

Should you choose to respond, your response should be clearly marked as a "Response to An Apparent Violation" and should include: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violation. The guidance in the enclosed NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful. Your response should be submitted under oath or affirmation and may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision.

Since the NRC has not made a final determination in this matter, no Notice of Violation is being issued for the inspection and investigative findings at this time. In addition, please be advised that the number and characterization of the apparent violation described in this letter may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations in this matter.

Should you have any questions concerning this letter, please contact me at 404-562-4700 or Mr. David Ayres at (404) 562-4711.

Sincerely,

/RA/ T. Decker acting for

Douglas M. Collins, Director
Division of Fuel Facility Inspection

Docket No. 70-143
License No. SNM-124

Enclosure: Factual Summary

cc w/encl: (See page 3)

D. Ferguson



cc w/encl:

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[REDACTED]

FACTUAL SUMMARY

On July 13, 2006, the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region II (RII), initiated an investigation to determine whether a Production Supervisor and a Maintenance Mechanic at Nuclear Fuel Services, Inc., (NFS), willfully failed to comply with written and posted radiological control procedures.

Safety Condition S-1 of Special Nuclear Materials License No. SNM-124 authorizes the use of licensed materials in accordance with the statements, representations, and conditions in the License Application and Supplements. Section 3.1.2 of the License Application, Radiation Work Permit (RWP) Procedures, states "Routine and repetitive work performed in radiologically restricted areas is administered by the use of operating procedures. Nonroutine activities, in these areas, which are not normally covered by documented procedures, are administered by the RWP system." Section 3.1.3 of the License Application, Safety Procedures, states "Activities performed for the safety program shall be in accordance with approved written procedures."

Procedure NFS-GH-03, "Radiation Work Permits, Revision 11," Section 5.3.5 states, in part, "All personnel who enter a RWP area must read, sign, and comply with all requirements of the RWP."

Standard Radiation Work Permit (RWP # 05-04-032) was initiated on June 21, 2005, for the Fuel Manufacturing [REDACTED] and required the use of protective equipment, including a full face negative pressure respirator with HEPA filter, latex disposable gloves (2 pair), and disposable shoe covers before entering the area covered by the RWP.

On June 22, 2005, a Production Supervisor and a Maintenance Mechanic entered an RWP area to perform maintenance and repairs [REDACTED] without wearing a full face respirator as required by RWP 05-04-032.

In this case, the NRC concluded that the actions of the two individuals were willful, in that the individuals: (1) had received RWP procedural training; (2) were familiar with the procedure which requires that all personnel read, comply with, and sign all RWPs; (3) had received annual refresher training related to the RWP procedure; and (4) stated that they observed the posted RWP and the yellow tape surrounding the RWP area.

Enclosure

[REDACTED]