



NUCLEAR FUEL SERVICES, INC.

a subsidiary of The Babcock & Wilcox Company

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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

21G-14-0129
GOV-01-55-04
ACF-14-0194

August 28, 2014

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

REFERENCE: (1) Docket No. 70-143; SNM License 124
(2) NRC Integrated Inspection Report No. 70-143/2014-003 and
Notice of Violation, dated July 30, 2014

SUBJECT: **Reply to a Notice of Violation (VIO 70-143/2014-003-01)**

Dear Sir:

Pursuant to the requirements of 10 CFR 2.201, Nuclear Fuel Services, Inc. (NFS) is providing the attached response to the violation identified in reference (2).

If you or your staff have any questions, require additional information, or wish to discuss this, please contact Mr. Randy Shackelford, Nuclear Safety and Licensing Section Manager at (423) 743-2504, or me. Please reference our unique document identification number (21G-14-0129) in any correspondence concerning this letter.

Sincerely,
Nuclear Fuel Services, Inc.

Joel W. Duling
President

Attachment: Reply to Notice of Violation 70-143/2014-003-01

IE07
NMSS

cc: Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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Mr. Charles Stancil
Senior Resident Inspector
U. S. Nuclear Regulatory Commission

Attachment

Reply to Notice of Violation 70-143/2014-003-01

(2 pages to follow)

Reply to Notice of Violation 70-143/2014-003-01

Restatement of Violation

During an NRC inspection conducted from April 1 through June 30, 2014, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 70.50(b)(3) requires the licensee to notify the NRC within 24 hours of an event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body.

Contrary to the above, the licensee failed to notify the NRC on October 17, 2013, and again on October 29, 2013, of events that required unplanned medical treatments at medical facilities of individuals with spreadable radioactive contamination on their clothing or body.
(VIO 70-143/2014-003-01, "Failure to Make a Report Required by 10 CFR 70.50(b)(3)")

This is a Severity Level IV violation.

Reason for the Violation

The unplanned medical treatment cases occurred on October 17, 2013, and October 29, 2013, and involved injured and potentially contaminated individuals. The individuals were injured at the NFS facility and transported to local medical facilities. Due to the extent of the injuries, a complete contamination survey could not be performed on the individuals prior to being transported to the offsite medical facilities. Due to the inability to perform complete surveys, NFS medical and radiological staff, along with medical facility staff, implemented contamination control measures prior to transporting the individuals, during transport offsite, and upon their arrival at the medical facilities to prevent the spread of contamination. Because complete surveys could not be performed, the individuals were assumed to be contaminated until demonstrated otherwise; therefore, necessitating the implementation of the contamination control measures. On October 17, 2013, and October 29, 2013, respectively, after appropriate surveys were completed and radiological data evaluated, the individuals and the medical facilities were released. Follow-up surveys and analysis by NFS radiological safety staff did not identify spreadable radioactive contamination from licensed material on the individuals, in the ambulances, or at the medical facilities.

The licensee notified the NRC Senior Resident Inspector at the time of the events. NFS now understands the NRC expectation to report the events to the NRC Operations Center at the time of occurrence and provide updates as additional information is obtained that could change the initial report. The failure to report the events resulted from a long-standing interpretation (by NFS) of the reporting criteria in 10 CFR 70.50(b)(3) where, if NFS determined within 24 hours of each event that there was no spreadable contamination on the injured individuals, the report was not required. Thus, the NFS procedure for determining reportability (in effect at that time) did not require a notification to the NRC Operations Center until the 24-hour period had elapsed.

Corrective Steps That Have Been Taken and Results Achieved

NFS made the appropriate notification of both events to the NRC Operations Center on July 7, 2014. The NFS procedure (NFS-HS-A-50) for determining reportability has been revised to require a report to the NRC Operations Center when potentially contaminated individuals are transported to a medical facility. In addition, a report to the NRC Operations Center is required when complete surveys cannot be performed on the individuals and/or when contamination control measures are implemented prior to the individuals arriving at medical facilities.

Corrective Steps That Will Be Taken

Refer to corrective steps taken above.

Date When Full Compliance Will Be Achieved

Full Compliance was achieved on July 7, 2014, when NFS made a telephone notification to the NRC Operations Center of an event for which 10 CFR 70.50(b)(3) requires a notification.