



# **ENFORCEMENT PROGRAM ANNUAL REPORT**

**Calendar Year 2021**

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U.S. Nuclear Regulatory Commission  
Office of Enforcement  
Washington, DC 20555



## Executive Summary

The U.S. Nuclear Regulatory Commission (NRC) continued to effectively carry out the agency's Enforcement Policy and Program in calendar year (CY) 2021. NRC regional and Headquarters offices continued to focus on appropriate and consistent enforcement of the NRC's regulations.

In CY 2021, the NRC issued 60 escalated enforcement actions under traditional enforcement, the Reactor Oversight Process (ROP), and the Construction Reactor Oversight Process. Of these actions, 20 involved notices of violation (NOVs) with civil penalties (CPs) (19 proposed, totaling \$664,750, and 1 imposed for \$75,000) and 40 were escalated NOVs without a proposed CP.

The total number of escalated enforcement actions in CY 2021 across all regulatory oversight programs slightly decreased from the total number (63) reported in CY 2020 and the total number remains smaller than the 5-year average (CY 2017–CY 2021). Operating reactors and nuclear materials users continue to account for most escalated enforcement actions.

Operating reactors and nuclear materials users also accounted for all nonescalated enforcement actions—that is, NOVs and noncited violations (NCVs) associated with green significance determination process findings under the ROP, and Severity Level (SL) IV NOVs and NCVs under traditional enforcement, respectively. The total number of nonescalated enforcement actions in CY 2021 for both operating reactors and nuclear materials users slightly increased from the previous year.

### *Noteworthy Program Accomplishments*

The NRC Office of Enforcement issued one substantial change (Change Number 10) to Revision 11 of the Enforcement Manual (manual). Revisions to the manual include guidance on the preparation of a CP invoice for enforcement actions for both proposed and imposed CPs, guidance for dispositioning violations for master materials licensees and enforcement actions involving irradiated gemstones, and guidance on backfitting concerns and appeals. Additionally, the staff updated six standard boilerplate forms in appendix B to the manual. These revisions were necessary to reflect current enforcement practices and provide clarifying guidance based on stakeholder feedback. The NRC staff typically revises the manual annually.

To increase the overall knowledge of program personnel, the Office of Enforcement developed a series of short videos with detailed training and refresher training for enforcement specialists. The series is structured to serve as either overall training, if the videos are used in sequence, or just-in-time training or knowledge management, if individual videos are selected.

### *Significant Cases*

In CY 2021, the NRC processed five significant cases that required extensive coordination and cooperation with internal stakeholders:

- (1) On April 6, 2021, the NRC issued an NOV and proposed imposition of a CP in the amount of \$150,000 to the Florida Power and Light Company for an SL III problem at Turkey Point Nuclear Generating Station. The two violations involved (1) three mechanics who deliberately falsified records of the inspection and maintenance activities for a safety-related check valve, and (2) two technicians who deliberately

## Enforcement Program Annual Report

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- failed to inform control room staff that maintenance had been performed on the wrong component.
- (2) On September 30, 2021, the NRC issued an SL III NOV and proposed imposition of a CP in the amount of \$150,000 to Entergy Operations, Inc. The three violations involved (1) an unauthorized exchange of a critical digital asset key, (2) incomplete operator rounds, and (3) an exam proctor who made an unauthorized copy of an exam with the same control number.
  - (3) On September 30, 2021, the NRC issued an NOV and proposed imposition of a CP in the amount of \$45,000 to Terracon Consultants, Inc., for five violations. These violations resulted from a former technician's willful failure to follow licensee procedures and NRC requirements to secure a portable nuclear gauge. As a result, the gauge fell off a vehicle during transportation and remained uncontrolled in the public domain for a few hours, and the licensee did not immediately notify the NRC following discovery of the missing gauge.
  - (4) On February 11, 2021, the NRC issued an NOV and proposed imposition of a CP in the amount of \$75,000 to CampCo, Inc., for nine SL III violations. The violations involved CampCo's failure to (1) distribute tritium watches in accordance with its exempt distribution license, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 32.14, "Certain items containing byproduct material; requirements for license to apply or initially transfer," (2) provide complete and accurate information in accordance with 10 CFR 30.9, "Completeness and accuracy of information," and (3) comply with an NRC confirmatory order issued as a result of a previous enforcement action.
  - (5) On June 3, 2021, the NRC issued an order imposing a CP in the amount of \$75,000 to CampCo, Inc. This CP was imposed after CampCo disputed and requested mitigation of the CP proposed in a prior NOV, which was based on nine SL III violations. However, the NRC determined that the licensee had neither given an adequate basis to justify mitigation nor provided additional information to justify the retraction of any of the violations.

**Contents**

Executive Summary ..... i

Contents .....iii

I. Program Overview ..... 1

    A. Mission and Authority ..... 1

    B. Assessment of Escalated Enforcement Actions ..... 3

        1. Escalated Enforcement Trends ..... 5

        2. Civil Penalty Actions ..... 9

        3. Notices of Violation without Civil Penalties ..... 10

        4. Enforcement Program Timeliness ..... 11

        5. Alternative Dispute Resolution ..... 14

    C. Nonescalated Enforcement ..... 16

II. Enforcement Case Work ..... 21

    A. Significant Enforcement Actions ..... 21

    B. Hearing Activities ..... 22

    C. Enforcement Orders ..... 22

    D. Enforcement Actions Supported by the Office of Investigations ..... 22

    E. Actions Involving Individuals and Nonlicensee Organizations ..... 23

    F. Enforcement Actions Involving Discrimination ..... 23

    G. Use of Judgment and Discretion in Determining Appropriate Enforcement Sanctions ... 23

        1. Discretion Involving Temporary or Interim Enforcement Guidance ..... 23

        2. Discretion Involving Violations Identified Because of Previous Enforcement  
            Actions ..... 24

        3. Discretion Involving Special Circumstances ..... 25

        4. Discretion in Determining the Amount of a Civil Penalty ..... 25

        5. Discretion Involving No Performance Deficiency under the Significance  
            Determination Process ..... 26

        6. Notices of Enforcement Discretion ..... 26

    H. Withdrawn Actions ..... 27

III. Ongoing Activities ..... 29

    A. Enforcement Policy and Guidance ..... 29

        1. Enforcement Policy Revisions ..... 29

        2. Enforcement Manual Guidance ..... 29

    B. Enforcement Program Initiatives ..... 30

        1. Program Enhancements ..... 30

        2. Knowledge Management ..... 31

    C. Regional Accomplishments ..... 31

    D. Calendar Year 2022 Focus Areas ..... 31

# Enforcement Program Annual Report

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## Tables

Table 1 Escalated Enforcement Actions by Region and Program Office (CY 2021) .....	5
Table 2 Escalated Enforcement Action Trends (CY 2017–CY 2021) .....	5
Table 3 Escalated Enforcement Actions by Type of Licensee, Nonlicensee, or Individual (CY 2017–CY 2021).....	8
Table 4 CP Information: Number of Escalated Enforcement Actions and Total CP Amounts (CY 2017–CY 2021).....	9

## Figures

Figure 1 How the NRC regulates .....	1
Figure 2 Escalated enforcement by type of action (CY 2021) .....	3
Figure 3 Escalated enforcement by business line (CY 2021).....	4
Figure 4 Escalated enforcement actions issued (CY 2017–CY 2021).....	6
Figure 5 Escalated enforcement by business line (CY 2017–CY 2021).....	7
Figure 6 Proposed CPs by business line (CY 2017–CY 2021).....	10
Figure 7 ROP SDP findings associated with escalated enforcement at operating reactors (CY 2012–CY 2021).....	11
Figure 8 Non-OI-related case timeliness (CY 2017–CY 2021).....	13
Figure 9 OI-related case timeliness (CY 2017–CY 2021).....	14
Figure 10 ADR cases (CY 2017–CY 2021) .....	15
Figure 11 Calendar days from ADR offer to issuance of CO (CY 2017–CY 2021).....	16
Figure 12 Nonescalated enforcement actions for operating reactors (CY 2017–CY 2021).....	17
Figure 13 Nonescalated enforcement actions per operating reactor, by region (CY 2017– CY 2021).....	18
Figure 14 Nonescalated enforcement actions for materials users (CY 2017–CY 2021).....	18

## Appendices

Appendix A—Summary of Cases Involving Civil Penalties.....	A1
Appendix B—Summary of Escalated Notices of Violation without Civil Penalties .....	B1
Appendix C—Summary of Orders .....	C1
Appendix D—Summary of Escalated Enforcement Actions against Individuals .....	D1
Appendix E—Summary of Escalated Enforcement Actions against Non-licensees .....	E1

# I. Program Overview

## A. Mission and Authority

The U.S. Nuclear Regulatory Commission (NRC) regulates the civilian uses of nuclear materials in the United States to protect public health and safety, the environment, and the common defense and security. The NRC accomplishes its mission through licensing of nuclear facilities and the possession, use, and disposal of nuclear materials; the development and implementation of requirements governing licensed activities; and inspection and enforcement activities to ensure compliance with these requirements (figure 1).

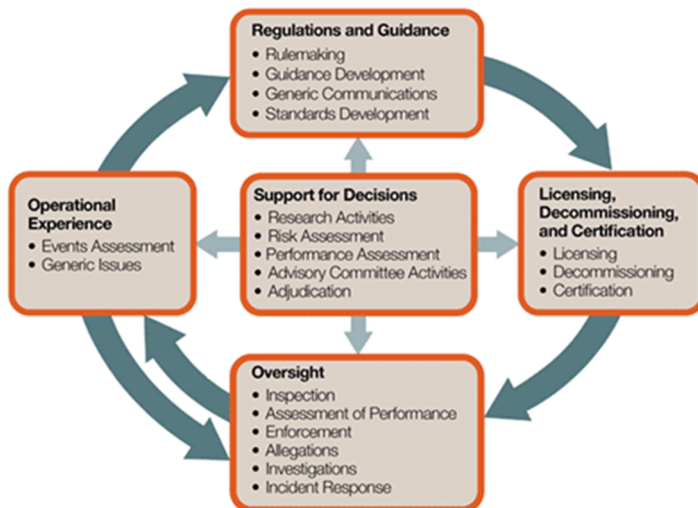


Figure 1 How the NRC regulates

The NRC conducts various types of inspections and investigations designed to ensure that the activities it licenses are conducted in strict compliance with the Commission’s regulations, the terms of the licenses, and other requirements.

The sources of the NRC’s enforcement authority are the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and the Energy Policy Act of 2005. These statutes give the NRC broad authority with respect to its Enforcement Program. The Energy Policy Act of 2005 also expanded the definition of byproduct material, placing additional byproduct material under the NRC’s jurisdiction, including both naturally occurring and accelerator-produced radioactive materials. The NRC carries out its broad enforcement authority through Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, “Agency Rules of Practice and Procedure,” Subpart B, “Procedure for Imposing Requirements by Order, or for Modification, Suspension, or Revocation of a License, or for Imposing Civil Penalties.” Congress also provides the statutory framework for the Federal Government to use alternative dispute resolution (ADR) in conjunction with enforcement authority through the Administrative Dispute Resolution Act of 1996.

The NRC Enforcement Policy (policy) establishes the general principles governing the NRC’s Enforcement Program and specifies a process for implementing its enforcement authority in response to violations of NRC requirements. This statement of policy is based on the NRC’s view that compliance with its requirements plays a critical role in ensuring safety, maintaining security, and protecting the environment. The policy applies to all NRC licensees, to various categories of nonlicensees, and to individual employees of licensed and nonlicensed firms involved in NRC-regulated activities.

The NRC enforces compliance as necessary. Enforcement actions serve as a deterrent, emphasize the importance of compliance with regulatory requirements, and encourage the

## Enforcement Program Annual Report

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prompt identification and comprehensive correction of violations. In addition, because violations occur in a variety of activities and vary in significance, the policy contains graduated sanctions informed by risk and regulatory significance.

Enforcement authority includes using notices of violation (NOVs); civil penalties (CPs); demands for information; and orders to modify, suspend, or revoke a license. The NRC staff may exercise discretion in determining appropriate enforcement sanctions. Most violations are identified through inspections and investigations. In traditional enforcement, violations are normally assigned severity levels (SLs), which range from SL IV for violations of more than minor concern, to SL I for the most significant violations.

The ROP supplements the enforcement process for operating nuclear reactors. The NRC has implemented a similar process to assess findings at new reactor construction sites. Under the ROP, the NRC staff does not normally assign SLs to violations but instead assigns them a “significance” by assessing their associated inspection findings. The NRC determines the risk significance of inspection findings using the significance determination process (SDP), which designates findings as green, white, yellow, or red (in order of increasing risk significance). Findings under the ROP may also include licensee failures to meet self-imposed standards; such findings may or may not involve violations of regulatory requirements. Violations and findings assessed as white, yellow, or red are considered escalated enforcement actions.

Although the ROP applies to most violations, some aspects of violations (e.g., willfulness and individual actions) cannot be addressed solely through the SDP; such violations require the NRC to follow the traditional enforcement process. The NRC uses traditional enforcement for violations that have actual safety or security consequences, affect the NRC’s ability to perform its regulatory oversight function, or involve willfulness.

In addition, although ROP findings are not normally subject to CPs, the NRC does consider CPs for any violations that have actual consequences. SL IV violations and violations associated with green ROP findings are normally dispositioned as noncited violations (NCVs) if certain criteria are met. Inspection reports or records document NCVs and briefly describe the corrective actions that the licensee has taken or plans to take, if these actions are known at the time the NCV is documented. Additional information about the ROP is available at <https://www.nrc.gov/reactors/operating/oversight.html>.

The NRC Office of Enforcement (OE) develops policies and programs for the enforcement of NRC requirements. In addition, OE oversees NRC enforcement activities, giving programmatic and implementation guidance to NRC regional and Headquarters offices that conduct or participate in enforcement activities, to ensure that regional and program offices are consistent in their implementation of the NRC’s Enforcement Program.

The NRC’s Enforcement website, available at <http://www.nrc.gov/about-nrc/regulatory/enforcement.html>, presents a variety of information, including the policy, and the Enforcement Manual (manual). It also contains information regarding escalated enforcement actions that the NRC has issued to reactor and materials licensees, nonlicensees (vendors, contractors, and certificate holders), and individuals. In keeping with NRC practices and policies, the NRC’s public website does not provide details on most security-related actions and activities.

