

[REDACTED]

August 28, 2006

EA-06-179

Nuclear Fuel Services, Inc.  
1205 Banner Hill Road  
Erwin, TN 37650

Dear Ms. Moore,

This is in response to your letter, 21G-06-0138, dated August 17, 2006, in which you requested the use of alternative dispute resolution (ADR) in an enforcement matter, specifically EA 06-179.

As you noted in your letter, EA 06-179 is based on an inspection rather than an investigation and therefore not within the scope of the agency's ADR program. Nevertheless, we considered your request to use ADR in resolving the matter. The ADR program scope was based on investigations because such matters typically involve judgements regarding individuals' conduct, motives and intentions. The conclusions in such cases are frequently in dispute. Because inspections are an evaluation of a licensee's performance against established technical criteria, the likelihood of significant disputes is smaller. Consequently, the NRC staff is declining to expand the use of ADR in enforcement of these types of situations at this time.

[REDACTED]

I appreciate your interest in ADR. Should you have any questions regarding this letter, please contact me at (301) 415-2741.

Sincerely,

/RA/

James G. Luehman, Acting Director  
Office of Enforcement

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

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