

November 29, 2010  
EN-10-050

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: AREVA NP, Inc. (EA-10-041)  
Richland, Washington Docket No.: 70-1257

Subject: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)

This is to inform the Commission that a Confirmatory Order formalizing commitments reached as part of an alternative dispute resolution (ADR) mediation session will be issued on or about December 2, 2010, to AREVA NP – Richland, Inc. (AREVA) to address a violation of an Advisory Engineer who deliberately falsified international transportation documents which are material to the NRC. Specifically, on December 9, 2008, and on March 11 and 18, 2009, a licensee employee deliberately altered (falsified) the date stamp on three documents entitled “Approval to Transit a UK [United Kingdom] Port”. These actions violated the requirements of 10 CFR 71.5(a), and 49 CFR 172.204(a), associated with the transportation of Class 7 (radioactive) material. Because the DfT transit approvals were falsified, the licensee failed to comply with 49 CFR 172.204(a) which requires the licensee to attest to the fact that the contents of the consignment (shipment) were in all respects in proper condition for transport according to applicable international and national governmental regulations.

Prior to the ADR mediation session, AREVA took several corrective actions, including: conducting a prompt investigation into the incidents, performance of a sufficiently independent root cause analysis and corrective action review, an assessment of the actual and potential safety impact of the incidents, a thorough extent of condition review, appropriate notification of regulatory authorities, safety culture and safety conscious work environment initiatives, and process changes. As a result of the ADR agreement reached on October 5, 2010, the licensee agreed to additional actions, including: (1) submitting a Reply to a Notice of Violation, which documents its corrective actions and enhancements; (2) conducting a review to determine the effectiveness of corrective actions and enhancements and incorporate any commonalities from previous willful issues occurring within AREVA’s U.S. fuel organization within the last three years of the date of issuance of the Confirmatory Order; and (3) conducting an independent safety culture assessment. In recognition of these actions, the NRC agreed to refrain from proposing a civil penalty or other enforcement action for the matters.

The individual will be issued a Severity Level III NOV for engaging in deliberate misconduct which caused the licensee to be in violation of 10 CFR 71.5(a) and 49 CFR 172.204 (a).

The licensee has not been specifically informed of this enforcement action. The schedule of issuance and notification is:

Mailing of Notice	Dec. 2, 2010
Telephone Notification of Licensee	Dec. 2, 2010

The State of Washington will be notified.

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Electronic Distribution: EN-10-050, November 29, 2010

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