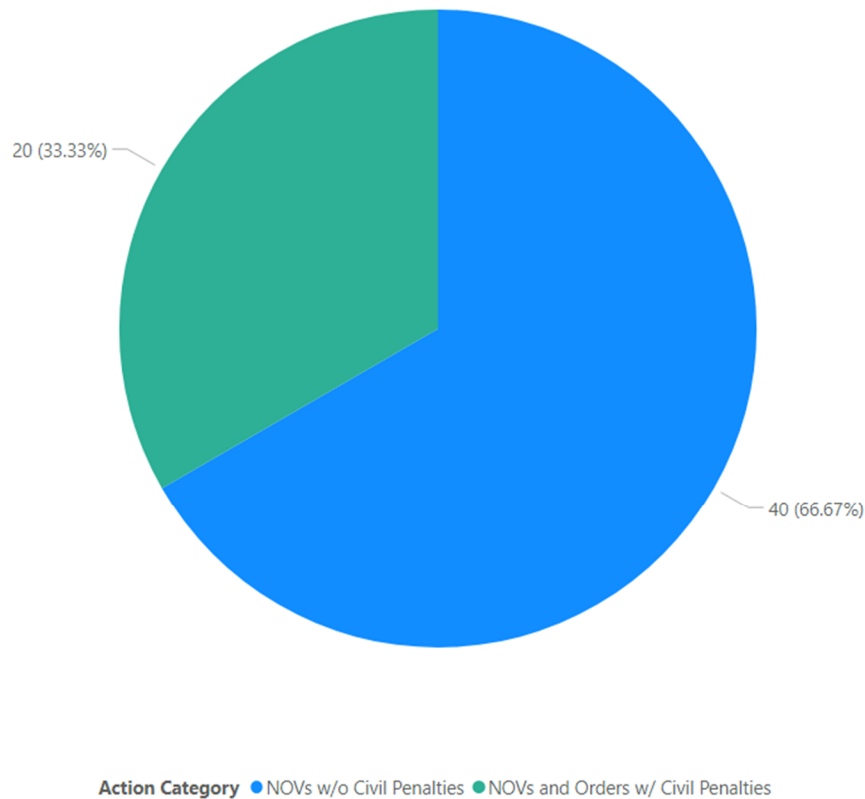


## B. Assessment of Escalated Enforcement Actions

Escalated enforcement actions include the following:

- NOVs, including SL I, II, or III violations
- SL IV violations to individuals
- NOVs associated with red, yellow, or white SDP findings
- CP actions
- enforcement orders (including confirmatory orders (COs) that result from the ADR process) and orders to suspend, revoke, or modify an NRC license

During calendar year (CY) 2021, the NRC issued 60 escalated enforcement actions to licensees, nonlicensees, and individuals. Figure 2 shows the distribution of these actions by category.



**Figure 2 Escalated enforcement by type of action (CY 2021)**

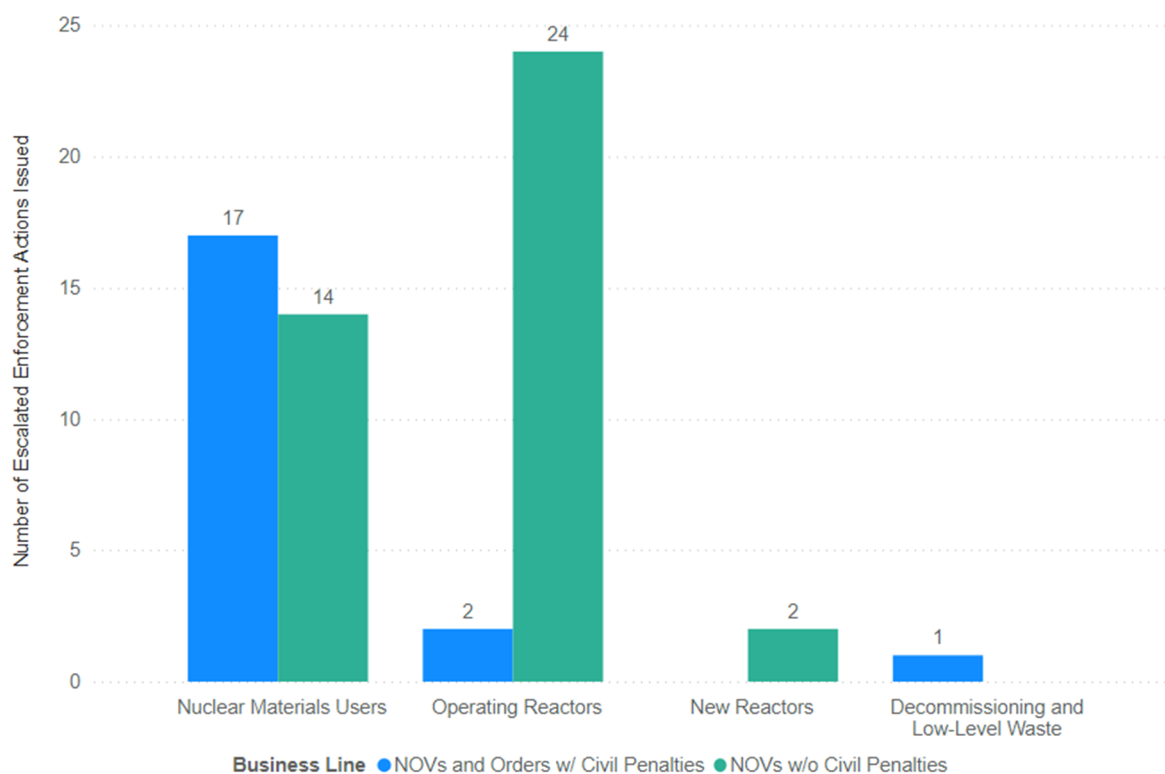
## Enforcement Program Annual Report

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Of the 60 escalated enforcement actions issued in CY 2021, 40 (or approximately 67 percent) were NOVs without CPs. This is higher than the average proportion of NOVs without CPs issued from CY 2017 through CY 2021 (approximately 41 percent). In general, the NRC considers a large percentage of NOVs without CPs to be a positive outcome, because it demonstrates that most licensees identify and correct violations themselves—a goal of the Enforcement Program.

NOVs and orders with CPs comprised approximately 33 percent of the escalated enforcement actions. They included 1 order imposing a CP and 19 NOVs with associated CPs.

Figure 3 shows the distribution of escalated enforcement actions issued in CY 2021 by business line. The number of escalated enforcement actions for each business line may include actions issued to individuals.



**Figure 3 Escalated enforcement by business line (CY 2021)**

As shown in figure 3, nuclear materials users received the highest number of escalated enforcement actions in CY 2021 (a total of 31), accounting for 52 percent of all actions issued. This was followed by operating reactors, which received 26 actions (or 43 percent of all actions). New reactors and decommissioning and low-level waste accounted for 3 escalated enforcement actions in CY 2021 (or 5 percent of all actions).

Table 1 breaks down the escalated enforcement actions issued in CY 2021 by region and program office. Historically, Region II has had the fewest escalated enforcement actions

because it does not process nuclear materials user cases, which usually make up the highest percentage of escalated enforcement actions (52 percent in CY 2021). However, for CY 2021, Region III had fewer enforcement actions than Region II. Overall, the number of escalated enforcement actions by the program offices was lower in CY 2021 than in past years. This may be attributed to the fact that in CY 2021, unlike in previous years, only two program offices issued escalated enforcement actions.

**Table 1 Escalated Enforcement Actions by Region and Program Office (CY 2021)**

Office/Region	NOVs and Orders with CPs	NOVs without CPs	Total
NMSS	6	1	7
NRR	0	1	1
REGION I	3	6	9
REGION II	1	5	6
REGION III	2	2	4
REGION IV	8	25	33
<b>Total</b>	<b>20</b>	<b>40</b>	<b>60</b>

Key to Offices

- NMSS—Office of Nuclear Material Safety and Safeguards
- NRR—Office of Nuclear Reactor Regulation

## 1. Escalated Enforcement Trends

As previously noted, the NRC issued 60 escalated enforcement actions in CY 2021. This was slightly lower than both the number issued in CY 2020 (63) and the annual average over the past 5 years (62). Table 2 breaks down the total number of escalated enforcement actions the NRC has issued over the past 5 years by type.

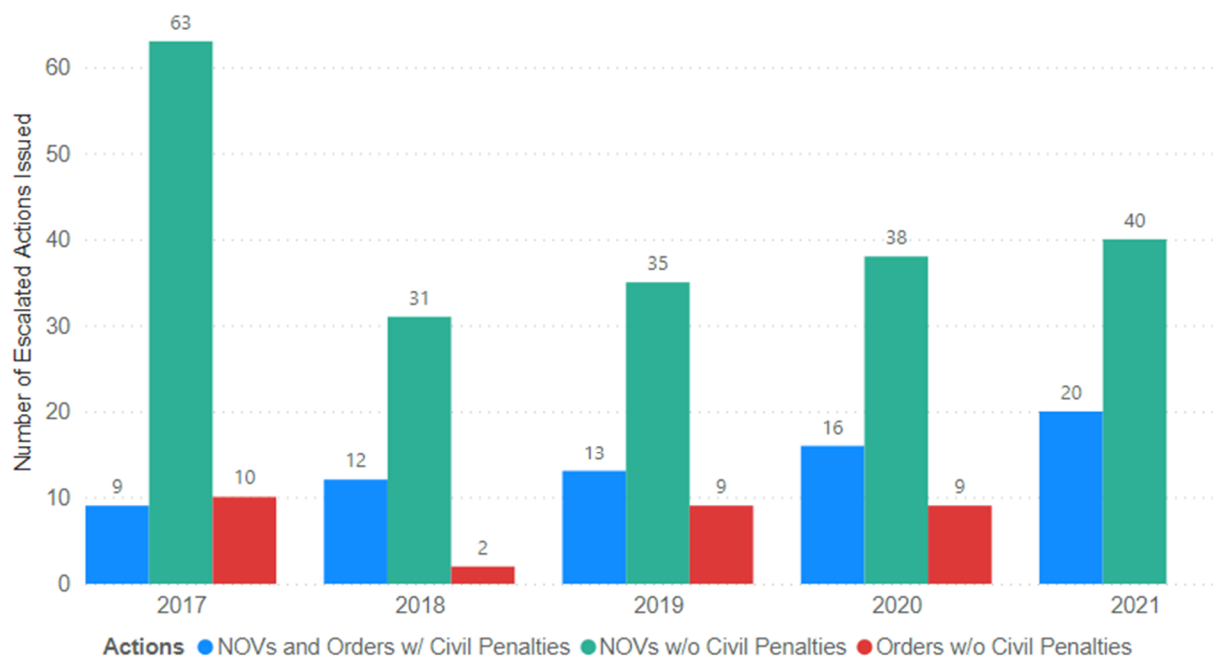
**Table 2 Escalated Enforcement Action Trends (CY 2017–CY 2021)**

Action	2017	2018	2019	2020	2021	5-Year Average
Escalated NOVs without CPs	63	31	35	38	40	41
NOVs and Orders with CPs	8	8	11	14	19	12
Orders Imposing CPs	1	1	3	2	1	2
Orders without CPs	10	2	12	9	0	7
<b>Total</b>	<b>82</b>	<b>42</b>	<b>61</b>	<b>63</b>	<b>60</b>	<b>62</b>

Note: The staff may have adjusted information reported for previous CYs in this year's annual report to reflect more accurate data than those available when previous annual reports were published.

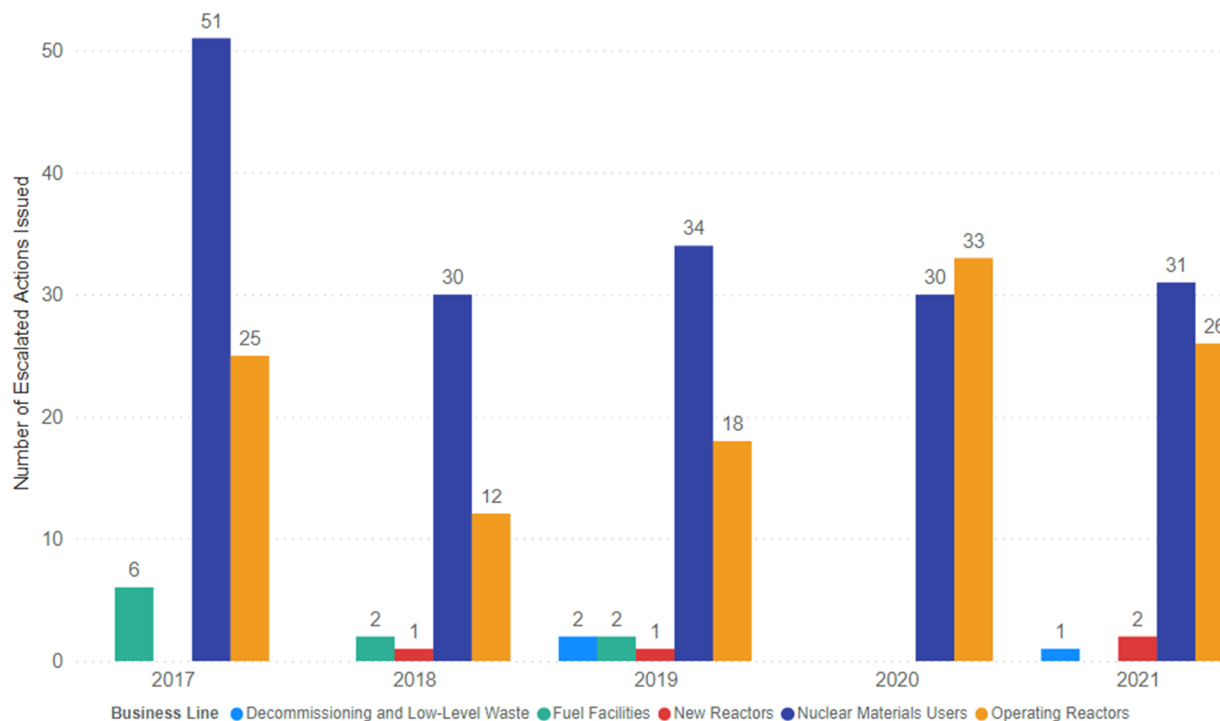
## Enforcement Program Annual Report

Table 2 and figure 4 show that the number of NOVs issued without CPs was slightly greater in CY 2021 than in CY 2020 but remains substantially lower than in CY 2017. However, the number of NOVs and orders with CPs issued in CY 2021 is higher than the 5-year average.



