
OFFICE OF ENFORCEMENT ANNUAL REPORT

Fiscal Year 1996

U. S. Nuclear Regulatory Commission

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Abstract

This annual report of the U.S. Nuclear Regulatory Commission's Office of Enforcement describes enforcement activities occurring during fiscal year 1996 (October 1, 1995 through September 30, 1996). The report addresses significant policy changes, highlights significant enforcement actions, and includes summaries of cases involving exercise of discretion, discrimination and actions involving individuals. It also addresses implementation, staff guidance, and initiatives for the agency's enforcement program. A variety of statistical tables and figures are also included.

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Overview of NRC Enforcement Program

The Commission has developed an enforcement program and Enforcement Policy to support the NRC's overall safety mission in protecting the public and the environment. Consistent with that purpose, enforcement action should be used as a deterrent to emphasize the importance of compliance with regulatory requirements, and to encourage prompt identification and prompt, comprehensive correction of violations.

Violations are identified through inspections and investigations. All violations are subject to civil enforcement action and may also be subject to criminal prosecution. After an apparent violation is identified, it is assessed in accordance with the Commission's Enforcement Policy. The Policy is published as NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions," to provide widespread dissemination. Because it is a policy statement and not a regulation, the Commission may deviate from this statement of policy and procedure as appropriate under the circumstances of a particular case.

There are three primary enforcement sanctions available: Notices of Violation, civil penalties, and orders. A Notice of Violation (NOV) identifies a requirement and how it was violated, and formalizes a violation pursuant to 10 CFR 2.201. A civil penalty is a monetary fine issued under authority of Section 234 of the Atomic Energy Act (AEA) or Section 206 of the Energy Reorganization Act (ERA). Section 234 of the AEA provides for penalties of up to \$100,000 per violation per day. The Commission's order issuing authority under Section 161 of the AEA is broad and extends to any area of licensed activity that affects the public health and safety. Orders modify, suspend, or revoke licenses or require specific actions by licensees or persons. As a result of a rulemaking in 1991, the Commission's regulations now provide for issuing orders to persons who are not themselves licensed. NOVs and civil penalties are issued based on violations. Orders may be issued for violations, or in the absence of a violation, because of a public health or safety issue.

The first step in the enforcement process is assessing the severity of the violation. Severity Levels range from Severity Level I, for the most significant violations, to Severity Level IV for those of more than minor concern. Minor violations are not subject to formal enforcement action. Severity levels may be increased for cases involving a group of violations with the same root cause, repetitive violations, or willful violations.

A predecisional enforcement conference is normally conducted with a licensee before making an enforcement decision if escalated enforcement action (i.e., Severity Level I, II, or III violations, civil penalties or orders) appears to be warranted, and if the NRC concludes that it is necessary or the licensee requests it. If the NRC concludes that a conference is not necessary, it will normally provide a licensee with an opportunity to respond to the apparent violations before making an enforcement decision. The purpose of the conference is to obtain information that will assist the NRC in determining the appropriate enforcement action, such as: (1) a common understanding of facts, root causes and missed opportunities associated with the apparent violations, (2) a common

understanding of corrective action taken or planned, and (3) a common understanding of the significance of issues and the need for lasting comprehensive corrective action. The decision to hold a conference does not mean that the agency has determined that a violation has occurred or that enforcement action will be taken. In accordance with the Enforcement Policy, conferences are normally closed to the public. However, during fiscal year 1996, the Commission continued a trial program to allow approximately one out of every four conferences to be open to public observation. (See Section 2.A for additional information on the continuation of the trial program.)

Civil penalties are considered for Severity Level III violations and are normally assessed for Severity Level I and II violations and knowing and conscious violations of the reporting requirements of Section 206 of the Energy Reorganization Act.

The NRC imposes different levels of civil penalties based on a combination of the type of licensed activity, the type of licensee, the severity level of the violation, and (1) whether the licensee has had any previous escalated enforcement action (regardless of the activity area) during the past 2 years or past 2 inspections, whichever is longer; (2) whether the licensee should be given credit for actions related to identification; (3) whether the licensee's corrective actions are prompt and comprehensive; and (4) whether, in view of all the circumstances, the matter in question requires the exercise of discretion. Although each of these decisional points may have several associated considerations for any given case, the outcome of the assessment process for each violation or problem, absent the exercise of discretion, is limited to one of the following three results: no civil penalty, a base civil penalty, or twice the base civil penalty.

If a civil penalty is to be proposed, a written Notice of Violation and Proposed Imposition of Civil Penalty is issued and the licensee has 30 days to respond in writing, by either paying the penalty or contesting it. The NRC considers the response, and if the penalty is contested, may either mitigate the penalty or impose it by order. Thereafter, the licensee may pay the civil penalty or request a hearing.

In addition to civil penalties, orders may be used to modify, suspend, or revoke licenses. Orders may require additional corrective actions, such as removing specified individuals from licensed activities or requiring additional controls or outside audits. Persons adversely affected by orders that modify, suspend, or revoke a license, or that take other action may request a hearing.

