

June 3, 2008

Mr. Russell B. Starkey, Jr.  
Vice President - Operations  
United States Enrichment Corporation  
Two Democracy Center  
6903 Rockledge Drive  
Bethesda, MD 20817

SUBJECT: RESPONSE TO NOTICE OF VIOLATION 70-7001/2008-201-02

Dear Mr. Starkey:

We have reviewed your Reply to the Notice of Violation 2008-201-02 dated April 24, 2008, and determined that you have adequately identified both the root cause of the violation and the corrective action to prevent recurrence. The violation remains open until we have verified implementation of your corrective action during a future inspection.

In your reply you stated your belief that violation 2008-201-02 would be more appropriately categorized as a minor violation rather than the cited Severity Level IV violation. The Enforcement Manual Section 2.10, Minor Violations, states in part, that issues that represent isolated failures to implement a requirement and insignificant safety or regulatory impact should normally be categorized as minor violations. The failure to document engineering judgment in a nuclear criticality safety evaluation as required by your procedure CP4-EG-NS1101 is a programmatic issue with more than insignificant safety and regulatory impact. Based on example D.2 for Severity Level IV violations in Supplement VI of the Enforcement Policy which states, "Other violations that have more than minor safety or environmental significance," the violation was categorized as Severity Level IV.

R. B. Starkey, Jr.

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In accordance with 10 CFR 76.70 of NRC's "Rules of Practice," a copy of this letter will be made publicly available in the public electronic reading room of the NRC's Agency-Wide Document Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/ADAMS.html>.

If you have any questions, please contact Thomas Marenchin, of my staff, at (301) 492-3209.

Sincerely,

**/RA/**

Deborah A. Jackson, Chief  
Technical Support Branch  
Division of Fuel Cycle Safety  
and Safeguards, NMSS

Docket No. 70-7001  
Certificate No. GDP-01

cc: S. Penrod, Paducah General Manager  
V. Shanks, Paducah Regulatory Affairs Manager  
W. Jordan, Portsmouth General Manager  
S. A. Toelle, Director, Nuclear Regulatory Affairs, USEC  
R. M. DeVault, Regulatory Oversight Manager, DOE  
G. A. Bazzell, Paducah Facility Representative, DOE  
Janice H. Jasper, State Liaison Officer

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