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NRC Proposes \$7,000 Civil Penalty for Violation at West Virginia Manufacturing Facility

The Nuclear Regulatory Commission staff is proposing a \$7,000 fine for an Atlanta-based company for a violation of agency requirements. The violation involves maintenance inappropriately done on a fixed nuclear gauge at the firm's manufacturing facility in Fairmont, W.V.

Based on the results of an NRC inspection and investigation carried out at Novelis Corp.'s Fairmont plant, the agency is also issuing a Severity Level III violation to the company.

Novelis performs aluminum sheet and light-gauge fin/foil cold rolling activities at the facility. The company held an NRC license for the possession and use of fixed nuclear gauges at this location. The gauges are used to measure the thickness of the sheet metal products.

The NRC inspection and investigation completed on Jan. 21, 2016, determined that on Sept. 12 and 13, 2014, there was a violation involving the deliberate actions of plant employees. Specifically, an engineering reliability and automation engineer directed an electrical technician to repair nuclear gauge components related to the radiological safety of the device even though Novelis' NRC license prohibits such activities.

"Our reviews found that the plant employees involved understood the work they were undertaking was not permitted, but they proceeded with the repairs nonetheless in order to minimize the economic impact on the facility from the inoperable gauge," Acting NRC Region I Administrator David Lew said. "These activities could have resulted in unnecessary radiological exposure and possibly physical harm. This enforcement action serves as an important reminder of the need for gauge owners and users to adhere to license conditions meant to ensure the proper handling of nuclear materials."

In a March 8, 2016, letter, Novelis acknowledged the violation occurred, but it disagreed that the employees acted deliberately. After reviewing the information, the NRC staff concluded that the enforcement action was still appropriate. Based on the apparent economic incentive for the violation, the NRC used discretion to double the fine from base amount of \$3,500.

Novelis has notified the NRC of prompt and comprehensive corrective and preventive actions in response to the issue, including the termination of its NRC license, which occurred on Jan. 12, 2016.

The NRC is also issuing a Severity Level III violation to the engineering reliability and automation engineer who authorized the technician to work on the gauge.

The company is required to respond to the violation and proposed civil penalty within 30 days.