



March 5, 2009
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U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

Gentlemen:

**Subject: Reply to a Notice of Violation from NRC Inspection Report No. 70-1257/2009-001;
AREVA NP Inc.; License No. SNM-1227**

Ref.: Letter, Daniel W. Rich (NRC) to Charles Perkins (AREVA), "NRC Inspection Report No. 70-1257/2009-001 and Notice of Violation," dated February 9, 2009.

Attached is AREVA NP Inc.'s response to the violation described in the referenced letter.

If you have questions or require further information, please contact me at 509-375-8409 or T. J. Tate at 509-375-8550.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert Link'.

R. E. Link, Manager
Environmental, Health, Safety & Licensing

Enclosures

cc: Luis Reyes,
Regional Administrator
NRC Region II

Daniel W. Rich, Chief
Fuel Facility Inspection Branch 3
Division of Fuel Facility Inspection
NRC Region II

Rafael L. Rodriguez
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AREVA NP INC.

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**Reply to Notice of Violation
NRC Inspection Report 70-1257/2009-001; AREVA NP Inc.**

Violation (VIO 70-1257/2009-01-01)

The violation as stated in the referenced inspection report is as follows:

Safety Condition S-1 of Special Nuclear Materials Licensee No. SNM-1227 authorizes the use of licensed materials in accordance with the statements, representations, and conditions in the License Application and Supplements.

Section 2.4 of the License Application states, in part, the license conducts its business in accordance with a system of Standard Operating Procedures, Company Standards, and Policy Guides.

Requirement 2 of Safety Related Equipment – 2 of Nuclear Criticality Safety Specification, E04-NCSS-G06, Fire Prevention and Fire Fighting, requires an annual functional test of the automated sprinkler fire suppression system located at the Specialty Fuels Building Solid Waste Uranium Recovery (IROFS 4535.10) in accordance with Functional Test C774P001, Fire Sprinklers 12 Month Outside Vendor.

Functional Test C774P001 was executed by Scheduling Agreement 5500000401, which specified, in part, that the annual inspection is conducted in accordance with NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.

NFPA 25 Section 5.2.1.1, states, in part, that sprinklers shall be inspected from the floor annually.

Contrary to the above, prior to January 11, 2009, the licensee failed to inspect the sprinklers located at the Specialty Fuels Solid Waste Uranium Recovery from the floor annually.

This is a Severity Level IV violation (Supplement VI).

Background

An annual visual inspection of the fire suppression sprinklers located at the Specialty Fuels Building Solid Waste Uranium Recovery (SWUR) should have taken place per the prescribed Preventative Maintenance (PM) plan C774P001. The visual inspection of the SWUR sprinklers has not occurred since the completion of the system commissioning in October of 2004. The failure of this management measure requiring the annual walk down per PM C774P001 degraded IROFS 4535.10 – the SWUR automated fire suppression system. At no time throughout this event did IROFS 4535.10 fail nor is there any indication that it was not available or reliable if needed.

Reason for the Violation

Preventative Maintenance plan C774P001 has been performed as scheduled excluding the visual inspection of the SWUR sprinkler heads due to the assumption by the contracted inspector that the heads were in a restricted zone and not accessible. Discussion with the contracted inspector indicated that the assumption came from his experience with inspections performed at other non-AREVA nuclear facilities where some radiation zones are restricted from inspection. This inappropriate action was due to habit intrusion in that the contracted inspector performed the inspection mainly based on past experiences at other facilities. This habit intrusion identifies a deficiency in that the inspection lacked a self-verification process by the responsible AREVA engineer.

The contracted inspector was escorted by plant personnel familiar with the piping system, but not familiar with the inspection requirements. This lack of understanding identifies a deficiency in that there was inadequate program monitoring and management.

The inspection form is a standard form accepted by the Richland Fire Marshall and has an area for notes if there is any contrary information found during the inspection. The reports contained no note from the contracted inspector that certain sprinkler heads were in a restricted or inaccessible area. This inappropriate action was due to a lack of verbal or written communication by the contracted inspector. This lack of communication identifies a deficiency in that there was an inadequate interface between the contracted inspector and the responsible engineer during pre-job briefings.

Corrective Actions Taken

After discovery of the deficiency, the responsible engineer and the contracted inspector completed a walk down, complying with NFPA 25 Section 5.2.1.1, of the SWUR fire suppression system per PM C774P001.

Corrective Actions to Avoid Further Violations

The responsible engineer communicated and walked down every fire suppression system on site with the contracted inspector. As directed by the responsible engineer, the contractor visually inspected all of the systems on site during the walk down, complying with NFPA 25 Section 5.2.1.1, to mitigate potential generic implications. PM C774P001 was revised and now instructs the responsible engineer to inform the contracted inspector of any changes in the fire suppression sprinkler systems since the last inspection.

Date of Full Compliance

AREVA NP Inc. is currently in full compliance with the requirements listed in the referenced notice of violation.