



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

November 23, 2005

EA-05-217

Nuclear Fuel Services, Inc.
ATTN: Mr. Kerry Schutt
President and General Manager
P. O. Box 337, MS 123
Erwin, TN 37650

SUBJECT: RESPONSE TO DISPUTED NOTICE OF VIOLATION - NUCLEAR FUEL
SERVICES - NRC INSPECTION REPORT NO. 70-143/2005-07

Dear Mr. Schutt:

Thank you for your response of October 17, 2005 (21G-05-0175), to our inspection report issued on September 19, 2005, concerning activities conducted at your facility. NRC Integrated Inspection Report No. 70-143/2005-07, documented Notice of Violation (NOV), Violation B (70-143/2005-07-01), a Severity Level IV violation concerning the Radiation Safety Technicians (RTs) failure to read and sign off on all applicable Health and Safety Procedures. In your response, you disagreed with Example 1 of Violation B. This disagreement was based on your belief that the two procedures, NFS-GH-42, "Establishing and Posting Radiologically Controlled Areas," and NFS-GH-03, "Radiation Work Permits" have no specific responsibility included for the RTs and are not considered "applicable" to the RT work scope. You stated that you agree that the information contained in the two procedures is relevant to activities conducted by the RTs, and to enhance the program, you took action on August 18, 2005, to include the procedures in the qualification profile for the work group.

After careful consideration of the bases for your disagreement with the violation, we have concluded, for the reasons presented in the enclosure to this letter, that the violation occurred as stated in the inspection report. Of particular note is our conclusion that the procedures were applicable to the RT work scope and they contained specific instructions required to be conducted by the RTs.

We noted your response adequately described immediate corrective actions and the date when full compliance was achieved. However, corrective steps that will be taken to avoid further violations were not described in your response. In particular, actions described to prevent recurrence lacked specific actions to prevent future training deficiencies. Therefore in accordance with 10 CFR 2.201(a), you are required to submit to this office within 30 days of the date of this letter a written statement describing those corrective steps.

[REDACTED]

Clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region II, within 30 days of the date of this letter. [REDACTED]

[REDACTED]

[REDACTED]

Should you have any questions concerning this letter, please contact me at (404-562-4700).

Sincerely,

/RA/

Douglas M. Collins, Director
Division of Fuel Facility Inspection

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

Enclosure: Evaluation and Conclusion

cc w/encl:
B. Marie Moore
Vice President, Safety and Regulatory Management
Nuclear Fuel Services, Inc.
P. O. Box 337, MS 123
Erwin, TN 37650

Distribution w/encl: (See page 3)

[REDACTED]



Distribution w/encl:

- D. Ayres, RII
- B. Bonser, RII
- W. Gloersen, RII
- D. Rich, RII
- G. Wertz, RII
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- K. Ramsey, NMSS
- M. Lamastra, NMSS
- K. Ramsey, NMSS
- B. Westreich, NSIR
- C. Evans, RII
- OEMAIL
- OEWEB

*see previous concurrence



ADAMS: X Yes ACCESSION NUMBER: _____

OFFICE	RII:DFFI	RII:DFFI	RII:DFFI	RII:DFFI	RII:DFFI	RII:EICS	
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NAME	DRich*	SBurris*	RGibson*	WGloersen*	DAyres*	CEvans*	
DATE	5/ /2008	11/ /2005	11/14/2005	11/14/2005	11/14/2005	11/14/2005	5/ /2008
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[REDACTED]

**EVALUATION OF LICENSEE'S DISAGREEMENT
WITH NRC POSITION ON EXAMPLE 1
OF VIOLATION B, AND CONCLUSION**

On August 19, 2005, Example 1 of Violation B was identified during a routine NRC inspection at Nuclear Fuel Services, Inc. (NFS). NFS disagreed with the violation by letter of October 17, 2005, stating that the procedures have no specific responsibilities included for the Radiation Safety Technicians (RTs) and are not considered "applicable" to the RT work scope. NFS did not agree Example 1 represents a specific violation of NRC requirements. The NRC's evaluation and conclusion regarding the licensee's arguments are as follows:

Restatement of Violation

Safety Condition S-1 of Special Nuclear Materials License No. SNM-124 authorized the use of licensed materials in accordance with the statements, representations, and conditions in the License Application and Supplements.

Section 2.7 of the License Application, "Procedures," stated that, "SNM operations and safety function activities are conducted in accordance with written procedures as defined in Sections 1.7.4 and 1.7.5."

Procedure NFS-HS-A-12, "Radiation Monitoring Training Procedure," Section 3, stated in part that, "As part of the initial training, the trainee will be required to read and sign off on all applicable Health and Safety procedures."

Prior to August 18, 2005, the licensee failed to require RTs to read and sign-off on two applicable Health and Safety Procedures: NFS-GH-42, "Establishing and Posting Radiologically Controlled Areas," and NFS-GH-03, "Radiation Work Permits."

Contrary to the above, plant staff failed to conduct safety function activities in accordance with written procedures related to the radiation work permit (RWP) program.

Summary of Licensee's Response to Violation

The licensee's response to the violation makes the following key points:

The radiological safety and protection function, in particular Health Physicists (HPs) and RTs, has very specific and well-defined responsibilities in support of the RWP process. These include safety analysis; participation in work planning; ALARA evaluations; a task specific training; development of safety controls and monitoring requirements; preliminary job coverage, and post work surveillance and monitoring activities; and radiological data evaluation. Additionally, the licensee indicated that guidance for the RTs is provided in "B" series safety procedures.