**Figure 4 Escalated enforcement actions issued (CY 2017–CY 2021)**

Figure 5 presents escalated enforcement trends from CY 2017 through CY 2021 by business line. As shown in the figure, the number of enforcement actions for nuclear materials users has remained stable since CY 2018. However, in CY 2021, the number of enforcement actions for operating reactors, although slightly lower than in CY 2020, was much higher than in CY 2018 and CY 2019. In CY 2021, 27 (or 45 percent) of the escalated enforcement actions issued were the result of Office of Investigations (OI) cases.



**Figure 5 Escalated enforcement by business line (CY 2017–CY 2021)**

Table 3 shows that the number of escalated enforcement actions issued to licensees, nonlicensees, and individuals decreased slightly from CY 2020 to CY 2021. The table also shows that operating reactors, individual actors at reactors (i.e., licensed and nonlicensed individuals at reactor sites), and gauge users account for over half of the escalated enforcement actions in CY 2021. This is not surprising, since figure 5 shows that the nuclear materials users and operating reactors business lines account for 95 percent of escalated enforcement actions. The total for the operating reactors business line included one escalated enforcement action at a research and test reactor.

## Enforcement Program Annual Report

**Table 3 Escalated Enforcement Actions by Type of Licensee, Nonlicensee, or Individual (CY 2017–CY 2021)**

	2017	2018	2019	2020	2021	Total
Operating Reactor	22	8	8	16	15	69
Gauge User	18	7	6	9	10	50
Radiographer	7	7	11	2	3	30
Individual Actor—Reactor	2	1	7	9	10	29
Hospital	9	5	1	7	3	25
Materials Distributor	0	1	5	2	7	15
Individual Actor—Materials	5	1	5	2	0	13
Licensed Operator	1	2	2	6	0	11
Other	3	4	1	1	2	11
Academic	1	3	1	0	5	10
Import/Export	0	1	3	5	0	9
Fuel Facility	5	2	1	0	0	8
Pharmacy	2	1	0	2	0	5
Research and Test Reactor	0	1	0	2	1	4
Physician	2	0	0	0	1	3
New Construction—Reactor	0	0	1	0	2	3
Individual Actor—Fuel Facility	1	0	1	0	0	2
Mill	1	0	1	0	0	2
Nonoperating Reactor	0	0	2	0	0	2
Well Logger	1	1	0	0	0	2
Waste Disposal	1	0	0	0	0	1
Vendor—Operating Reactor	0	0	1	0	0	1
Irradiator	1	0	0	0	0	1
Individual Actor—Vendor	0	1	0	0	0	1
Decommissioned Reactor/Site	0	0	0	0	1	1
<b>Total</b>	<b>82</b>	<b>45</b>	<b>57</b>	<b>63</b>	<b>60</b>	<b>307</b>

## 2. Civil Penalty Actions

In CY 2021, the NRC processed 20 enforcement actions that involved CPs (19 proposed, 1 imposed), totaling \$664,750 in proposed CPs and \$75,000 in imposed CPs. Three of these enforcement actions included multiple proposed CPs. Of the 20 enforcement actions, 17 were associated with nuclear materials users, 2 with operating reactor licensees, and 1 with a decommissioning licensee.

Of the 20 CP cases, four involved “willfulness,” which is defined as either deliberate misconduct or careless disregard. The Commission is particularly concerned with the identification of willful violations. The NRC’s regulatory program relies on licensees and their contractors, employees, and agents acting with integrity and communicating with candor; therefore, the NRC may consider a violation involving willfulness to be more egregious than the underlying violation taken alone, and the NRC may increase the SL accordingly.

Table 4 compares CP assessments proposed, imposed, and paid for the most recent five CYs and gives the 5-year average. When reviewing this table, note that an enforcement action may include more than one CP or more than one violation. In addition, a CP may be proposed one year and paid or imposed in another year. In some cases, the NRC has approved a payment plan that lets a licensee pay the CP in regular installments, sometimes over several years. Finally, the amount of a proposed CP may be reduced, or even eliminated, if the NRC exercises enforcement discretion through the normal enforcement process, or as part of a settlement agreement reached through an ADR mediation session.

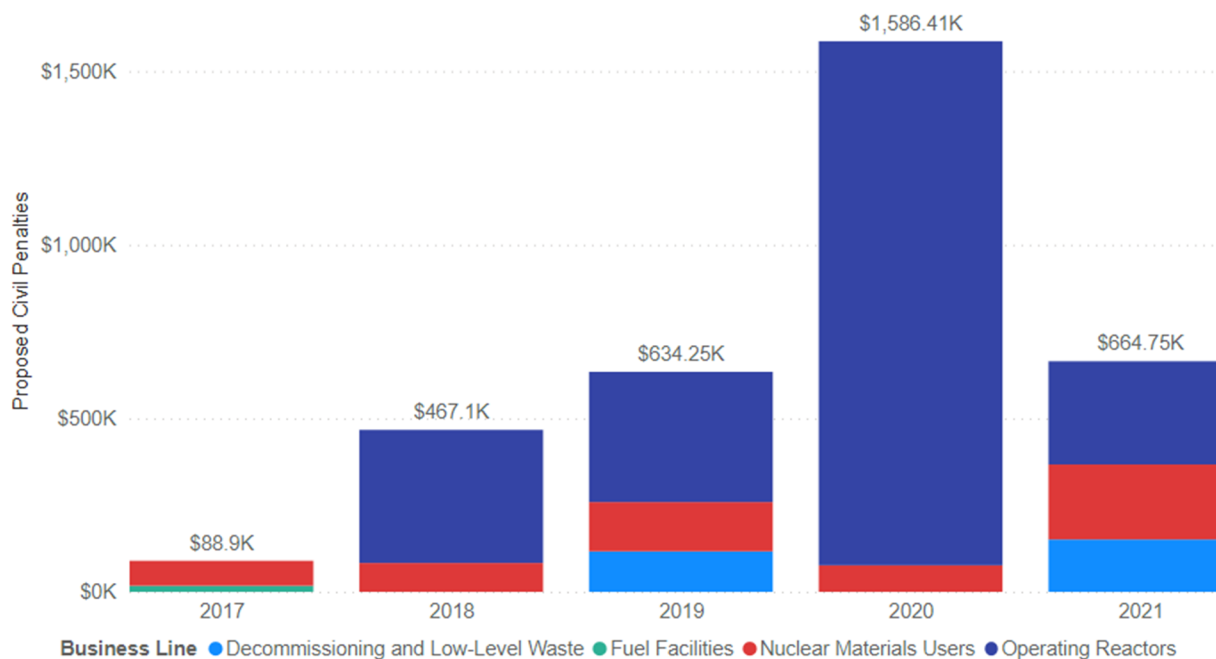
**Table 4 CP Information: Number of Escalated Enforcement Actions and Total CP Amounts (CY 2017–CY 2021)**

	2017	2018	2019	2020	2021	Average
CPs Proposed	8 \$88,900	11 \$467,100	10 \$634,250	14 \$1,586,413	19 \$664,750	12.4 \$688,282
CPs Imposed	1 \$7,000	1 \$22,400	3 \$101,500	2 \$1,213,884	1 \$75,000	1.6 \$283,956
CPs Paid	5 \$59,500	11 \$234,400	8 \$779,250	10 \$90,250	6 \$689,096	8 \$370,499

Note: Imposed CP amounts reflect CPs issued through orders that may include (1) CPs imposed after a licensee does not pay a proposed CP and (2) CPs included in a CO as part of ADR mediation. In the first scenario, the case is a subset of the proposed CP case, as imposing the CP is the next step after a licensee does not pay a proposed CP.

The total proposed CP amount issued in CY 2021 was lower than the amount issued in CY 2020 and slightly lower than the 5-year average. This was partly because, in CY 2020, there were five proposed CPs of at least \$300,000 each (including three at the maximum daily CP amount). The NRC also imposed one CP of \$606,942 in CY 2020. The total dollar amount of CPs paid (both proposed and imposed) was significantly higher in CY 2021 than in CY 2020. This could be due to the use of payment plans or because licensees had not yet paid their CPs by the end of CY 2020.

## Enforcement Program Annual Report



**Figure 6 Proposed CPs by business line (CY 2017–CY 2021)**

Figure 6 shows the total dollar amount of proposed CPs from CY 2017 through CY 2021 by business line. Appendix A to this report briefly describes each of the enforcement actions for which the NRC assessed a CP in CY 2021. Although the appendices do not describe NOVs with CPs that involved security-related issues, the data in this report do include such NOVs.

### 3. Notices of Violation without Civil Penalties

In accordance with section 2.3.4, “Civil Penalty,” of the policy, a CP may not be warranted for escalated enforcement actions evaluated under traditional enforcement if the following criteria are met:

- The identified violation was the first nonwillful SL III violation identified during the past 2 years or during the last two inspections (whichever period is longer) at the licensee’s facility, and the licensee took adequate corrective action to prevent its recurrence.
- The identified violation was not the first nonwillful SL III violation identified during the past 2 years or during the last two inspections, but the licensee self-identified the violation and took adequate corrective action to prevent its recurrence.

Violations assessed under the ROP SDP are normally not considered for CPs unless they have had actual consequences. In addition, the NRC may use enforcement discretion to refrain from proposing a CP, when appropriate, regardless of the normal CP assessment process described above.



In CY 2021, the NRC issued a total of 40 escalated NOVs without CPs: 13 to operating reactor licensees, 14 to nuclear materials user licensees, 2 to new operating reactor licensees, and 11 to individuals (licensed or nonlicensed). Of the 15 NOVs issued to operating reactor and new operating reactor licensees, 4 were associated with white SDP findings under the ROP, and 11 were SL III violations. There were no violations with yellow SDP findings, and, for the ninth consecutive year, the NRC issued no red SDP findings with associated violations. Of the 14 NOVs issued to nuclear materials user licensees, 9 were associated with either radiographers or gauge users, and the remaining NOVs were issued to hospitals, pharmacies, master materials licensees, or import/export licensees.

Figure 7 shows the number of escalated NOVs associated with SDP findings at operating reactors over the past 10 years. This number has declined steadily since CY 2012 and has been at its lowest during the last 4 years. The NRC has not issued any red findings since CY 2012 or any yellow findings since CY 2015. Appendix B to this report summarizes each of the NOVs issued without a CP, as well as the NOVs associated with SDP findings. Appendix B does not describe NOVs without CPs that involved security-related issues; however, the data in this report do include such NOVs.

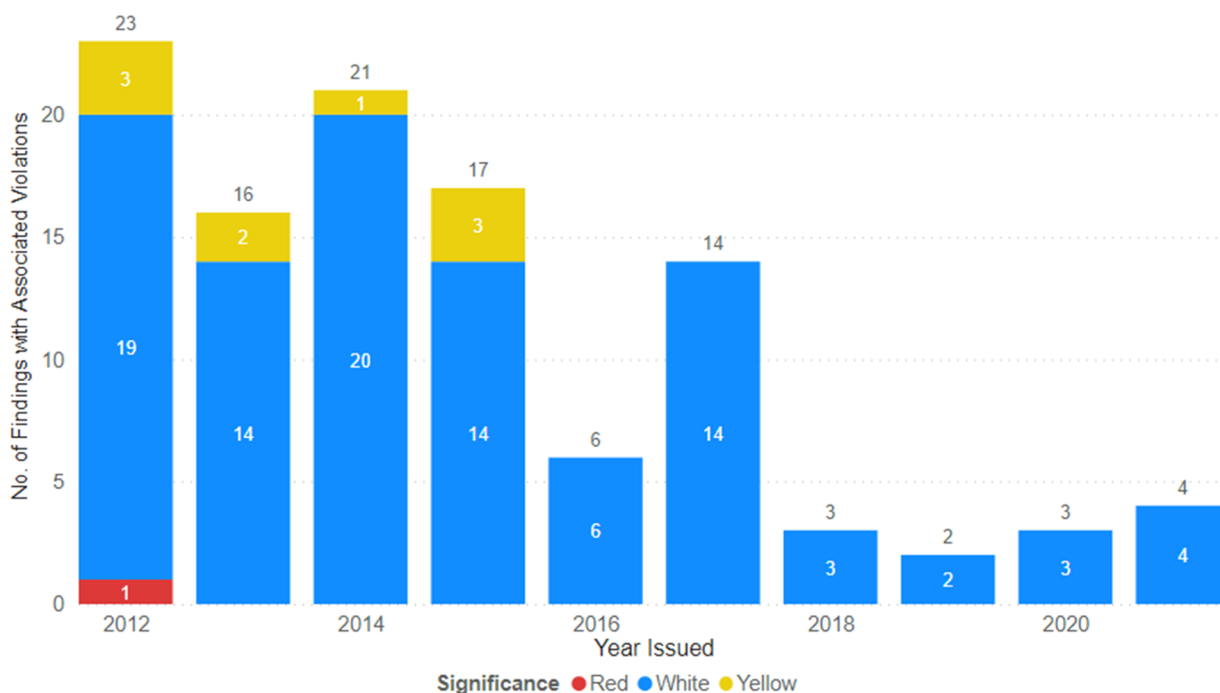


Figure 7 ROP SDP findings associated with escalated enforcement at operating reactors (CY 2012–CY 2021)

#### 4. Enforcement Program Timeliness

The NRC issues escalated enforcement actions in cases involving violations assessed at SL I, II, or III (and SL IV for individuals) dispositioned under the traditional enforcement process; violations associated with white, yellow, or red findings issued to reactor licensees participating in the ROP; and orders that impose sanctions. The timeliness with which the NRC issues escalated enforcement actions to operating reactor and materials user licensees is an output measure (external goal) reported annually to Congress as part of the

## Enforcement Program Annual Report

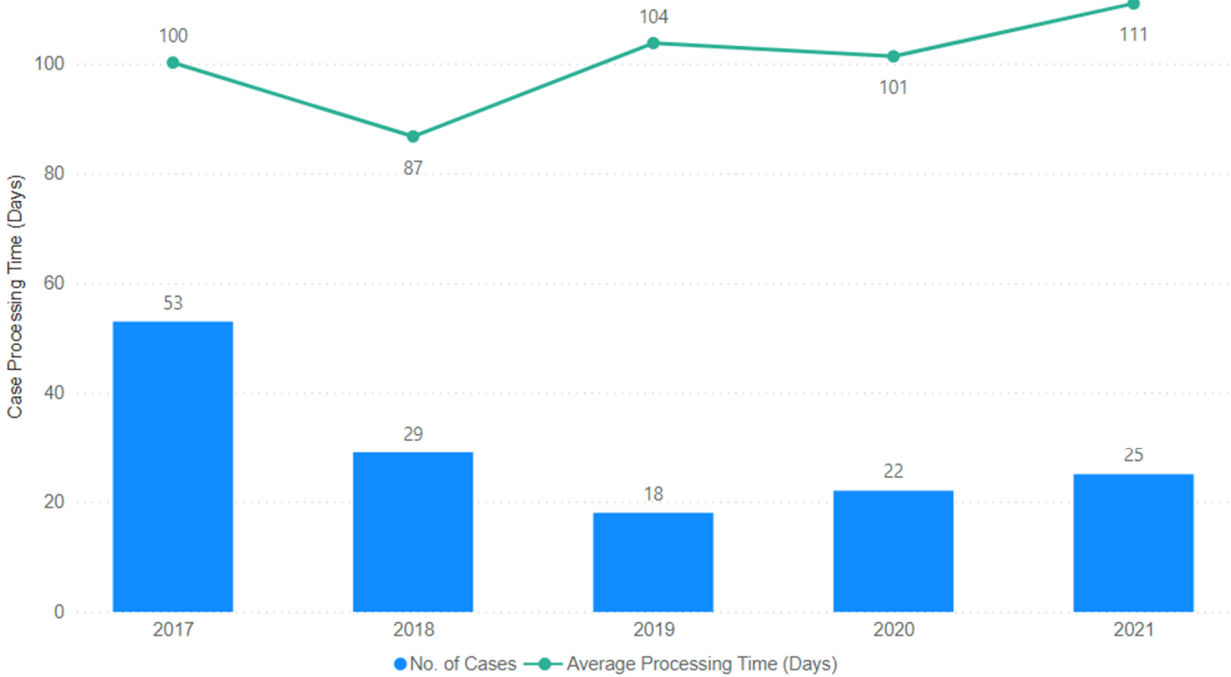
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NRC's Congressional Budget Justification (NUREG-1100). To stress the importance of timely escalated enforcement actions, the agency has set goals that (1) 100 percent of cases not based on investigations by OI are to be completed within an NRC processing time of at most 160 days, and (2) 100 percent of OI-related cases are to be completed within an NRC processing time of at most 330 days.

