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## Escalated Enforcement Actions Issued to Fuel Cycle Facilities - N

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NRC Action Number(s) and Facility Name	Action Type (Severity) & Civil Penalty (if any)	Date Issued	Description
EA-10-076 Nuclear Fuel Services, Inc.	ORDER	11/16/2010	On November 16, 2010, a Confirmatory Order (effective immediately) and a Notice of Violation (NOV) were issued to Nuclear Fuel Services, Inc. (NFS) to confirm commitments made as a result of an Alternative Dispute Resolution (ADR) mediation sessions held on October 4, 2010. This enforcement action is based on the failure of NFS to provide complete and accurate information to the NRC, as required by 10CFR70.9(a), on two occasions. Specifically, (1) on November 25, 2008, NFS submitted a response to a previously issued NOV stating that all fire dampers in Procedure NFS-GH-22 were inspected in September 2008 and all passed the inspection, when 12 of the fire dampers had not been inspected; and (2) in August 2009, during an inspection to verify the corrective actions as documented in the response to the previously issued NOV, a former NFS employee created and provided a document to an NRC inspector that indicated that all but one of the dampers had been fully inspected in 2008, when in fact more than one of the dampers had not been fully inspected. The NRC concluded that these actions were willful and associated with the same former employee. As a result of the ADR agreement, the licensee agreed to a number of actions, including: (1) issuance of a NOV as part of the Confirmatory Order; (2) conducting an effectiveness review within one year of each corrective action to the NOV; (3) performing an assessment of the effectiveness of its corrective actions by an independent group to assure adequacy and accuracy of information submitted to the NRC; (4) developing and implementing an appropriate safety culture improvement plan and conducting periodic integrated safety culture assessments; and (5) assessing its current corrective action program (CAP) against NQA-1-2008 and submitting a license amendment request within nine

			months incorporating the CAP into its license. In recognition of these actions, the NRC agreed to refrain from proposing a civil penalty for this matter.
EA-10-086 Nuclear Fuel Services, Inc.	NOVCP (SL III) \$140,00	09/02/2010	<p>On September 2, 2010, a Notice of Violation, Exercise of Enforcement Discretion, and Proposed Imposition of a Civil Penalty in the amount of \$140,000 was issued to Nuclear Fuel Services, Inc. (NFS). This action was based on a Severity Level III problem involving three violations associated with an event which occurred on October 13, 2009. The three violations involved (1) the failure to have adequate engineered or administrative controls for operations of the bowl cleaning station in violation of 10 CFR 70.61(b); (2) the failure to comply with multiple facility operating procedures regarding the facility system change process; and (3) the failure to maintain records necessary to support NFS's determination that specific facility changes did not require prior NRC approval in violation of 10 CFR 70.72. Specifically, during routine facility operations in the uranium-aluminum line of the Blended Low-enriched Uranium Preparation Facility, nitric acid was added into the bowl cleaning stations which contained small particles of high-enriched uranium scrap material, and the resultant solution produced an unexpectedly high exothermic chemical reaction deforming some of the process piping. The temperatures from the reaction created excess nitrogen compound gases which resulted in the evacuation of the building. Although the failure to have adequate engineered or administrative controls for operations of the bowl cleaning station did not result in any actual personnel exposure consequences in this case, a more significant event could have resulted in a high consequence occupational exposure under different circumstances. In recognition of particularly poor licensee performance and previous escalated enforcement history, the NRC exercised enforcement discretion and doubled the \$70,000 Civil Penalty derived from the normal civil penalty assessment process.</p>
EA-08-321 Nuclear Fuel Services, Inc.	ORDER	11/23/2009	<p>On November 23, 2009, an immediately effective Confirmatory Order was issued to Nuclear Fuel Services, Inc. (NFS) to confirm commitments made as a result of an Alternative Dispute Resolution mediation session held on September 16, 2009. This enforcement action is based on two apparent violations of NRC requirements involving a primary physician who apparently deliberately certified that two security officers had been given a hearing examination when, in fact, they had not. NFS agreed to take the following actions to preclude recurrence of these violations: (1) complete an assessment of why this issue was not entered into the corrective action program and why a root cause analysis was not completed, (2) complete an extent of condition review, (3) benchmark other licensee's oversight of primary physicians to identify best practices,</p>

