A "Stop Work Order" has been issued to cease pellet

AREVA NP INC.
An AREVA and Siemens company

MSSO1

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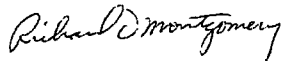
FORM: 22709VA-1 (4/1/2006)

shipments from our Lynchburg facility to our Richland facility using the BW-2901 until a formal compliance verification check-list is implemented.

Per 10 CFR 71.95 (a)(1), AREVA does not consider shipments exceeding the maximum pellet diameter of 0.375 inch to a value consistent with the existing maximum design of 0.381 inch, 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 the shipment of multiple packages. 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 434-832-5172. Please reference the unique document identification number in any correspondence concerning this letter.

Sincerely,



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

Cc:

E. W. Brach, Director
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