

March 8, 2006

James M. Shuler
Office of Safety and Engineering
EM-24/CLV-1081
U. S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585-2040

SUBJECT: CERTIFICATE OF COMPLIANCE NO. 5957 FOR THE MODEL NO. BMI-1
PACKAGE

Dear Mr. Shuler:

As requested by your application dated February 16, 2006, enclosed is Certificate of Compliance No. 5957, Revision No. 28, for the Model No. BMI-1 package. Changes made to the enclosed certificate are indicated by vertical lines in the margin. The staff's Safety Evaluation Report is also enclosed.

The approval constitutes authority to use the package for shipment of radioactive material and for the package to be shipped in accordance with the provisions of 49 CFR 173.471. Those on the attached list have been registered as users of the package under the general license provisions of 10 CFR 71.17 or 49 CFR 173.471. Registered Users may request by letter to remove their names from the Registered Users List.

If you have any questions regarding this certificate, please contact me or Jessica Umaña of my staff at (301) 415-3942.

Sincerely,

/RA/

Robert A. Nelson, Chief
Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-5957
TAC No. L23946

Enclosures: 1. Certificate of Compliance
No. 5957, Rev. No. 28
2. Safety Evaluation Report
3. Registered Users List

cc w/encl 1 & 2: R. Boyle, Department of Transportation
RAMCERTS
Registered Users

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(Closes TAC No. L23946)

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SAFETY EVALUATION REPORT
Model No. BMI-1 Package
Certificate of Compliance No. 5957
Revision No. 28

SUMMARY

By application dated February 16, 2006, the U.S. Department of Energy (DOE) requested renewal of Certificate of Compliance No. 5957, for the Model No. BMI-1 package. DOE did not request any design changes to the package. Minor changes have been made throughout the certificate for consistency with 10 CFR Part 71. The certificate has been renewed for a term expiring October 1, 2008.

EVALUATION

DOE submitted a request for the renewal of Certificate of Compliance No. 5957, for the Model No. BMI-1 package on February 16, 2006. DOE did not request any changes to the package design or authorized contents. The staff reviewed the documents referenced in the certificate and determined that the documentation was available and complete.

Condition No. 5(c) of the certificate was revised to delete the wording "Transport Index for Criticality Control" and "Minimum transport index to be shown on the label for nuclear criticality control." The deleted wording was replaced with "Criticality Safety Index" as defined in 10 CFR 71.4.

Condition No. 19 of the certificate was revised to clarify that the package is approved for use under the general license provision of 10 CFR 71.17. This change is due to a revision in the numbering of the section in 10 CFR Part 71, which became effective on October 1, 2004 (69 FR 3698).

The certificate was revised to include Condition No. 20, which authorizes use of the previous revision of the certificate for a period of approximately one year.

Under the provision of 10 CFR 71.19(a), the certificate will expire on October 1, 2008. This certificate is not renewable.

CONCLUSION

The certificate has been renewed for a term that expires on October 1, 2008. This change does not affect the ability of the package to meet the requirements of 10 CFR Part 71.

Issued with Certificate of Compliance No. 5957, Revision No. 28,
on March 8, 2006.