			<p>(4) ensure the primary physician participates in periodic meetings with a physician engaged in NRC-regulated activities to review issues relevant to compliance with NRC regulations, (5) ensure the primary physician initiates an evaluation of procedures and processes with a physician engaged in NRC-regulated activities, (6) establish standards for primary physicians and other contract medical specialists, and (7) enhance selected administrative procedures. In consideration of these commitments, the NRC agreed to refrain from issuing a civil penalty or Notice of Violation for these apparent violations.</p>
EA-08-103 Nuclear Fuel Services, Inc.	ORDER	11/23/2009	<p>On November 23, 2009, an immediately effective Confirmatory Order (NFS) was issued to Nuclear Fuel Services, Inc. (NFS) to confirm commitments made as a result of an Alternative Dispute Resolution mediation session held on September 15, 2009. This enforcement action is based on seven apparent violations, some apparently committed deliberately, of NRC fitness for duty (FFD) requirements related to a March 2006 incident involving a senior executive at NFS who consumed alcohol less than five hours before a scheduled working tour. NFS agreed to take actions to strengthen the FFD program, including: (1) establishment of an oversight board for behavioral observation program (BOP), FFD, and other issues; (2) enhancements to the employee concerns program; (3) changes to the FFD training program to include a discussion of case studies, including this incident, and issue reporting; (4) improvements to procedures and processes associated with FFD and BOP; (5) improved procedural guidance for, and assessment of, the medical review officer; and (6) changes to the process for responding to NRC requests for information to ensure completeness and accuracy of information. In consideration of these commitments, the NRC agreed to refrain from issuing a civil penalty or Notice of Violation for these apparent violations.</p>
EA-06-129; 06-133; 06-141; 06-160; 06-179; 06-182 Nuclear Fuel Services, Inc.	ORDER	2/21/2007	<p>On February 21, 2007, a Confirmatory Order (effective immediately) was issued to Nuclear Fuel Services, Inc. (NFS) to confirm commitments made as a result of Alternative Dispute Resolution (ADR) mediation sessions held on September 28 and November 30, 2006. Originally, this Confirmatory Order was designated as "Official Use Only" and not available for public review. Upon further evaluation by the NRC, this Confirmatory Order was released publically, in its entirety, on July 18, 2009. At issue were a number of violations of NRC requirements, some of which were characterized as willful. Specifically, these violations included: 1) a licensee supervisor's willful failure to wear a full face respirator as required by license safety conditions, 2) a failure of the licensee to meet the performance requirements of a July, 2000, Confirmatory Order Modifying License involving its safeguards contingency plan, 3) a licensee building manager's willful transfer of</p>

