

# 10 CFR 71.95 REPORT EVALUATION FORM

**Docket No.:** 71-5979

**Package Model No.:** 5979 Type B Package

**Report Submitted By:** Bob A. Robnett, Director Regulatory Affairs & Quality, AOS, Inc.

**Report Date:** January 15, 2009

Review the incoming report to determine if additional Commission or staff action is warranted. The review should consider whether the report identifies a generic defect or problem with the package design and the safety significance of the issue. Note that a high safety significance represents a potential for significant radiation exposure, medium safety significance represents a potential for some moderate radiation exposure, and low safety significance represents little or no potential for radiation exposure.

## 1. The report identifies:

- Significant reduction in the effectiveness of a package during use;
- Defect with a safety significance;
- Shipment in which conditions of the approval were not observed.

## 2. What is the safety significance? High Medium Low

## 3. Summary of the report:

Several discrepancies between the packages and the Certificate of Compliance drawings were noted.

AOS Model No. 5979 packages IIA, IIB, and IIIA did not have the required number of bolts to attach the overpack to the pallet, i.e., 32, 36, and 38 bolts respectively versus a required number of 40 bolts per Drawing No. 0090.

The packages also included laminated wood fixed to the outer steel sheath by thru bolting, contrary to the requirements specified in Drawing No. 0093. In addition, the required crush strips were not all installed.

There is no record of modifications to the packages. Thus, the assumption is that every shipment, made since 1974 by both AOS and all "Registered Users," was out of compliance.

## 4. Corrective actions taken by the licensee:

AOS has placed all Model No. 5979 packages in Quarantine and will bring packages I and II into full compliance. The other packages (IIA, IIB, and III) will be stripped of their nameplates and used for onsite-storage only. Updated documentation, i.e., drawings and operating and maintenance procedures will be submitted to NRC for approval of any changes to the package design file.

## 5. Staff comments:

In hypothetical accident conditions, the overpack/pallet structural combination might not have performed as designed during drop and fire events. The package might have lost its ability to provide shielding and containment during those hypothetical accident conditions. A reduction on the effectiveness of those AOS packages used for Type B quantity shipments can be assumed for every shipment made since 1974.

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NRC conducted inspections on 12/11-14/2008 and 02/2-5/2009. NRC identified packaging discrepancies and observed AOS efforts to restore packagings I and II into compliance with the CoC.

**6. Staff conclusion:**

- The report does NOT identify generic design or license/certificate issues that warrant additional Commission or staff action. This report is considered closed.
- There is a need to take additional action. Provide a summary of the bases and recommended actions:

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