



Union of
Concerned
Scientists



RIC 2001
Allegation Process
Session W5
“Mrs. Gail C. VanCleave”

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Who is Gail C. VanCleave?

According to the NRC:

“[T]he public health, safety and interest require that Gail C. VanCleave be prohibited from any involvement in NRC-licensed activities for a period of three years from the date of this Order.” November 6, 2000



What Did Mrs. VanCleave Do?

According to the NRC:

Mrs. VanCleave used a false social security number to hide the fact that she had a misdemeanor conviction and gain employment as a clerk at the D C Cook nuclear plant between September 17, 1999, and November 18, 1999.



Why Did Mrs. VanCleave Get Banned for 3 Years?

According to the NRC's Enforcement Manual:

“In determining the significance of a violation involving willfulness, consideration will be given to such factors as the position and responsibilities of the person involved in the violation (e.g., a licensee official or non-supervisory employee), the significance of any underlying violation, the intent of the violator (i.e., careless disregard or deliberateness), and the economic or other advantage, if any, gained as a result of the violation.”



What was the Significance of Mrs. VanCleave's Violation?

**Among 23 enforcement actions taken by NRC
against individuals in past 2 years:**

- **Mrs. VanCleave was the lowest ranking individual among the 23 cases studied**
- **Mrs. VanCleave's violation had the least actual and potential risk**
- **Mrs. VanCleave was cited for willful violation or deliberate misconduct, as were ALL other 22 individuals**
- **Mrs. VanCleave gained employment as a clerk through her actions**



Why Did Mrs. VanCleave Really Get Banned for 3 Years?

According to the NRC:

“[Y]ou made a statement to an NRC investigator that you would repeat the deliberate acts of falsification again should you find yourself in a similar financial situation. Such a statement provides us no assurance that should you be employed in the nuclear industry, you could be trusted to comply with NRC requirements.”



Who is Gail C. VanCleave?

Mrs. VanCleave is the face on the example demonstrating that the NRC's Enforcement Policy, as implemented by the staff, is broken.



Questions

- **Why did Mrs. VanCleave get a 3-year ban for the exact same offense that a male engineer received a 1-year ban?**
- **Why did Mrs. VanCleave get banned when supervisory individuals adulterating their fitness-for-duty samples only received Notices of Violation?**
- **Why did Mrs. VanCleave get banned when a licensed control room operator admitting to cocaine usage only received a warning letter from the NRC?**



More Questions

- **Why did Mrs. VanCleave get banned when an individual failing to perform inspections of fire protection equipment, and falsifying records, only received a Notice of Violation?**
- **Why did Mrs. VanCleave get banned when two supervisory individuals who deliberately circumvented the for-cause testing requirement of the fitness-for-duty rule only received a Notice of Violation from the NRC?**



Still More Questions

- **Why did Mrs. VanCleave get banned when 8 individuals who discriminated against workers raising safety concerns only received—at most—a Notice of Violation?**
- **Why did Mrs. VanCleave get banned when a senior HP tech who ordered workers into contaminated areas without protective gear only received a Notice of Violation from the NRC?**



Even More Questions

- **Why did Mrs. VanCleave get banned when a licensed control room operator testing positive for the illegal substance THC only received a warning letter from the NRC?**
- **Why did Mrs. VanCleave get banned when a Shift Operations Supervisor who discriminated against a licensed-SRO for raising a safety concern only received a Notice of Violation?**



Final Questions

- **Why did Mrs. VanCleave get banned when four nuclear plant supervisors testing positive for drug or alcohol use during fitness-for-duty screens received NO sanctions from the NRC?**
- **Why did Mrs. VanCleave get banned when a worker carrying a handgun into a nuclear plant and trying to bribe security to overlook the infraction only received a Notice of Violation?**



Conclusions

- **NRC sanctions for individuals are NOT meeting the objective from NUREG-1649:**
 - “Responding to violations of regulations in a predictable and consistent manner that reflects the potential safety impact of the violations”
- **NRC must stop giving special treatment to managers and supervisors who violate federal safety regulations.**