[REDACTED]

The licensee's response further states:

As stated in the Notice of Violation, NFS objects to Example 1 given above, as supporting this violation. The cited procedure, NFS-HS-A-12, "Radiation Monitoring Training Procedure," Section 3, does state, "As part of the initial training, the trainee will be required to read and sign off on all applicable Health and Safety procedures." The two procedures in question; however, NFS-GH-42, "Establishing and Posting Radiologically Controlled Areas," and NFS-GH-03, "Radiation Work Permits" have no specific responsibilities included for the RTs and are not considered "applicable" to the RT work scope. Therefore, NFS does not agree Example 1 represents a specific violation of NRC requirements.

The licensee does agree that the information contained in the two procedures is relevant to activities conducted by the RTs, and to enhance the program, took action on August 18, 2005, to include the procedures in the qualification profile for the work group.

NRC Evaluation of Licensee's Response

The NRC does not agree with the licensee's assessment that the two procedures, NFS-GH-42, "Establishing and Posting Radiologically Controlled Areas," and NFS-GH-03, "Radiation Work Permits" have no specific responsibilities included for the RTs. Although the procedures are written for a generic audience and do not specifically give RTs direct instruction on their job, they do describe numerous tasks that the RTs are required to perform that are not described elsewhere.

Thus, the procedures are applicable to the RT work scope and an important part of the description of their responsibilities. Unless lower tier procedures are provided that give direct instruction to RTs for performing these job functions, the protection of individuals from exposure to radioactive materials depends largely on the proper implementation of the actions described in the two procedures mentioned above.

From review of the procedures, observation and interviews with cognizant licensees' representatives, the inspector determined that the HP, the RT Supervisors and the [REDACTED] Supervisor are responsible for the implementation of the cited procedures. The inspector further determined that the RTs actually performed the work in accordance with the procedures as is described in the following examples:

Examples for Procedure NFS-GH-42

In the procedure, Section 5 of NFS-GH-42, "Establishing and Posting Radiologically Controlled Areas," the licensee requires three types of warning signs that will be used at the facility to identify the presence of radiation levels, radioactive materials, radiologically controlled areas, fixed contamination areas and airborne radioactivity areas.

Each warning sign (Type A, B and C) has applicable instructions and may also include necessary Personnel Protective Equipment and other instructions in addition to the requirements identified within the procedure. According to the procedure, the applicable instructions will be changed as necessary by RTs following instruction by the area HP.

Section 5.10 "Temporary Banner Tape/Chain/Rope/Bar & Cone Use"

Section 5.10.1, requires that banner tape will normally be erected and removed by the RT assigned to the building or area requiring restriction of traffic for the applicable safety hazard. In the event there is not an assigned or available RT to erect or remove the applicable banner tape, the RT Supervisor or Plant Superintendent will notify area supervision to place or remove the banner tape as required.

Section 5.11 "Use of Insert Sign Postings"

Section 5.11.1, requires that insert sign usage will be conducted by the RT assigned to the building or area requiring restriction of traffic for the applicable safety hazard. In the event there is not an assigned or available RT to erect or remove the applicable insert sign, the area HP or RT Supervisor will perform this task per the requirements within the operating procedure or RWP.

Section 5.11.3, requires that insert message will be changed by the area RT following areas condition requirements as specified by the RWP or as directed by the RT Supervisor or area HP. The area HP or RT Supervisor will perform this task in the event that there is no RT available.

In the Scope Section of the procedure and Section 5.9.2 requires that inspection of existing postings will be performed by RTs per plant Procedure NFS-HS-B-49, "Radiation Warning Sign Inspection."

Examples for Procedure NFS-GH-03

In the procedure, Section 5 of NFS-GH-03, "Radiation Work Permit," it states in part, in Sections 5.2.1 and 5.2.2 that the RWP area will be established following guidelines identified in NFS-GH-42, "Establishing and Posting Radiological Controlled Areas," using banner tape, chain, etc. per the RWP instructions.

Section 5.2.3 states that prior to beginning the work outlined within the RWP, the RT Supervisor shall be notified so that the necessary support functions can be arranged (lapel samplers, surveys, air monitoring, etc.). The inspector determined through interviews, observation and review of records, that these functions were being conducted by the RTs. Therefore, this procedure is considered applicable to the RT work scope.

Section 5.2.4 states that following completion of the work, the [REDACTED] supervisor shall contact the RT supervisor so the required surveys and monitoring can be performed. Again, the inspector determined during the inspection that these required functions were being conducted by the RTs.

Finally, the inspector noted, at the time of this inspection, that the RTs were conducting the functions required by the procedures mentioned above. Furthermore, the guidance given in these procedures was not restated or clarified in lower level or "B" procedures. Based on the review of the procedures, interviews and observations by the inspector, the inspector determined that these procedures are considered applicable to the RTs and they should be required to read and sign off on these procedures as required by the licensee's procedure NFS-HS-A-12, "Radiation Monitoring Training Procedure."

NRC Conclusion

For the above reasons, the NRC staff concludes that the violation occurred as stated.