

## NOTICE OF VIOLATION

Global Nuclear Fuel - Americas, L.L.C.  
Wilmington, NC

Docket No. 70-1113  
License No. SNM-1097

During an NRC inspection conducted December 8 - 19, 2008, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. Safety Condition No. S-1 of Special Nuclear Material License No. 1097 requires that material be used in accordance with the statements, representations, and conditions of the application dated June 5, 1997 and December 7, 1999; and supplements thereto.

Section 3.9 of the License Application, "Procedures," states, in part, that licensed material processing or activities will be conducted in accordance with properly issued and approved practices and procedures, plant practices or operating procedures.

Section 2.2 of Procedure P/P 10-10, "Configuration Management Program – Fuel Manufacturing," requires the licensee to assure that applicable functional test instructions (FTI) are performed prior to operation if IROFS are affected by the modification.

Contrary to the above, on November 20, 2007, the licensee failed to assure that an applicable functional test instruction was performed prior to operation when an IROFS was affected by a modification. Specifically, on November 20, 2007, Change Request 1818 – "Change Enmet HF Sensor Alarm Point" was closed and IROFS 1116A was approved for operation without being functionally tested.

This is a Severity Level IV violation (Supplement VI)

Pursuant to the provisions of 10 CFR 2.201, Global Nuclear Fuel - Americas, L.L.C., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made publically available, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld, and provide in detail the basis for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 12<sup>th</sup> day of January 2009.