The NRC processing time starts on the latest of (1) the inspection exit date for non-OI-related cases, (2) the date of the memorandum forwarding the OI report to the staff for OI-related cases, (3) for cases referred to the U.S. Department of Justice (DOJ) for potential criminal prosecution, the date the NRC is informed that the DOJ has declined to prosecute, and (4) the date of the U.S. Department of Labor decision that is the basis for the action. For the purposes of timeliness reporting, the NRC may group multiple related escalated enforcement actions and treat them as a single case. For example, the NRC may disposition a violation and take escalated enforcement action against a licensee and one or more individuals. Although this may take multiple enforcement actions, the NRC will treat these separate actions as one case in its timeliness reporting, to avoid biasing timeliness data either positively or negatively.

In CY 2021, the NRC staff issued all 33 non-OI-related actions within 160 processing days and all 27 OI-related actions within 330 processing days. It is likely that a streamlined process implemented in CY 2016 contributed significantly to the staff's ability to meet its timeliness goals. This process (the modified enforcement panel process) is used for traditional enforcement cases and enhances efficiency in processing enforcement cases that do not require additional interaction, clarifications, or extended communications. OE will continue to work closely with regional and program office staff towards early identification of enforcement cases that are likely to involve complex technical or legal questions or other case-specific challenges, to resolve issues that may lead to additional processing time.

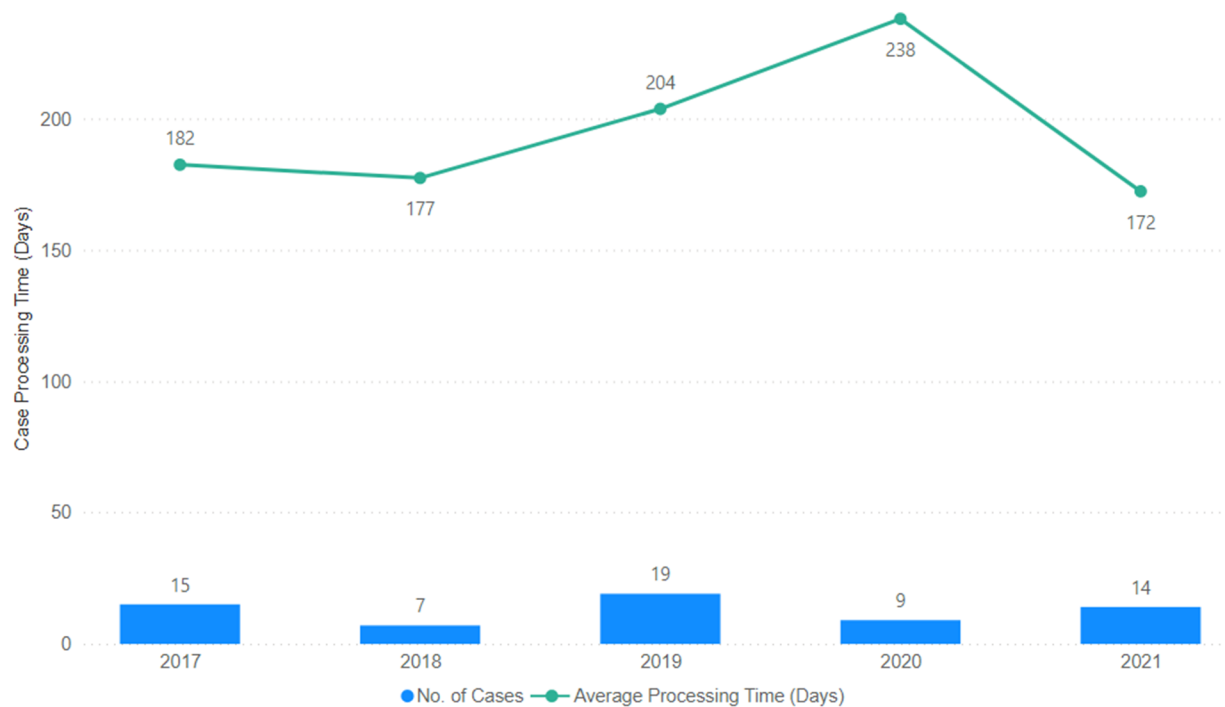
Figure 8 shows that, on average, the NRC took 111 processing days to issue non-OI-related escalated enforcement actions. This is well below the congressional goal of 160 processing days. In CY 2020, OE developed and implemented a new communication strategy that involves senior management engagement when it appears that an enforcement case may exceed a congressional metric. This new process helped the staff meet its timeliness goals for CY 2021.



**Figure 8 Non-OI-related case timeliness (CY 2017–CY 2021)**

Figure 9 shows the trend in case processing times for OI-related escalated enforcement actions over the past five CYs. In CY 2021, on average, it took the NRC 172 days to issue an OI-related enforcement action. This is substantially less than the congressional goal of 330 processing days and is in line with the 5-year average. The shortest and longest processing times for OI-related cases in CY 2021 were 67 days and 322 days.

## Enforcement Program Annual Report



**Figure 9 OI-related case timeliness (CY 2017–CY 2021)**

Note: The numbers of non-OI-related (25) and OI-related (14) escalated enforcement cases do not add up to the total number of escalated enforcement actions (60) because some cases involved the issuance of multiple enforcement actions to licensees and individuals.

## 5. Alternative Dispute Resolution

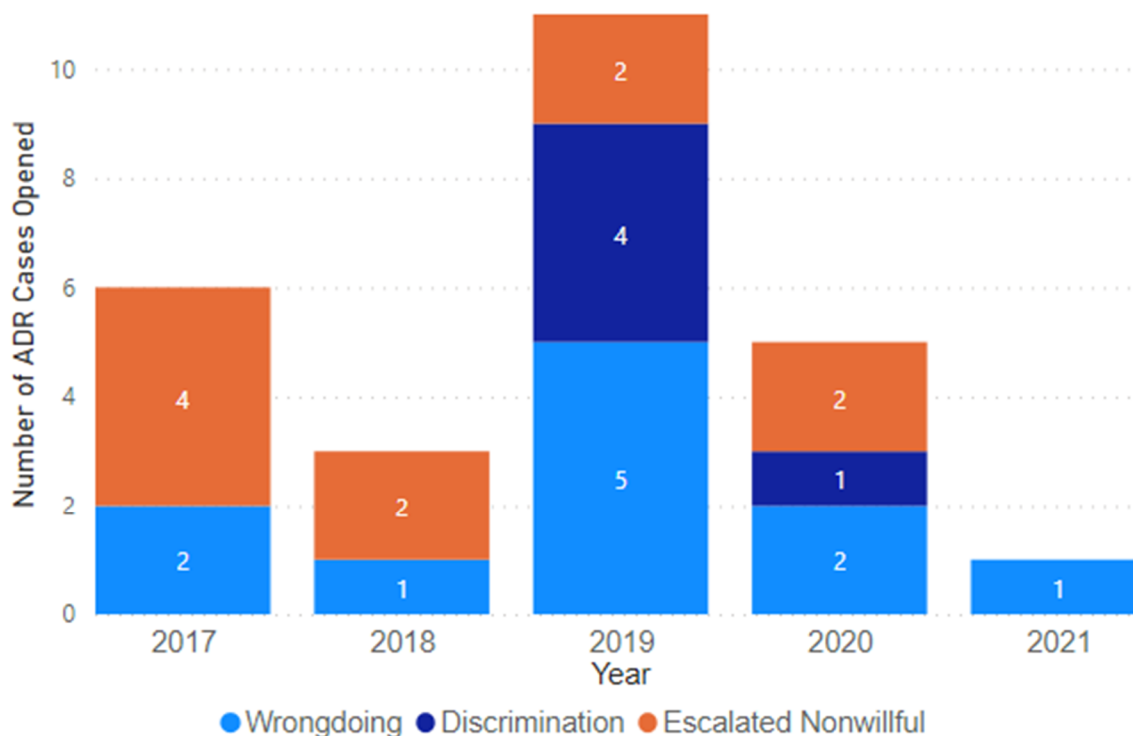
ADR refers to a variety of voluntary processes, such as mediation and facilitated dialogue, to assist parties in resolving disputes and potential conflicts outside of the courts. The NRC’s enforcement ADR program employs mediation by a neutral third party with no decision-making authority. Participation in the process is voluntary, and the content of the final, mutual agreement is normally formalized in a CO.

The term “enforcement ADR” refers to the use of mediation (1) after OI has completed its investigation and an enforcement panel has concluded that pursuit of an enforcement action appears to be warranted, and (2) in escalated nonwillful, traditional enforcement cases with the potential for CPs.

Under OE’s enforcement ADR process, the NRC may offer mediation at any of three points in the enforcement process: (1) before a predecisional enforcement conference, (2) after the initial enforcement action (typically the issuance of an NOV or proposed imposition of a CP), or (3) upon the imposition of a CP and before a hearing request. For certain escalated enforcement actions, ADR allows the NRC to institute broader or more comprehensive corrective actions than those typically achieved through the normal enforcement process.

As figure 10 shows, from CY 2017 through CY 2020, the NRC opened an average of five new cases per year under the enforcement ADR program. In CY 2021, this number fell sharply: the NRC participated in only one ADR mediation session, which resulted in an order

confirming the terms of the parties' agreement.

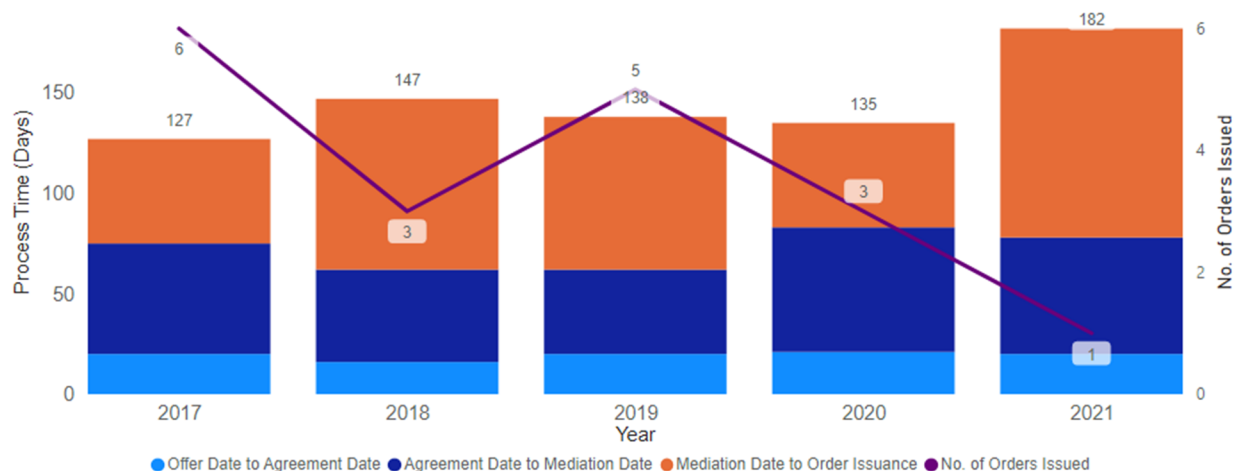


**Figure 10 ADR cases (CY 2017–CY 2021)**

In CY 2021, the staff continued to focus on increasing the ADR program's timeliness, transparency, and overall effectiveness. Efforts to enhance the ADR program included the use of lessons learned from the previous year's mediation sessions, which were conducted virtually because of pandemic constraints. In CY 2021, all ADR mediation sessions were held using virtual platforms (Zoom, WebEx, Teams, etc.).

As figure 11 indicates, the average time to process an ADR case, from the date of the mediation offer to the issuance of a CO, increased in CY 2021. This is because there was only one case in CY 2021 that resulted in a CO. The increased processing time was due to the unique circumstances of this case and was unrelated to the ADR process.

