



November 20, 2009
REL:09:054

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Director, Office of Nuclear Material Safety
and Safeguards
11555 Rockville Pike
One White Flint North
Rockville, MD 20852

Gentlemen:

Subject: Reply to a Notice of Violation from NRC Inspection Report 70-1257/2009-202; AREVA NP Inc.; License No. SNM-1227

Ref.: Letter, Patricia A. Silva to Charles Perkins, "NRC Inspection Report No. 70-1257/2009-202 and Notice of Violation," dated October 21, 2009.

Attached is AREVA NP's (AREVA'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 C. D. Manning of my staff at 509-375-8237.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert Link', written over a horizontal line.

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

IE07

AREVA NP INC.
An AREVA and Siemens company

2101 Horn Rapids Road, Richland, WA 99354
Tel.: 509 375 8100 - www.aveva.com

cc: Luis Reyes,
Regional Administrator
NRC Region II

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

Pat Silva, Chief
Technical Support Branch
Division of Fuel Cycle Safety and Safeguards
NMSS

Rafael Rodriguez
US Nuclear Regulatory Commission
6003 Executive Blvd.
Mail Stop E2C40M
Rockville, MD 20852

/mah

Reply to Notice of Violation
NRC Inspection Report 70-1257 / 2009-202; AREVA NP Inc.
Docket # 70-1257/ License # SNM-1227

Violation

The violation as stated in the referenced Notice of Violation (NOV) is as follows:

Safety Condition S-1 of Special Nuclear Materials License No. SNM-1227 requires that material be used in accordance with the statements, representations, and conditions in the license application dated October 24, 2006, and supplements thereto.

Section 5.3.7 of the license application states, in part, that operations in which nuclear criticality safety is pertinent shall be governed by written procedures and that personnel working with SNM shall follow these procedures.

E04-NCSA-120, "UNH Reprocessing," Revision 9.0, dated May 28, 2009, prohibits the presence of unfavorable geometry containers in Room 102A.

E-04-NCSS-G03, "Glossary of Terms," Revision 4, dated June 15, 2009 defines unfavorable geometry containers as containers having a volume exceeding 5.5 gallons and defines an open container as a plastic bag left in the open position.

Contrary to the above, on and before June 24, 2008*, the licensee failed to exclude unfavorable geometry containers from Room 102A. Specifically, two plastic bags with a volume greater than 5.5 gallons were found in the room in the open position.

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

Reason for the Violation

The reason for this violation is a failure to ensure that the individual who placed the bagged pumps had adequate sensitivity and awareness of what could become an unfavorable geometry container.

Corrective Actions Taken and Results Achieved

- The bags were removed and disposed of. For contamination control, the inlet and outlet of the previously bagged pumps were covered with tape.
- Operators, supervision and management in the conversion area were made aware of this issue and crew meetings were held with the operating staff to discuss the potential for plastic bags becoming unfavorable geometry containers.
- All Manufacturing employees were informed of this violation and guidance was provided regarding the potential for plastic bags to become an unfavorable geometry container.

Actions That Will Be Taken To Avoid Further Violations

The following additional actions are expected to prevent a repeat of this condition:

1. Revise procedures to require that all bags used in areas with restrictions on container size will have the bag made incapable of acquiring or retaining significant quantities of liquids.
2. Train appropriate personnel to this new requirement.
3. Add the issue of plastic bags becoming unfavorable geometry containers to the list of recent concerns to be discussed in annual Nuclear Criticality Safety refresher training for fissile material workers.

Corrective actions 1 and 2 listed above are expected to be complete by January 31, 2010. Action 3 is expected to be complete by May 31, 2010.

Date of Full Compliance

AREVA is in full compliance with the subject license requirements.

*The NRC has subsequently indicated that the June 24, 2008 date listed in the NOV is in error. The correct date should have been September 18, 2009.