



# NRC ENFORCEMENT PROGRAM

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Apparent Violation\*

Predecisional Enforcement Conference with  
Soil Consultants, Inc.  
August 12, 2004

\*Note: The Apparent Violation discussed at this  
Predecisional Enforcement Conference is subject to further  
review and may be revised prior to any resulting  
enforcement action.

# AGENDA

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- Opening Remarks
- Enforcement Policy
- Discrimination Issue
  - < Apparent Violation
  - < Soil Consultant Presentation
  - < Caucus
  - < Comments by Complainant
  - < Soil Consultant Response to Complainants  
Comments
- Closing Remarks

# KEY POINTS

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- This conference is your opportunity to provide your perspective on the apparent violations
  - < Perception of facts
  - < Aggravating or mitigation circumstances
  - < Corrective Actions
- No decisions have been made

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# NUREG-1600

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- General Statement of Policy and Procedure for Enforcement Actions

- < Encourage Compliance

- < Encourage Self Identification of Violations

- < Prompt Corrective Actions

# DECISION PROCESS

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- Determine whether violations occurred
- Determine significance of violations
- Evaluate all circumstances
- Determine sanctions

# APPARENT VIOLATIONS

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## Possible Enforcement Outcomes

- No action
- Notice of Violation (Severity levels 1 thru 4)
- NOV with Civil Penalty (\$)
- Order

# Civil Penalties

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- Considered for Level I, II, and III violations
- May be assessed for each violation or grouping of violations and for each day violation occurred
- Based on type of license and significance of violations
- Base penalty



# Factors in Assessing Civil Penalties

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- History of significant violations
- Willfulness
- Circumstances surrounding identification
- Corrective action taken
- Discretion (judgment)

# Post-Conference Process

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- Review all information
- Panel to reach final decision
- Develop actions
- Notify licensee & individuals & issue actions
- Issue press release if appropriate

# Appeal Rights

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- Any agency action may be challenged
- Challenge may result in reconsideration of action or hearing
- Civil penalties and orders provide hearing rights

# APPARENT VIOLATION

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- On August 7, 2003, Mr. Clark reported a nuclear concern to a laboratory manager. Several days earlier he reported the same concern to someone he believed to be his immediate supervisor.
- On August 14, 2003, Mr. Clark was terminated, in part, for not following company policy by going to a supervisor to report an alleged nuclear incident.