## Enforcement Program Annual Report

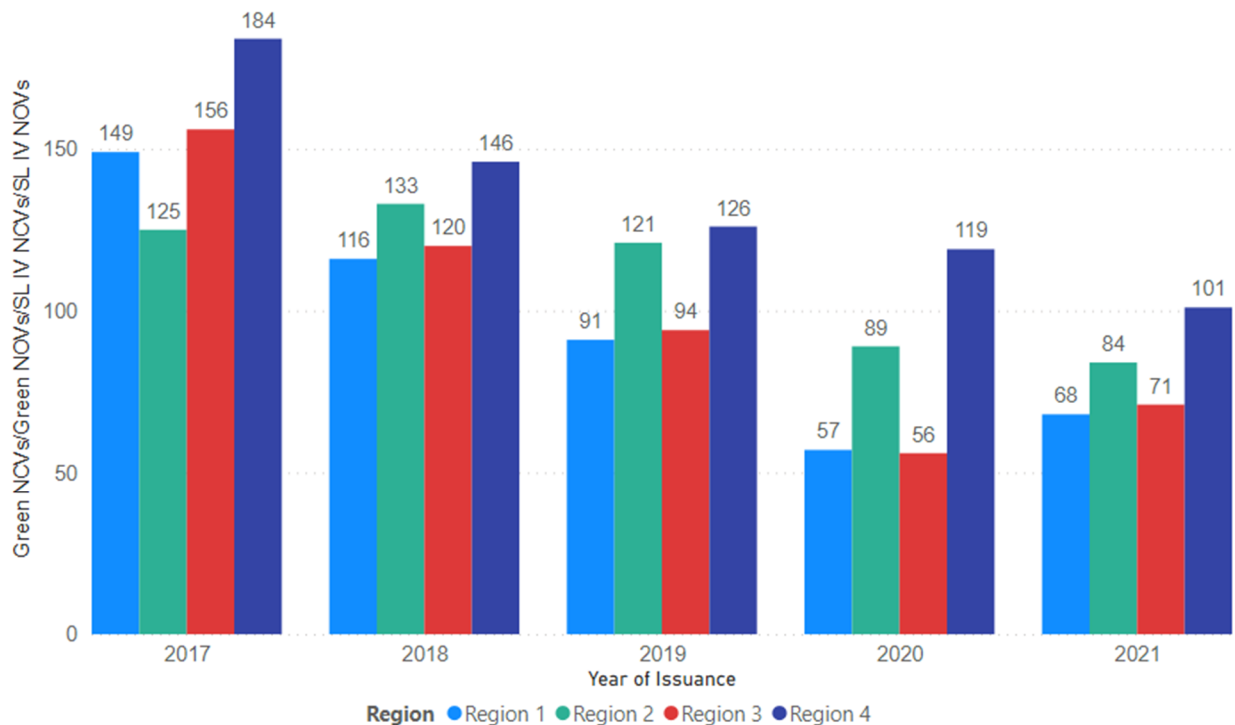


**Figure 11 Calendar days from ADR offer to issuance of CO (CY 2017–CY 2021)**

### C. Nonescalated Enforcement

Nonescalated enforcement actions include SL IV NOVs and NCVs under traditional enforcement and NOVs and NCVs associated with green SDP findings under the ROP. Information on operating reactors is recorded in the Reactor Program System, and nonescalated actions for nuclear materials users are recorded in the Web-Based Licensing System.

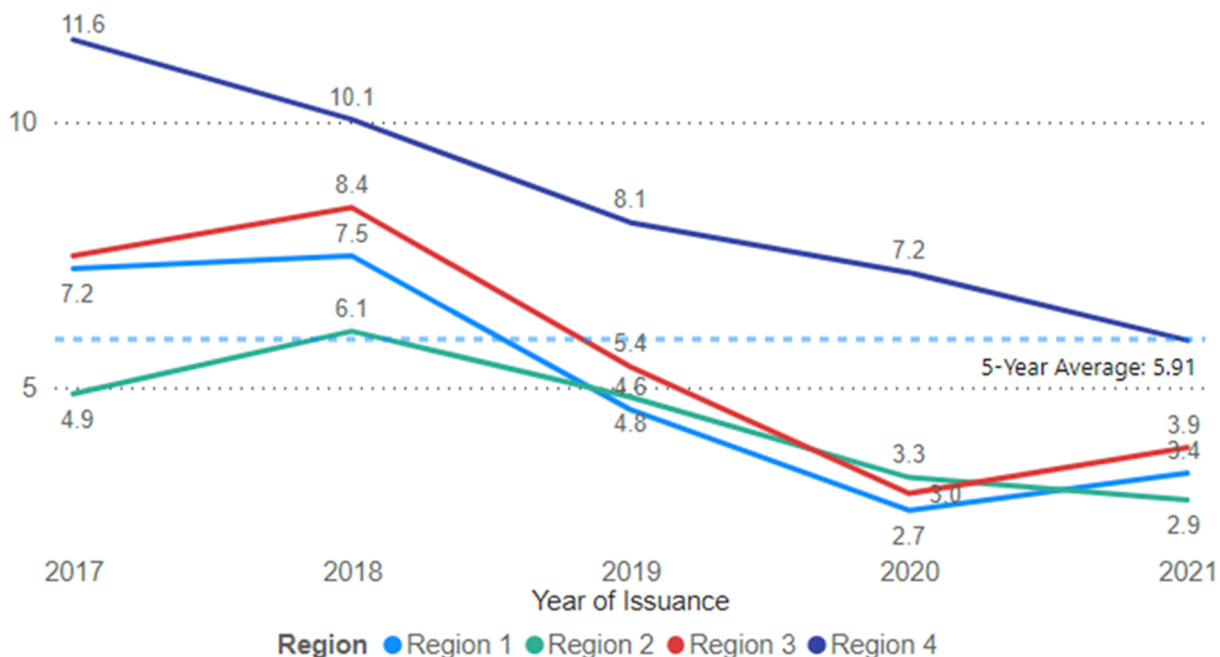
Figure 12 shows the number of nonescalated enforcement actions at operating reactor sites by region. As noted in previous annual reports, there is an overall downward trend in the number of operating reactor SL IV NOVs and NCVs issued under traditional enforcement and the number of NOVs and NCVs associated with green SDP findings; however, there is no discernible trend in the data for CY 2020 and CY 2021. These results are consistent with an overall downward trend in the number of inspection findings, event notifications, licensee event reports, and reactor scrams observed over the last several years.



**Figure 12 Nonescalated enforcement actions for operating reactors (CY 2017–CY 2021)**

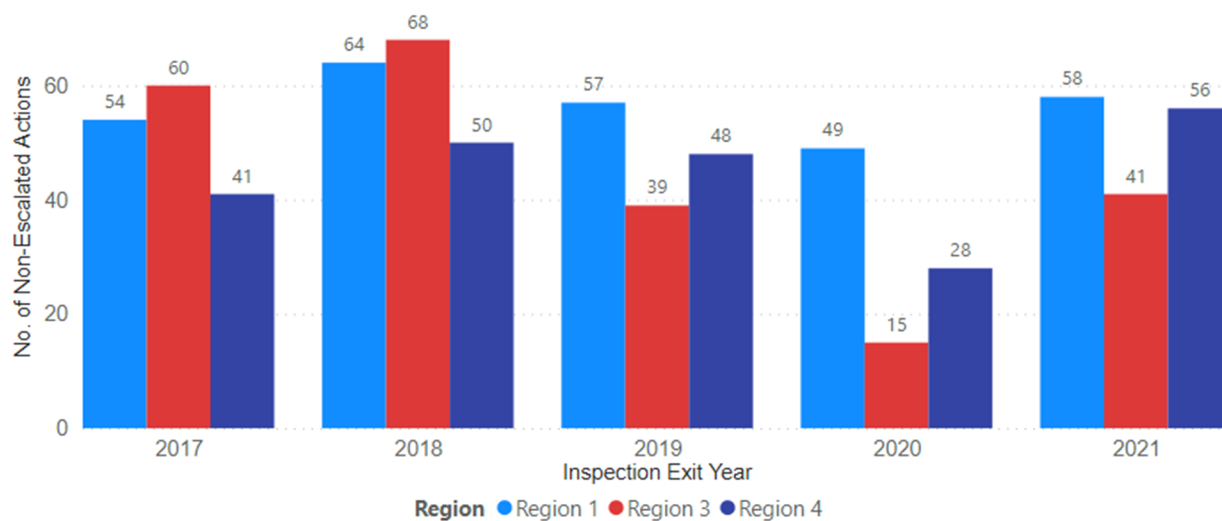
Figure 13 shows the trend in the number of nonescalated enforcement actions for each region over the past 5 years. This information, obtained from the Reactor Program System, was normalized to show the average number of nonescalated actions per operating reactor in each region. Figure 13 shows that since CY 2017, this number has steadily become more consistent across the four regions; in particular, Regions I, II, and III are all averaging around three nonescalated enforcement actions per operating reactor. Although the average for Region IV is higher, it also exhibits an overall downward trend. This trend matches those in the number of escalated enforcement actions observed across all regulatory oversight programs (i.e., licensee business lines), as well as the trends reflected in figure 12.

## Enforcement Program Annual Report



**Figure 13 Nonescalated enforcement actions per operating reactor, by region (CY 2017–CY 2021)**

Note: This figure reflects information available from the Reactor Program System as of April 28, 2022.



**Figure 14 Nonescalated enforcement actions for materials users (CY 2017–CY 2021)**

Note: This figure reflects information available from the Web-Based Licensing System as of February 28, 2022.



Figure 14 shows the 5-year trend in the number of nonescalated enforcement actions for nuclear materials users for each region. As noted in previous annual reports, the number of SL IV NOVs and NCVs issued to nuclear materials users has tended to remain steady, except for a noticeable decline in CY 2020. This decline could be attributed to constraints on inspection activities imposed by the NRC in response to the Coronavirus Disease 2019 (COVID-19) pandemic. In CY 2021, the NRC resumed normal inspection activities.

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## II. Enforcement Case Work

### A. Significant Enforcement Actions

In CY 2021, the NRC participated in several noteworthy enforcement actions, as summarized below. A complete writeup can be found in the appendices.

#### **Turkey Point Nuclear Generating Station**

On April 6, 2021, the NRC issued an NOV and proposed imposition of a CP in the amount of \$150,000 to the Florida Power and Light Company for an SL III problem at Turkey Point Nuclear Generating Station. This enforcement action was the result of two separate OI investigations. The first investigation determined that three mechanics willfully falsified records of both an inspection and maintenance activities for a safety-related check valve in the auxiliary feedwater system. The second investigation determined that two technicians, a supervisor and a manager, willfully failed to inform control room staff that maintenance had been performed on the charging pump for the wrong unit's chemical and volume control system. As a result of these two investigations, the staff identified two violations of 10 CFR 50.9(a) and Criterion XVII in Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities."

#### **River Bend Station**

On September 30, 2021, the NRC issued an SL III NOV and proposed imposition of a CP in the amount of \$150,000 to Entergy Operations, Inc. The violations involved (1) an unauthorized exchange of a critical digital asset key, (2) incomplete operator rounds, and (3) an exam proctor, not the principal Level III inspector, who made an unauthorized copy of an exam with the same control number. The three violations were all determined to be willful and were identified through three separate OI investigations.

#### **Terracon Consultants, Inc.**

On September 30, 2021, the NRC issued an NOV and proposed imposition of a CP in the amount of \$45,000 to Terracon Consultants, Inc., for five violations. These violations resulted from a former technician's willful failure to follow licensee procedures and NRC requirements to secure a portable nuclear gauge. As a result, the gauge fell off a vehicle during transportation and remained uncontrolled in the public domain for few hours, and the licensee did not immediately notify the NRC following discovery of the missing gauge.

#### **CampCo, Inc.**

On February 11, 2021, the NRC issued an NOV and proposed imposition of a CP in the amount of \$75,000 to CampCo, Inc., for nine SL III violations. The violations involved CampCo's failure to (1) distribute tritium watches in accordance with its exempt distribution license, pursuant to 10 CFR 32.14, "Certain items containing byproduct material; requirements for license to apply or initially transfer," (2) provide complete and accurate information in accordance with 10 CFR 30.9, "Completeness and accuracy of information," and (3) comply with an NRC CO issued as a result of a previous enforcement action.

## Enforcement Program Annual Report

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### CampCo, Inc., Imposition Order

On June 3, 2021, the NRC issued an order imposing a CP in the amount of \$75,000 to CampCo, Inc. This CP was imposed after CampCo disputed and requested mitigation of the CP proposed in a prior NOV, which was based on nine SL III violations. However, the NRC determined that CampCo had neither provided an adequate basis to justify mitigation nor provided additional information to justify the retraction of any of the violations. Therefore, the NRC imposed the full CP amount in this order.

## B. Hearing Activities

On August 24, 2020, the NRC issued an immediately effective order to Mr. Joseph Shea prohibiting his involvement in NRC-licensed activities. On September 22, 2020, Mr. Shea submitted a motion to set aside the immediate effectiveness of the order. On November 3, 2020, the Atomic Safety Licensing Board (Board), with one judge dissenting, granted Mr. Shea's motion to set aside the immediate effectiveness of the order. The Board's ruling was referred to the Commission in accordance with 10 CFR 2.202(c)(2)(viii). On January 15, 2021, in a Commission memorandum and order (CLI-21-03), the Commission affirmed the Board's decision to set aside the immediate effectiveness of the order in the ongoing adjudicatory proceeding associated with the subject order. Upon further review of the facts of the case and CLI-21-03, the NRC staff rescinded the order in its entirety on January 22, 2021.

On August 24, 2020, the NRC issued an NOV to Ms. Erin Henderson for a violation involving deliberate misconduct that caused the Tennessee Valley Authority to be in violation of 10 CFR 50.7, "Employee protection." Upon further review of the facts of the case and CLI-21-03, the NRC staff rescinded the NOV on January 22, 2021.

## C. Enforcement Orders

In CY 2021, the NRC issued one CP imposition order to a licensee. Appendix C to this document briefly describes the enforcement order.

## D. Enforcement Actions Supported by the Office of Investigations

In CY 2021, OI investigations supported 45 percent (27 out of 60) of the escalated enforcement actions issued by the NRC. This figure is slightly lower than last year's percentage (51 percent). The OI-supported actions included the following:

- 9 of the 19 escalated NOVs with CPs (47 percent)
- 17 of the 40 escalated NOVs without CPs (42 percent)
- 1 of 1 enforcement order imposing a CP (100 percent)

In CY 2021, OI investigated 33 cases that were substantiated for willfulness (enforcement actions may not have been taken on some of these cases) and 38 cases that were unsubstantiated.

## **E. Actions Involving Individuals and Nonlicensee Organizations**

In CY 2021, the NRC issued 11 escalated enforcement actions to individuals (all of which were SL III NOVs) and no actions to nonlicensees. The number of escalated enforcement actions issued to individuals in CY 2021 is comparable to the 5-year average. Appendix D to this document summarizes the NOVs the NRC issued to individuals in CY 2021.

## **F. Enforcement Actions Involving Discrimination**

In CY 2021, no escalated enforcement actions resulted from a substantiated allegation of discrimination. Between CY 2017 and CY 2021, the NRC handled, on average, just one substantiated discrimination case per year; however, it is not unprecedented to have no escalated enforcement actions taken because of discrimination in any given year.

