



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION II
245 PEACHTREE CENTER AVENUE NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

December 14, 2017

EA-17-090
EN 52251

Mr. Adam Hilton
Facility Manager
Global Nuclear Fuel-Americas, L.L.C.
P.O. Box 708, Mail Code J20
Wilmington, NC 28402

**SUBJECT: CONFIRMATORY ORDER (NUCLEAR REGULATORY COMMISSION
INSPECTION REPORT 70-1113/2017-003)**

Dear Mr. Hilton:

The enclosed Confirmatory Order (CO) is being issued to Global Nuclear Fuel-Americas, L.L.C. (GNF-A), as a result of a successful alternative dispute resolution (ADR) session. The commitments described in the CO were made by GNF-A as part of the settlement agreement reached during the ADR mediation session conducted on October 25, 2017.

The ADR was held to reach resolution on apparent violations (AVs) documented in NRC Inspection Report (IR) 70-1113/2017-003, dated July 25, 2017. In September 2016, GNF-A made arrangements with a private industrial contractor to ship a dumpster of scrap metal piping to a local metal recycling facility. On September 29, 2016, the dumpster was loaded onto a truck and shipped offsite to a scrap metal recycling facility, located approximately 15 minutes from GNF-A. Prior to entering the recycling facility, the shipment was checked by a radiation portal monitor alarm as part of the normal receipt process of the scrap metal recycling facility. The dumpster of scrap metal piping from GNF-A caused the radiation portal monitor to alarm. The shipment was not allowed to enter the scrap metal facility, and was returned to GNF-A's facility soon thereafter.

The NRC's IR documented five AVs, three of which were considered for escalated enforcement in accordance with the NRC's Enforcement Policy. The NRC's IR offered GNF-A a choice to: (1) attend a Predecisional Enforcement Conference; (2) provide a written response; or (3) request ADR with the NRC in an attempt to resolve any disagreement regarding whether violations occurred, the appropriate enforcement action, and the appropriate corrective actions.

In response, GNF-A requested ADR to resolve the enforcement aspects and to discuss corrective actions. An ADR mediation session was held on October 25, 2017, and a preliminary settlement agreement was reached. The discussion resulted in an agreement contained within the enclosed CO.

During the ADR, the NRC concluded that the corrective actions and enhancements completed by GNF-A, as well as future commitments, were sufficient to resolve NRC concerns through issuance of a CO. In consideration of the commitments delineated in the enclosed CO, the NRC agreed to refrain from proposing a civil penalty or issuing a Notice of Violation for all five AVs identified in NRC IR 70-1113/2017-003 (EA-17-090).

We have enclosed the CO to confirm the commitments made as part of the settlement agreement. As evidenced by your signed "Consent and Hearing Waiver Form" (copy enclosed) dated December 7, 2017, you agree to issuance of this letter and CO.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate any provision of this CO shall be subject to criminal prosecution as set forth in that Section. Violation of this CO may also subject the person to civil monetary penalties.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter and its enclosures will be made available electronically for public inspection in the NRC Public Document Room, or from the NRC's document system, Agencywide Documents Access and Management System (ADAMS), which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC will also include this letter, and the attached Confirmatory Order, on its Web site at www.nrc.gov; the letter can be found on this Web site by selecting the "Public Meetings and Involvement" link and then the "Enforcement" link. Your response, if you choose to provide one, will also be made available electronically for public inspection in the NRC Public Document Room, or from the NRC's document system (ADAMS). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

If you have any questions or comments concerning this letter, please contact Mr. Mark Lesser, Director, Division of Fuel Facilities Inspection, at 404-997-4700.

Sincerely,

/RA/

Catherine Haney
Regional Administrator

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

Enclosures:

1. Confirmatory Order
2. Consent and Hearing Waiver Form

cc: (See page 3)

cc:

Scott Murray, Manager
Facility Licensing
Global Nuclear Fuels – Americas, L.L.C.
Electronic Mail Distribution

W. Lee Cox, III, Chief
North Carolina Department of Health and Human Services
Division of Health Service Regulation
Radiation Protection Section
Electronic Mail Distribution

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