			<p>solvent extraction raffinate without approval as required by license safety conditions, 4) a licensee failure to attend special nuclear material as required by the licensee's Physical Protection Plan, 5) an inadvertent transfer of high enriched uranyl nitrate into an enclosure that was not approved for operation, and 6) a willful failure of two security officers to conduct vehicle searches. NFS agreed to: 1) provide the NRC written documentation of the reasons for the violations, the corrective actions taken and planned and the completion dates for each corrective action within 60 days of the date of the Order, 2) within 60 days of the date of the order, submit a request to amend the license to revise the configuration management program, and 3) conduct an independent safety culture assessment via a third-party, implement a plan to address the findings and recommendations that result from the third-party assessment, and within 24 months following the completion of the initial assessment, provide for an additional third-party assessment of the implemented plan. In recognition of these actions, the NRC agreed to exercise Enforcement Discretion and refrain from proposing a civil penalty and issuing a Notice of Violation or other enforcement action.</p>
EA-06-018 Nuclear Fuel Services, Inc.	NOVCP (SL III) \$32,500	4/21/2006	<p>On April 21, 2006, a Notice of Violation (NOV) and Proposed Imposition of Civil Penalties in the amount of \$32,500 was issued to Nuclear Fuel Services, Inc. (NFS). This action is based on a Severity Level III problem associated with two violations. The first violation involved the failure to develop and implement a design for the uranium-aluminum enclosure overflow system which provided that Items Relied on for Safety (IROFS) would be reliable and available to perform their function when needed. The second violation involved the failure to report a condition that resulted in the facility being in a state that was not analyzed, and which resulted in failure to meet the performance requirements of 10 CFR 70.61.</p>
EA-04-199 Nuclear Fuel Services, Inc.	NOV (SL III)	5/23/2005	<p>On May 23, 2005, a Notice of Violation (NOV) was issued to Nuclear Fuel Services, Inc. (NFS). This action is based on a Severity Level III violation which involved the failure to lock closed a process waste collection tank discharge valve to the waste water treatment facility after completion of a transfer operation as required by operating procedures.</p>
EA-96-213 Nuclear Fuel Services, Inc.	NOVCP (SL III) \$ 12,500	8/21/1996	<p>On August 21, 1996, a Notice of Violation (NOV) and Proposed Imposition of Civil Penalty in the amount of \$12,500 was issued to Nuclear Fuel Services, Inc. (NFS). This action is based on a Severity Level III problem associated with four violations. The first violation involved the failure to implement and maintain a control and management system for an incinerator used to handle uranium. The second violation involved the failure to institute adequate procedures for the safe operation of the incinerator and multiple example of failure to adhere to the procedures. The third violation involved the</p>

			failure to identify the incinerator as safety-related which resulted in a failure to implement a preventative maintenance and surveillance program for components essential to safety. The fourth violation involved the failure to implement an adequate training program for personnel operating the incinerator. The application of the NRC Civil Penalty Assessment process would normally result in not assessing a civil penalty in this case. However, because these violations represent a significant regulatory concern, the NRC exercised discretion and assessed a base civil penalty in accordance with Sections VI.B.2 and VII.A.1 of the Enforcement Policy.
EA-92-231 Nuclear Fuel Services	NOVCP (SL II & III) \$ 37,500	1/19/1993	On January 19, 1993, a Notice of Violation (NOV) and Proposed Imposition of Civil Penalties in the amount of \$37,500 was issued to Nuclear Fuel Services, Inc. (NFS). This action is based on (1) a Severity Level II violation associated with a proposed civil penalty in the amount of \$25,000 involving the failure to adhere to procedures for controlling fuel manufacturing waste activities which resulted in an explosion and fire in the High Enriched Uranium Recovery Facility, and (2) a Severity Level III violation associated with a proposed civil penalty in the amount of \$12,500 involving the inadvertent transfer of a solution from a favorable geometry vessel to an unfavorable geometry tank. In addition to these violations assessed civil penalties, four Severity Level IV violations were issued involving failure to follow regulatory requirements.
EA-91-186 Nuclear Fuel Services	NOV (SL III)	1/29/1992	On January 29, 1992, a Notice of Violation (NOV) was issued to Nuclear Fuel Services, Inc. (NFS). This action is based on a Severity Level III violation which involved the inadvertent transfer of an unauthorized amount of licensed material from a safe geometry vessel to an unsafe geometry vessel without the required verification.
EA-90-124; 91-004 Nuclear Fuel Services	NOVCP (SL II) \$ 10,000	3/20/1991	On March 20, 1991, a Notice of Violation (NOV) and Proposed Imposition of Civil Penalty in the amount of \$10,000 was issued to Nuclear Fuel Services, Inc. (NFS). This action is based on a Severity Level II problem associated with two violations. The first violation involved the failure to evaluate a piping system for the siphoning or overflow of fissile solutions into an unsafe (nonfavorable) geometry tank and the failure to provide a means of preventing transfer of a highly concentrated solution to a nonfavorable geometry containment. The second violation involved the failure to adhere to procedural limits for uranium contained in a waste receiving tank. In addition, a Severity Level III violation not associated with a civil penalty was issued for multiple examples of failure to follow operating procedures.

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