## **G. Use of Judgment and Discretion in Determining Appropriate Enforcement Sanctions**

Within its statutory authority, the NRC may choose to exercise discretion and either escalate or mitigate enforcement sanctions or otherwise refrain from taking enforcement action. This exercise of discretion allows the NRC to determine actions that are appropriate for a particular case, consistent with the policy. After considering the general tenets of the policy and the safety and security significance of a violation and its circumstances, the NRC may exercise judgment and discretion in determining the SL of the violation and the appropriate enforcement sanction.

In CY 2021, the NRC exercised discretion in 14 enforcement cases to address violations of NRC requirements. This is lower than the total for CY 2020 (18 cases).

### **1. Discretion Involving Temporary or Interim Enforcement Guidance**

The NRC exercised enforcement discretion through an enforcement guidance memorandum (EGM) nine times in CY 2021, as opposed to seven times in CY 2020:

- On April 18, 2013, the staff issued EGM-13-003, “Interim Guidance for Dispositioning Violations Involving 10 CFR 35.60 and 10 CFR 35.63 for the Calibration of Instrumentation to Measure the Activity of Rubidium-82 and the Determination of Rubidium-82 Patient Dosages” (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13101A318). This EGM was intended to address two specific instances in which it is not possible to meet the current NRC regulatory requirements. The NRC dispositioned one case in CY 2021 that met the criteria in this guidance.
- On March 13, 2014, the staff issued EGM-14-001, “Interim Guidance for Dispositioning 10 CFR Part 37 Violations with Respect to Large Components or Robust Structures Containing Category 1 or Category 2 Quantities of Material at Power Reactor Facilities Licensed under 10 CFR Parts 50 and 52” (ML14056A151). This EGM provides staff guidance to disposition violations associated with large components or Category 1 or Category 2 quantities of radioactive material stored in

## Enforcement Program Annual Report

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robust structures at power reactor facilities. The NRC dispositioned five cases in CY 2021 that met the criteria in this guidance.

- On May 27, 2020, the staff issued EGM-20-002, Attachment 3, “Dispositioning Violations of NRC Requirements for Compliance with Radiological Emergency Response Plans during the COVID-19 Public Health Emergency” (ML20143A066). This EGM gives guidance on compliance issues due to the effects of the COVID-19 pandemic. The NRC dispositioned one case in CY 2021 that met the criteria in this guidance.
- On July 15, 2020, the staff issued EGM-20-003, “Interim Guidance for Dispositioning Violations of Licensed Material Possession and Use Limits” (ML20156A340). This EGM provides staff guidance to disposition violations of 10 CFR 30.34, “Terms and conditions of licenses,” that are associated with licensed possession and use of byproduct material. The NRC dispositioned two cases in CY 2021 that met the criteria in this guidance.

## 2. Discretion Involving Violations Identified Because of Previous Enforcement Actions

In accordance with section 3.3, “Violations Identified Because of Previous Enforcement Action,” of the policy, the NRC staff may exercise enforcement discretion if the licensee identified the violation as part of the corrective action for a previous enforcement action, and the root cause of the violation is the same as or similar to that of the violation causing the previous enforcement action.

The NRC cited section 3.3 of the policy once in CY 2021 to disposition the following violation of its requirements:

- Purdue University (licensee)—Between February 26, 2021, and February 28, 2021, the research and test reactor at Purdue University was operated at steady-state power levels greater than 12 kilowatts (thermal). The licensee identified this violation as part of the corrective actions taken for a previous violation, issued on February 16, 2021, after the reactor was inadvertently operated at power levels greater than 12 kilowatts (thermal) due to nuclear instrument (NI) calibration calculation errors that caused the NIs to indicate incorrect reactor power levels. The first event was an overpower of greater magnitude that masked the second issue, and the cause of the second event is viewed as historical because it involves an erroneous factor used in calibrating the NIs that was determined several decades ago. The second event does not substantially change the safety significance of the original violation, because the magnitude of the overpower is less than it was in the first event and is within the licensee’s safety analysis assumptions. After considering the facts and circumstances of the event, the NRC did not cite the licensee for the violation.

### 3. Discretion Involving Special Circumstances

Section 3.5, “Special Circumstances,” of the policy states that the NRC may reduce or refrain from issuing a CP or an NOV for an SL II, III, or IV violation based on the merits of the case after considering the guidance in the policy and such factors as the age of the violation, the significance of the violation, the clarity of the requirement and associated guidance, the appropriateness of the requirement, the overall sustained performance of the licensee, and other relevant circumstances, including any that may have changed since the violation occurred. This discretion is expected to be exercised only if application of the normal guidance in the policy is unwarranted.

The NRC cited section 3.5 of the policy three times in CY 2021 to disposition the following violations of its requirements:

- South Texas Project Nuclear Operating Company (STP)—On August 10, 2021, the NRC exercised enforcement discretion on STP’s existing process for disposal of very low-level radioactive waste (VLLW). However, for future VLLW violations of this type, the NRC will no longer exercise enforcement discretion.
- Aerotest Operations, Inc. (licensee)— On March 5, 2021, the NRC exercised enforcement discretion based on the licensee declaring the Aerotest Radiography and Research Reactor, located in the State of California, to be permanently shut down. According to NRC regulations, the licensee should have applied for license termination and proposed a decommissioning plan within 2 years. However, the licensee stated that because of the restrictions ordered by the State of California in response to the COVID-19 public health emergency, it would be unable to meet the applicable requirements, since contractors, who are needed to provide an accurate cost for disposal of certain reactor components in accordance with NRC regulations, were not allowed into its facilities.
- U.S. Department of the Navy (master materials license; licensee)—On August 10, 2021, the NRC exercised enforcement discretion based on the U.S. Navy’s report to the NRC that it had learned of two events involving the licensee permittee’s failure to comply with certain transportation and material control requirements specified in 10 CFR. The NRC evaluated the facts and circumstances of this case and concluded that the licensee, in accordance with its enforcement program, had appropriately identified these events and issued a suitable enforcement action. Consistent with the letter of understanding between the licensee and the NRC, the NRC did not cite the licensee for the permittee’s violations.

### 4. Discretion in Determining the Amount of a Civil Penalty

Section 3.6, “Use of Discretion in Determining the Amount of a Civil Penalty,” of the policy states that, notwithstanding the outcome of the normal CP assessment process described in section 2.3.4 of the policy, the NRC may exercise discretion by (1) proposing a CP where application of the CP assessment factors would otherwise result in zero penalty, (2) increasing the amount of the CP to appropriately reflect the significance of the issue, or (3) decreasing the amount based on the merits of the case and the ability of various classes of licensees to pay.

## Enforcement Program Annual Report

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The NRC cited section 3.6 of the policy once in CY 2021:

- Tennessee Valley Authority (licensee)—On January 21, 2021, the NRC issued an NOV to the licensee for a violation associated with an escalated enforcement finding at the Browns Ferry Nuclear Plant. The specifics of the event were determined to be controlled as Official Use Only—Security-Related Information; the details are therefore withheld from public disclosure. In recognition of the licensee’s significant corrective actions and the facts and circumstances of the case, the NRC refrained from proposing a CP.

### 5. Discretion Involving No Performance Deficiency under the Significance Determination Process

Section 3.10, “Reactor Violations with No Performance Deficiencies,” of the policy states that violations of NRC requirements normally falling within the ROP SDP process for operating power reactors for which there are no associated SDP performance deficiencies (e.g., a violation of technical specifications, which is not a performance deficiency) may be dispositioned using enforcement discretion, similarly to the approach described in section 3.2, “Violations Involving Old Design Issues,” of the policy.

The NRC did not exercise enforcement discretion under this section of the policy in CY 2021.

### 6. Notices of Enforcement Discretion

Occasionally, a power reactor licensee’s compliance with a technical specification or other license condition requires a plant transient or performance testing, inspection, or other system realignment that is of greater risk than the current plant conditions. In these circumstances, the NRC staff may choose not to enforce the applicable requirements. This enforcement discretion is called a notice of enforcement discretion (NOED). In accordance with section 3.8, “Notices of Enforcement Discretion for Operating Power Reactors and Gaseous Diffusion Plants,” of the policy, the staff issues an NOED only if it is satisfied that the action is clearly consistent with protecting public health and safety. The staff may also issue NOEDs in cases involving severe weather or other natural phenomena, when it determines that exercising this discretion will not compromise public safety or security. When requesting an NOED, a licensee must include justification that documents the safety basis for the request and must provide other information that the staff deems necessary for issuing an NOED.

The NRC issued two NOEDs in CY 2021:

- Indiana Michigan Power Company (licensee)—On February 26, 2021, a current fault was observed at the Donald C. Cook Nuclear Plant between the high side of the reserve auxiliary transformer and its associated breaker. The fault resulted in the loss of one of the two immediate offsite power sources at both units. The licensee declared Unit 1 and Unit 2 train B reserve feed inoperable and entered Condition A of Technical Specification (TS) Limited Condition for Operation (LCO) 3.8.1 for both units. The licensee determined that the issue was due to insulator contamination resulting from moisture intrusion or condensation within loop feeder enclosure #1. Repair or replacement of components was needed to return the required offsite



circuit to an operable status. The other immediate offsite power source, all four emergency diesel generators, and the backup offsite power source remained fully functional. At the time of the NOED request, the licensee estimated that the maintenance activities necessary to repair the reserve feed circuits would extend no more than 48 hours beyond the 72-hour completion time specified in the TS LCO. Upon evaluating the licensee's request, the NRC determined that granting an NOED would be consistent with the policy and NRC guidance. The NOED request met the criteria in the manual, in section 2.5 of appendix F, "Notices of Enforcement Discretion." Granting this NOED prevented an unnecessary reactor shutdown with no benefit to public health and safety or the environment.

- Florida Power and Light Company (licensee)—On September 17, 2021, the Seabrook Station, Unit 1, B service water cooling tower fan experienced a failure during surveillance testing. As a result, the licensee declared one cooling tower service water loop inoperable in accordance with TS LCO 3.7.4. An investigation determined that the fan drive shaft had sheared, most likely because the high-speed (pinion) shaft bearings had failed. During postmaintenance testing, the newly installed gearbox exhibited elevated vibrations, necessitating an extended maintenance period to troubleshoot and resolve the testing anomaly. At the time of the NOED request, the licensee determined that the time required to correct the testing anomaly would exceed the TS LCO completion time. Upon evaluating the request, the NRC determined that granting this NOED would be consistent with the policy and NRC guidance. The NOED request met the criteria in sections 2.2 and 2.5 of appendix F to the manual. Granting this NOED prevented an unnecessary reactor shutdown with no benefit to public health and safety or the environment.

## **H. Withdrawn Actions**

Licensees can challenge enforcement actions for several reasons; for example, a licensee might dispute the requirements, the facts of the case, the NRC's application of the policy, or the significance of the violation. Licensees may also provide clarifying information that was not available at the time of the inspection. For any of these reasons, the NRC may have to revisit enforcement actions and, in some instances, recategorize them.

OE has established a metric for the quality of enforcement actions based on the total number of disputed violations received for consideration and the percentage of enforcement actions withdrawn in a fiscal year; however, this report covers CY 2021 rather than a fiscal year. The target is for no more than 50 percent of disputed enforcement actions to be withdrawn in any fiscal year. This metric does not include violations withdrawn because of supplemental information that was not available to NRC inspectors or staff before the assessment of an enforcement action.

In CY 2021, the NRC withdrew three NOV's: two related to individual actions and one in which the licensee's license condition was unclear. Of the two individual NOV's, the NRC withdrew one after a further review concluded that although violations had occurred, the individual's action did not constitute deliberate misconduct. The NRC withdrew the second NOV after the individual provided additional information during a predecisional enforcement conference with the NRC. Upon receiving this information, the NRC reconsidered the specifics of the case and determined that it was appropriate to withdraw the NOV. The third NOV was withdrawn because the licensee contested the issued violation, prompting the

## Enforcement Program Annual Report

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NRC to review the specifics of the case. Based on this review, the NRC determined that the license condition cited in the NOV lacked the requisite clarity. Accordingly, the NRC determined that it was appropriate to withdraw the NOV.

### III. Ongoing Activities

#### A. Enforcement Policy and Guidance

##### 1. Enforcement Policy Revisions

None.

##### 2. Enforcement Manual Guidance

The staff periodically revises the manual to reflect changes to the policy, operating experience, and stakeholder input. The primary purpose of the change noted below was to update several sections in parts I and II of the manual to reflect current enforcement practices, and to provide clarifying guidance where needed. In addition, the staff updated six standard format boilerplates in appendix B that are used in preparing and processing enforcement packages to correspond to the changed guidance.

On October 22, 2021, the staff incorporated the following changes into Revision 11 of the manual:

- Part I—Section 1.2.13.3 “Preparing for Panels” was revised to add new guidance on the preparation of enforcement action worksheets, which are the primary briefing materials during enforcement panels. Also, information on the timing for issuing choice letters was added to paragraph D of section 1.2.13.4.
- Part I—Section 2.5.2.2 “Credit for Actions Related to Identification” was revised to remove the criterion requiring a licensee that has not been in existence for 2 years or two inspections to normally consider the factor of identification in addition to corrective action when determining proposed CPs. This criterion was removed to align the manual guidance with the CP assessment process in section 2.3.4 of the policy.
- Part I—Section 2.6 “Notice of Violation and Proposed Imposition of Civil Penalty (NOV/CP)” was revised to add new guidance on the preparation of invoices for enforcement actions that include the proposed imposition of a CP. The new invoicing process is intended to assist the Office of the Chief Financial Officer (OCFO) in crediting CP payments made by licensees.
- Part II—Section 3.4.1 “Process for Dispositioning Violations” was revised to clarify that the performance (enforcement) history for a master materials licensee includes actions against the master materials licensee only, not actions against each separate permittee.
- Part II—Section 3.5.8 “Enforcement Actions Involving Irradiated Gemstones” was added to the manual to remind the staff that apparent violations involving domestic production or imports of irradiated gemstones or radioactive enamels are to be addressed through the normal enforcement process consistent with the policy.

## Enforcement Program Annual Report

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- Parts I and II—Minor or editorial changes were made to various sections to clarify or update guidance based on current enforcement practices.

