

September 26, 1996
EN 96-071

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Individual: Energy Fuels Nuclear, Inc. (EA 96-268)
Blanding, Utah
Docket No. 40-8681

Subject: EXERCISE OF ENFORCEMENT DISCRETION

This is to inform the Commission that the staff intends to exercise enforcement discretion, pursuant to Section VII.B.6 of the Enforcement Policy, by not issuing a Notice of Violation to Energy Fuels Nuclear, Inc. A letter describing this action will be issued on or about October 3, 1996.

The action is based on an investigation which concluded that an unlicensed individual deliberately violated the licensee's procedures by entering a yellowcake packaging enclosure without wearing a full face respirator. While the individual's actions caused the licensee to be violation of its operating procedures, the NRC is exercising discretion given the licensee's actions in response to the incident. Specifically, the licensee not only identified the violation, but also took comprehensive corrective actions that provided a clear message to its staff and that included bioassay sampling to determine the uptake and disciplinary action against the individual.

As to the individual, a Notice of Violation (Notice) at Severity Level III will be issued on or about September 9, 1996, based on his deliberate violation of the licensee's operating procedures. It should be noted that the individual has not been specifically informed of the enforcement action.

The schedule of issuance and notification is:

Mailing of Notice	October 3, 1996
Telephone Notification of Individual	October 3, 1996

The State of Utah will be notified.

The individual has thirty days from the date of the Notice in which to respond.

Contacts: M. Stein, OE, 415-3055

J. Lieberman, OE, 415-2741

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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