The staff updated the following standard format boilerplates in appendix B to the manual:

- Form 5, “Cover Letter for Civil Penalty Cases”
- Form 6, “Notice with All Violations Assessed a Civil Penalty”
- Form 7, “Notice of Violation Assessing a Civil Penalty in Addition to a Violation Not Assessing a Civil Penalty”
- Form 12, “Promissory Note in Payment of Civil Penalty”
- Form 13, “Cover Letter for Order Imposing Civil Monetary Penalty”
- Form 14, “Order Imposing Civil Monetary Penalty”

### Enforcement Guidance Memoranda

OE issues EGM to provide temporary guidance on the interpretation of specific provisions of the policy. The full text of all publicly available EGM (appendix A to the manual) is available on the NRC’s public website, at <https://www.nrc.gov/reading-rm/basic-ref/enf-man/app-a.html>. OE issued one EGM in CY 2021:

- On June 28, 2021, the staff issued EGM 20-001, Revision 2, “Enforcement Discretion Not to Cite Certain Violations of 10 CFR 73.56 Requirements” (ML21179A224). This revision extended the expiration date to June 30, 2023. This extension was necessary to accommodate the staff action to resolve the underlying issue of access authorization requirement for non-immigrant foreign nationals working at nuclear power plants.

## **B. Enforcement Program Initiatives**

In CY 2021, OE engaged in several activities designed to enhance and continuously improve the NRC’s Enforcement Program. Typical activities include development of internal office procedures, maintenance of adequate staff knowledge and training, mentoring of new staff members by more experienced staff, and participation in counterpart meetings.

### **1. Program Enhancements**

Throughout the year, the OE staff worked on several initiatives to keep the Enforcement Program effective and efficient, including the following:

- In coordination with OCFO, OE developed an invoice process for tracking licensee CP payments. Before issuing a final enforcement action that includes a proposed CP, the enforcement staff will request a CP invoice with a unique identification number, which will help the OCFO staff track payment or nonpayment of the proposed CP.

- OE continued to develop enforcement dashboards that were rolled out in early 2022, under the NRC-wide initiative to provide more user-friendly information to the staff. The interactive dashboards will allow the staff to examine overall enforcement trends, including escalated and nonescalated actions.
- OE continued its efforts to resolve all comments associated with the initiative to revise the policy.

## 2. Knowledge Management

Activities associated with training and knowledge transfer in CY 2021 include the following:

- OE developed enforcement-related topic pages and included them in Nuclepedia and supported officewide participation in the development of subject matter.
- OE continued developing and posting a series of short videos in Microsoft Teams to provide detailed training and refresher training for enforcement specialists. These videos are intended to raise the overall knowledge level of program personnel; their content is more comprehensive than that of any other training sessions. The series is structured to serve as either overall training, if the videos are used in sequence, or just-in-time training, if individual videos are selected.
- OE further developed and enhanced internal office procedures to ensure consistency of Enforcement Program implementation and decision-making.
- OE continued developing an electronic file storage and retrieval system within the office's SharePoint site to capture documents related to precedent-setting enforcement cases and policy changes. The system leverages the capabilities of ADAMS and SharePoint to make it easier for staff members to search for and retrieve documents that have shaped the NRC's Enforcement Program throughout its history.

## C. Regional Accomplishments

In CY 2021, the regional offices conducted periodic reviews of enforcement actions issued by their region, to ensure effective performance and to identify opportunities for continuous improvement. The reviews encompassed both reactor and materials cases involving both nonescalated and escalated enforcement actions; they included activities that required a high degree of coordination with other NRC stakeholders. Overall, the reviews showed that the regions were effectively implementing the Enforcement Program. The regions developed and implemented improvement plans to address any weaknesses identified during the reviews.

## D. Calendar Year 2022 Focus Areas

During CY 2022, OE plans to address the following focus areas:

- Develop and issue a Commission notation vote paper that will describe the basis for the proposed policy revisions and request Commission approval.

## Enforcement Program Annual Report

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- Include NRR's initiative to revise the ROP qualitative description of white and yellow findings into the policy revisions and submit them to the Commission.
- Continue knowledge management activities and further develop internal office procedures to improve the reliability of Enforcement Program implementation and decision-making.
- Complete the review of current enforcement boilerplates to ensure they comply with revised guidance found in NUREG-1379, "NRC Editorial Style Guide" and consolidate boilerplates where applicable.
- Clarify the policy guidance for the lost source policy and the determination of an associated civil penalty.
- Review the current tribal government enforcement guidance located in the manual and revise the guidance in accordance with the Tribal Policy Statement.

## Appendix A—Summary of Cases Involving Civil Penalties\*

### Civil Penalties Issued to Operating Reactor Licensees

Florida Power and Light Company  
Turkey Point Nuclear Generating Station

EA-20-043 and EA-20-150

On April 6, 2021, the U.S. Nuclear Regulatory Commission (NRC) issued a notice of violation (NOV) and proposed imposition of a civil penalty (CP) in the amount of \$150,000 to the Florida Power and Light Company for a Severity Level (SL) III problem at Turkey Point Nuclear Generating Station. This enforcement action was the result of two separate investigations completed by the NRC's Office of Investigations. The first investigation determined that three mechanics willfully falsified records of both an inspection and maintenance activities for a safety-related check valve in the auxiliary feedwater system. The second investigation determined that two technicians, a supervisor and a manager, willfully failed to inform control room staff that maintenance had been performed on the charging pump for the wrong unit's chemical and volume control system. As a result of these two investigations, the staff identified two violations of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.9(a) and Criterion XVII in Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities."

Entergy Operations, Inc.  
River Bend Station

EA-21-017

On September 30, 2021, the NRC issued an SL III NOV and proposed imposition of a CP in the amount of \$150,000 to Entergy Operations, Inc. The violations involved (1) an unauthorized exchange of a critical digital asset key (10 CFR 73.54(b)(2)), (2) incomplete operator rounds (10 CFR Part 50, Appendix B, Criterion V), and (3) an exam proctor, not the principal Level III inspector, who made an unauthorized copy of an exam with the same control number (10 CFR Part 50, Appendix B, Criterion V). The three violations were all determined to be willful and were identified through three separate investigations completed by the NRC's Office of Investigations.

### Civil Penalties Issued to Materials Licensees

Terracon Consultants, Inc.  
Olathe, Kansas

EA-20-002

On September 30, 2021, the NRC issued an NOV and proposed imposition of a CP in the amount of \$45,000 to Terracon Consultants, Inc. (licensee), for five violations. The violations consisted of an SL III problem associated with three violations, another SL III violation, and an SL IV violation. They involved the licensee's failure to take the following five actions:

- (1) Control and maintain constant surveillance of licensed material in a controlled or unrestricted area that is not in storage, in accordance with 10 CFR 20.1802, "Control of material not in storage," and 10 CFR 30.34(i).

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\* The appendices do not include cases involving security-related issues or nonescalated enforcement actions.

## Enforcement Program Annual Report

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- (2) Block and brace licensed material against movement incident to normal transportation in accordance with 10 CFR 71.5(a).
- (3) Follow operating and emergency procedures associated with the license, including the requirement for a gauge user to use a U.S. Department of Transportation Type A container.
- (4) Lock the gauge's handle to the source rod or place the gauge inside a locked container to prevent unauthorized or accidental removal of the source rod from its shielded position, in accordance with a license condition.
- (5) Immediately report the loss of a gauge in accordance with 10 CFR 20.2201, "Reports of theft or loss of licensed material."

These violations occurred because a former licensee technician willfully failed to follow licensee procedures and NRC requirements to secure a portable nuclear gauge. As a result, the gauge fell off a vehicle during transportation and remained uncontrolled in the public domain for few hours, and the licensee did not immediately notify the NRC following discovery of the missing gauge.

Idaho State University  
Pocatello, Idaho

EA-20-134

On July 22, 2021, the NRC issued an NOV and proposed imposition of a CP in the amount of \$45,000 to Idaho State University (licensee) for an SL III problem containing five violations. Specifically, the licensee failed to take the following five actions:

- (1) Complete a 100 percent source inventory required by an NRC confirmatory order issued in May 2019.
- (2) Have the reactor safety committee review and approve written procedures for the use of the licensed materials, in accordance with License Condition 9 of the licensee's NRC license.
- (3) Perform a physical inventory to determine the quantity of uranium-235 on hand, in accordance with 10 CFR 74.19(c).
- (4) Provide complete and accurate information to the NRC about the licensed material on hand compared to that appearing in records, in accordance with 10 CFR 70.9, "Completeness and accuracy of information."
- (5) Establish written operating and emergency procedures in accordance with 10 CFR 33.13(c)(3)(ii).

William W. Backus Hospital  
Norwich, Connecticut

EA-20-141

On June 1, 2021, the NRC issued an NOV, exercised enforcement discretion, and proposed imposition of a CP in the amount of \$3,750 to William W. Backus Hospital (licensee) for an SL III problem containing three violations. Specifically, the licensee (1) failed to transfer seven sealed sources for disposal to an authorized recipient, pursuant to 10 CFR 20.2001(a), (2) failed to label the sources or their container while they were in the licensee's possession, pursuant to



10 CFR 20.1904(a), and (3) failed to inventory or leak-test the sources, pursuant to 10 CFR 35.67(b)(2). To emphasize the importance of controlling licensed material, given the circumstances of the case, the NRC exercised enforcement discretion to issue a \$3,750 CP.

LGC Global Corporation  
Detroit, Michigan

EA-20-113

On May 6, 2021, the NRC issued a Notice of Violation (NOV), and a Proposed Imposition of Civil Penalty in the amount of \$22,500, through the exercise of enforcement discretion, to LGC Global Corporation (licensee) for a severity level III violation. Specifically, beginning July 22, 2019, the licensee possessed radioactive material without a license as required by Title 10 of the *Code of Federal Regulations* 30.3 for two moisture density gauges and two hand-held x-ray analyzers. Further, consistent with the conditions of the NOV, the licensee completed proper transfer of the material and submitted appropriate documentation within 30 days of the NOV, and therefore, the civil penalty was not imposed.

CampCo, Inc.  
Los Angeles, California

EA-20-084

On February 11, 2021, the NRC issued an NOV and proposed imposition of a CP in the amount of \$75,000 to CampCo, Inc. (licensee), for nine SL III violations. The violations involved the licensee's failure to (1) distribute tritium watches in accordance with its exempt distribution license, pursuant to 10 CFR 32.14, "Certain items containing byproduct material; requirements for license to apply or initially transfer," (2) provide complete and accurate information in accordance with 10 CFR 30.9, "Completeness and accuracy of information," and (3) comply with an NRC confirmatory order issued as a result of a previous enforcement action.

Western Soil, Inc.  
Mayaguez, Puerto Rico

EA-20-101

On January 14, 2021, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8,500 to Western Soil, Inc. This action is based on a Severity Level (SL) III violation involving an Order issued by the U.S. Nuclear Regulatory Commission (NRC) on July 8, 2019 (ML19184A099). The Order notified the licensee that Western Soil's NRC License No. 52-21368-01 was revoked, effective 20 days from the date of the Order, unless within the 20-day period, the licensee paid all debts due to NRC. Because the licensee did not pay its debts, Western Soil's license was revoked, and authorized activities were limited to decommissioning and to safe, secure storage, or transfer of material. Further, the licensee was required, within 60 days of the date of revocation, to dispose of or transfer to another authorized recipient all NRC-licensed material. Because the NRC's primary interest in this matter remains ensuring that the licensee meets its obligation to properly decommission its facility, the NRC proposed to not impose the civil penalty if the licensee properly disposes of or transfers its licensed material within 60 days of the date of the Notice. On September 21, 2021, the NRC acknowledged the proper disposal of licensed material by Western Soil, Inc. on August 25, 2021. Therefore, the NRC did not impose the civil penalty.



## Appendix B—Summary of Escalated Notices of Violation without Civil Penalties

### Notices of Violation Issued to Operating Reactor Licensees

Entergy Operations, Inc.  
Waterford Steam Electric Station

EA-20-114

On May 18, 2021, the U.S. Nuclear Regulatory Commission (NRC) issued a Severity Level (SL) III notice of violation (NOV) to Entergy Operations, Inc. (licensee), for a violation of Criterion V in Appendix B, “Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants,” to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, “Domestic Licensing of Production and Utilization Facilities,” at Waterford Steam Electric Station, Unit 3. Specifically, licensee contract employees, at the direction of their superintendent, disconnected an equipment protective device and drilled through an embedded structural steel reinforcing bar in a safety-related piece of equipment without first obtaining the required approval.

Exelon Generation Company, LLC  
James A. FitzPatrick Nuclear Power Plant

EA-20-138

On September 3, 2021, the NRC issued a revised NOV to Exelon Generation Company, LLC (licensee), associated with a white significance determination process (SDP) finding. The finding involved the failure of personnel at the James A. FitzPatrick Nuclear Power Plant (FitzPatrick) to accomplish activities affecting quality in accordance with procedures for controlling nonconforming components, contrary to 10 CFR Part 50, Appendix B, Criterion V. Specifically, the licensee failed to (1) initiate an action at FitzPatrick to track resolution of a nonconforming pressure control valve (PCV) before its transfer occurred, (2) add the valve to the receiving site’s hold tag log, and (3) attach a hold tag upon receipt of the valve. As a result, Exelon failed to identify that the PCV’s diaphragm required replacement and installed the nonconforming PCV in the high-pressure coolant injection (HPCI) system. This rendered the HPCI system inoperable for longer than the outage time allowed in its technical specifications.

Purdue University Research Reactor  
West Lafayette, Indiana

EA-20-144

On February 16, 2021, the NRC issued an SL III NOV to Purdue University for two violations. The first violation involved the operation of the Purdue University Research Reactor at steady-state power levels in excess of its limit of 12 kilowatts (thermal) on several occasions, contrary to a Purdue University Research Reactor license condition. This elevated-power operation was due to errors in nuclear instrument (NI) calibration calculations that caused the NIs to indicate reactor power levels that were approximately three times lower than actual power. The second violation involved the failure to perform appropriate surveillance testing before considering the NI system operable after replacement of the NI system and detectors. This was contrary to a Purdue University Research Reactor technical specification.

## Enforcement Program Annual Report

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Southern Nuclear Operating Company  
Vogtle Electric Generating Plant, Unit 3

EA-21-109

On November 17, 2021, the NRC issued an NOV associated with two white SDP findings to Southern Nuclear Operating Company's (SNC's) Vogtle Electric Generating Plant, Unit 3. In the first finding, SNC failed to (1) promptly identify and correct conditions adverse to quality associated with Class 1E cables and related raceways, (2) promptly identify widespread deficiencies in installation of seismic supports and structural components, and (3) correct these issues in a timely manner in accordance with 10 CFR Part 50, Appendix B, Criterion XVI. The second finding involved SNC's failure to provide the required separation between Class 1E and non-Class 1E division cables for several reactor trip switchgear and reactor coolant pump switchgear cabinets in accordance with 10 CFR Part 50, Appendix B, Criterion V.

South Texas Project Nuclear Operating Company  
South Texas Project Electric Generating Station

EA-19-054

On February 23, 2021, the NRC issued an SL III NOV to South Texas Project Nuclear Operating Company's South Texas Project Electric Generating Station, Units 1 and 2, for a violation of 10 CFR 50.9(a) and 10 CFR Part 50, Appendix B, which consisted of a failure to maintain complete and accurate information in the form of a written statement to be collected as part of a root cause evaluation for a refueling mishap.

Arizona Public Service Company  
Palo Verde Nuclear Generating Station

EA-20-128

On March 4, 2021, the NRC issued an SL III NOV to Arizona Public Service Company's Palo Verde Nuclear Generating Station, Units 1, 2, and 3, for failing to provide complete and accurate information about the medical fitness of a licensed reactor operator. This was a violation of 10 CFR 50.9(a) and 10 CFR Part 55, "Operators' Licenses."

Entergy Operations, Inc.  
Grand Gulf Nuclear Station

EA-20-125

On December 15, 2021, the NRC issued an SL III NOV to Entergy Operations, Inc. (licensee), Grand Gulf Nuclear Station, for a violation of 10 CFR 50.120, "Training and qualification of nuclear power plant personnel." Specifically, a licensee employee willfully provided inappropriate assistance to engineering students during the administration of the engineering support qualification examination.

**Notices of Violation Issued to Materials Licensees**

Hart Crowser, Inc.  
Seattle, Washington

EA-20-151

On March 25, 2021, the NRC issued an SL III NOV to Hart Crowser, Inc. (licensee), for a violation of 10 CFR 150.20, "Recognition of Agreement State licenses." The licensee had failed to file NRC Form 241, "Report of Proposed Activities in Non-agreement States," at least 3 days before engaging in licensed activities within NRC jurisdiction.

Jicarilla Apache Nation Contract Roads  
Dulce, New Mexico

EA-21-016

On August 17, 2021, the NRC issued an SL III NOV to Jicarilla Apache Nation Contract Roads (licensee) for possession of a byproduct material without a specific or general license in accordance with 10 CFR 30.3(a). The licensee's specific NRC license had expired, but the licensee continued to maintain possession of three portable gauges containing NRC-licensed material. However, the licensee properly transferred the gauges to another licensee within 30 days of the NRC's approved transfer due date, and so the NRC did not propose a civil penalty.

Eastern Idaho Health Services, Inc.  
Idaho Falls, Idaho

EA-21-019

On August 5, 2021, the NRC issued an SL III problem NOV to Eastern Idaho Health Services, Inc. (licensee), for four related violations. The violations involved the licensee's failure to (1) monitor workers' occupational exposure from licensed and unlicensed sources of radiation in accordance with 10 CFR 20.1502(a)(1), (2) develop and implement certain elements of its radiation protection program in accordance with 10 CFR 20.1101(a), (3) reduce the dose that individuals would be allowed to receive in the current year in accordance with 10 CFR 20.1201(f), and (4) provide instructions to individuals in accordance with 10 CFR 19.12(a)(3). Specifically, the licensee failed to adequately monitor the occupational exposure to radiation from licensed and unlicensed radiation sources and failed to require the proper use of individual monitoring devices by an authorized user.

Jefferson University Radiology Associates, LLC  
Philadelphia, Pennsylvania

EA-21-023

On August 30, 2021, the NRC issued an SL III NOV to Jefferson University Radiology Associates, LLC (licensee). The violation involved the licensee's submittal of inaccurate information to the NRC on Form 241, contrary to the requirements of 10 CFR 30.9(a). Specifically, on 10 occasions, the licensee, a holder of a specific license from the State of Pennsylvania, submitted Form 241 to the NRC with photocopied signatures of a former radiation safety officer who was no longer affiliated with the licensee.

French Onion, LLC  
Bozeman, Montana

EA-21-028

On May 18, 2021, the NRC issued an SL III NOV to French Onion, LLC (licensee). The violation involved the transfer of byproduct material to a person not authorized to receive such byproduct material under the terms of any specific license issued by the NRC, or an Agreement State, in

## Enforcement Program Annual Report

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accordance with 10 CFR 30.41, "Transfer of byproduct material." Specifically, the licensee transferred two portable nuclear gauges, which required a specific NRC or Agreement State license, to Gaston Engineering and Surveying, P.C., an entity not authorized to possess or use the portable gauges.

Steel of West Virginia  
Huntington, West Virginia

EA-21-033

On July 12, 2021, the NRC issued an SL III NOV to Steel of West Virginia (licensee). The licensee violated its license when it maintained/repared the on-off mechanism (shutter) and shutter control of its gauges, contrary to 10 CFR 30.34(c) and a license condition. Specifically, the licensee wired, in the open position, the shutter mechanism for its fixed gauges and was not authorized to perform these functions.

Mountain View Hospital  
Idaho Falls, Idaho

EA-21-034

On December 15, 2021, the NRC issued an NOV to Mountain View Hospital (licensee) for an SL III problem comprising six violations, as well as four additional SL IV violations. The SL III violations involved the licensee's failure to do the following:

- (1) Develop, implement, and maintain written procedures to provide high confidence that each administration of lutetium-177 (Lu-177) conforms to the written directive, in accordance with 10 CFR 35.41(a)(2).
- (2) Maintain its radiation dose release criteria for individuals, in accordance with 10 CFR 35.75(a).
- (3) Retain a record of safety instructions provided to individuals caring for patients administered Lu-177, in accordance with 10 CFR 35.2310, "Records of safety instruction."
- (4) Document radiation surveys to demonstrate that rooms used to treat Lu-177 patients could be released for unrestricted use, in accordance with 10 CFR 20.2103(a).
- (5) Discharge contaminated materials in accordance with 10 CFR 20.2003(a)(1).
- (6) Label a Lu-177 radioactive waste storage container and its contents in accordance with 10 CFR 20.1904(a).

Specifically, the licensee failed to develop, implement, and maintain written procedures for the administration of Lu-177. Furthermore, on multiple occasions, the licensee authorized the release of individuals who had been administered Lu-177, when this was likely to lead to the exposure of other individuals to a radiation dose exceeding the licensee's release criteria. Finally, the four SL IV violations were as follows: the licensee failed to retain a record of safety instructions, did not maintain records showing the results of the surveys of the contaminated areas, discharged Lu-177 contaminated wipes into the sanitary sewer that were not readily soluble in water or biological materials, and did not label the Lu-177 radioactive waste storage containers with the radiation symbol and markings in accordance with NRC regulations.

Empire Paving, Inc  
North Haven, Connecticut

EA-21-058

On November 8, 2021, the NRC issued an SL III NOV problem to Empire Paving, Inc. (licensee), for five violations (four associated with one SL III problem, and another SL III violation). The violations involved the licensee's failure to (1) maintain a designated individual to serve as the radiation safety officer (RSO), in accordance with a license condition, (2) review the radiation protection program content and implementation, in accordance with 10 CFR 20.1101(c), (3) test sealed sources for leakage and contamination at the appropriate intervals, in accordance with a license condition, (4) conduct physical inventories at the appropriate intervals, in accordance with a license condition, and (5) confine possession of licensed material to locations authorized on the NRC license, in accordance with 10 CFR 30.34(c). Specifically, when the RSO named on the license resigned, the licensee did not immediately submit an amendment request to name a new RSO. Therefore, there was no designated individual to fulfill RSO duties for approximately 20 months, which meant the licensee failed to perform the required radiation protection program review, leak tests, and physical inventories. Additionally, the licensee stored licensed byproduct material at a storage location not authorized by its NRC license.

Gaston Engineering and Surveying, P.C.  
Bozeman, Montana

EA-21-029

On May 18, 2021, the NRC issued an SL III NOV to Gaston Engineering and Surveying, P.C. The violation involved possession and use of NRC-licensed byproduct material without a license in accordance with 10 CFR 30.3, "Activities requiring license." Specifically, the licensee received, possessed, and used two portable nuclear gauges without having a license.

BRL-NDT Services, LLC  
San Antonio, Texas

EA-21-102

On November 26, 2021, the NRC issued an SL III and SL IV NOV to BRL-NDT Services, LLC, for three violations (an SL III problem associated with two violations, and an SL IV violation). The violations included (1) permitting an individual who had not completed qualification requirements to act as a radiographer's assistant, contrary to 10 CFR 34.43(c), (2) performing radiographic operations without two qualified individuals present, contrary to 10 CFR 34.41(a), and (3) failing to conduct an inspection of a radiographer's job performance every 6 months during an actual industrial radiographic operation, contrary to 10 CFR 34.43(e)(1). Specifically, an individual was allowed to perform the function of a radiographer's assistant during radiographic operations without having demonstrated competence in equipment use through a required practical examination; furthermore, that person had not completed specific training in accordance with 10 CFR 34.43(c).

**Notices of Violation Issued to Fuel Cycle Facility Licensees**

None.





## Appendix C—Summary of Orders

### Orders Issued to Operating Reactor Licensees

None.

### Suspension Orders

None.

### Orders Issued to Individuals

None.

### CP Imposition Orders

CampCo, Inc.  
Los Angeles, CA

EA-20-084

On June 3, 2021, the U.S. Nuclear Regulatory Commission (NRC) issued an order imposing a civil penalty (CP) in the amount of \$75,000 to CampCo, Inc. This CP was imposed after CampCo disputed and requested mitigation of the CP proposed in a prior notice of violation, which was based on nine Severity Level III violations. However, the NRC determined that CampCo had neither provided an adequate basis to justify mitigation nor provided additional information to justify the retraction of any of the violations. Therefore, the NRC imposed the full CP amount in this order.



## Appendix D—Summary of Escalated Enforcement Actions against Individuals

### Notices of Violation

Mr. Pieter Odendaal

IA-20-033

On February 23, 2021, the U.S. Nuclear Regulatory Commission (NRC) issued a Severity Level (SL) III notice of violation (NOV) to Mr. Pieter Odendaal for a violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.5(a)(2). Mr. Odendaal deliberately submitted information that he knew to be incomplete or inaccurate concerning a trainee's qualification to conduct fuel handling activities. He also submitted a written statement that omitted the fact that an unqualified trainee had operated the refueling machine during a fuel handling incident.

Mr. Brent Shoptaw

IA-20-050

On January 11, 2021, the NRC issued an SL III NOV to Mr. Brent Shoptaw for a violation of 10 CFR 55.53(j). Specifically, a positive random fitness-for-duty urinalysis test showed that, absent a valid prescription, Mr. Shoptaw had ingested codeine, a drug included in Schedules I to V of the Controlled Substances Act, section 202. This test indicated the presence of opiate metabolites at a level above twice the cutoff limit established in the NRC's regulations and site procedures.

Mr. Andrew Hernandez

IA-21-006

On May 18, 2021, the NRC issued an SL III NOV to Mr. Andrew Hernandez, a contract employee superintendent, for engaging in deliberate misconduct that caused Entergy Operations, Inc., Waterford Steam Electric Station, to be in violation of Criterion V in Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities." Mr. Hernandez willfully directed subordinate employees to perform concrete drilling into a safety-related wall without first obtaining an engineering evaluation, approval, and documentation in accordance with procedure. This resulted in the cutting of an embedded structural steel reinforcing bar without proper approval.

Mr. Leonardo Capera

IA-21-018

On July 20, 2021, the NRC issued an SL II NOV to Mr. Leonardo Capera for a violation of 10 CFR 50.5(c). Mr. Capera, an instrumentation and controls department head, deliberately failed to immediately notify control room personnel when a plant component had been mispositioned.

Mr. Ronald Mendola

IA-21-019

On July 20, 2021, the NRC issued an SL III NOV to Mr. Ronald Mendola for a violation of 10 CFR 50.5(c). Mr. Mendola, an instrumentation and controls supervisor, deliberately failed to immediately notify control room personnel when a plant component had been mispositioned.

## Enforcement Program Annual Report

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Mr. Ryan Kirkpatrick

IA-21-029

On May 14, 2021, the NRC issued an SL III NOV to Mr. Ryan Kirkpatrick for a violation of 10 CFR 73.56, "Personnel access authorization requirements for nuclear power plants." Mr. Kirkpatrick maintained unescorted site access but failed to report an arrest by a law enforcement agency.

Mr. Richard Ellison

IA-21-035

On September 30, 2021, the NRC issued an SL III NOV to Mr. Richard Ellison, a former senior reactor operator at River Bend Station, for a violation of 10 CFR 50.5(a)(1). Mr. Ellison deliberately provided a critical digital asset key to a maintenance supervisor, even though he knew the supervisor was not authorized to have the key.

Ms. Peggy Lucky

IA-21-049

On November 26, 2021, the NRC issued an SL III NOV to Ms. Peggy Lucky for engaging in deliberate misconduct. Ms. Lucky violated 10 CFR 50.5(a)(2) when she deliberately submitted to the licensee information that she knew to be incomplete or inaccurate concerning the completion of a corrective action in a condition report.

Ms. Lilly Porter

IA-21-043

On October 7, 2021, the NRC issued an SL III NOV to Ms. Lilly Porter, a former security shift supervisor at Grand Gulf Nuclear Station, for a violation of 10 CFR 73.56(g)(1). Ms. Porter deliberately failed to promptly report her arrest by the Mississippi Highway Patrol for driving while intoxicated until she was questioned by Grand Gulf Nuclear Station security management.

Mr. Maurice Omaitis

IA-20-054

On December 15, 2021, the NRC issued an SL III NOV to Mr. Maurice Omaitis, a senior engineering training instructor employed at Grand Gulf Nuclear Station, for a violation of 10 CFR 50.5, "Deliberate misconduct." Mr. Omaitis compromised the engineering support qualification exams when he provided inappropriate assistance to students during the exam.

Mr. Bradley Kienlan

IA-21-034

On September 30, 2021, the NRC issued an SL III NOV to Mr. Bradley Kienlan, a Level III nondestructive examination (NDE) proctor employed at River Bend Station, for a violation of 10 CFR 50.5. Mr. Kienlan deliberately falsified a general magnetic particle examination on behalf of an NDE examinee before submitting it to the principal Level III NDE inspector for grading.

**Appendix E—Summary of Escalated Enforcement Actions against  
Nonlicensees  
(Vendors, Contractors, and Certificate Holders)**

**Notices of Violation Issued to Nonlicensees**

None.