The NRC issues a press release with a proposed civil penalty or order. All orders are published in the *Federal Register*.

Office of Enforcement

The Office of Enforcement (OE) exercises oversight of NRC enforcement programs, provides programmatic and implementation direction to regional and headquarters offices conducting or involved in enforcement activities, and ensures that regional enforcement programs are adequately carried out.

The Office of Enforcement reports to the Executive Director for Operations (EDO) through the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support (DEDS) for all escalated enforcement actions except for matters concerning licensees regulated under 10 CFR Parts 50 and 55 and the Executive Director for Nuclear Reactor Regulation, Regional Operations, and Research (DEDR) for all escalated enforcement actions of licensees holding licenses pursuant to Parts 50 and 55.

The Office of enforcement has 11 full-time employees (FTEs) allotted for headquarters activities and 8 FTEs allotted for regional activities (although these FTEs report to the Regional Administrators).

1. Enforcement Policy Changes

This section describes the revisions to the Enforcement Policy that were made during fiscal year 1996.

A. September 27, 1996: Adjustment of Civil Monetary Penalties

On September 27, 1996, the Commission approved amending the regulations to adjust the maximum amounts of civil penalties under statutes within the jurisdiction of the NRC. The changes were mandated by Congress in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. The Commission also approved conforming changes to the Enforcement Policy such that the maximum penalty amount was increased to \$110,000 per violation per day and the civil penalty amounts in Table 1A were increased by 10%. These changes were subsequently published in the *Federal Register* on October 11, 1996 (61 FR 53554) and were effective on November 12, 1996.

B. September 27, 1996: Departures From the FSAR

On September 27, 1996, the Commission approved revisions to the Enforcement Policy to address departures from the FSAR in violation of 10 CFR 50.59 and for failures to update the FSAR in violation of 10 CFR 50.71(e). The revision provides more guidance in categorizing violations by severity level and more guidance concerning the effect of corrective action, reporting requirements, and old design issues. The changes are intended to encourage licensees to voluntarily take the initiative to identify and correct FSAR discrepancies that might be identified through current surveillance and quality assurance activities. These changes were subsequently published in the *Federal Register* on October 18, 1996 (61 FR 54461) and were immediately effective.

2. Implementation, Staff Guidance, & Initiatives

This section addresses implementation initiatives and changes during fiscal year 1996, including the continuation of the trial program for conducting open predecisional enforcement conferences, staff guidance and training, availability of enforcement information on the Internet, and suggested guidance for materials licensees relating to development and implementation of corrective action.

A. Continuation of Trial Program For Conducting Open Predecisional Enforcement Conferences

In light of the significant changes to the Enforcement Policy made on June 30, 1995, the Commission decided to continue a trial program of conducting approximately 25 percent of eligible conferences open to public observation pending further evaluation. (See 57 FR 30762; July 10, 1992, and 59 FR 36796; July 19, 1994). The intent of open conferences is not to maximize public attendance, but is rather for determining whether providing the public with an opportunity to observe the regulatory process is compatible with the NRC's ability to exercise its regulatory and safety responsibilities. The provisions of the trial program have been incorporated into the Enforcement Policy.

During fiscal year 1996, 23 conferences were open to public observation under the trial program. Table 1 of this report includes a summary of the number of open versus closed conferences in each regional office.

B. Continuation of Severity Level Review

In 1995, the staff initiated a review of the severity level examples in the supplements of the Enforcement Policy. The purpose of the review was to ensure that the examples were appropriately focused on safety significance, including consideration of actual safety consequence, potential safety consequence, and regulatory significance.

Although the staff has made some progress on this review, the review has not been completed due to staffing constraints in OE. OE intends to continue its review efforts on this initiative.

C. Complete Revision of NRC Enforcement Manual

The *NRC Enforcement Manual (Manual)*, is designed to assist the NRC staff in implementing the Commission's enforcement program. The Office of Enforcement published a full revision of the *Manual* as NUREG/BR-0195, Rev.1 in November 1995. The majority of the changes reflected in the revision were based on the revisions to the Enforcement Policy published on June 30, 1995.

D. NRC Enforcement Manual Change Notices

Because the enforcement process changes from time to time, the *Manual* was designed to incorporate future supplements through the issuance of Change Notices.

During fiscal year 1996, OE issued two Change Notices to the *Manual*.

- Change Notice No.1 was issued on December 21, 1995, and included interim guidance for enforcement of 10 CFR 34.20, "Performance Requirements for Radiography Equipment."
- Change Notice No.2 was issued in June 1996, and included numerous changes, including changes to be consistent with guidance in the *NRC Inspection Manual* (Manual Chapter 0610, "Inspection Reports").

E. Enforcement Guidance Memoranda (EGMs)

The normal method for the Director, OE, to issue additional enforcement guidance is through the issuance of an EGM. EGMs may add guidance for Enforcement Policy application, revise existing guidance on processing enforcement actions, or transmit temporary guidance.

Four EGMs were issued in fiscal year 1996.

- EGM 95-003(T) was issued on December 21, 1995, to provide interim guidance for enforcement of 10 CFR 34.20, "Performance Requirements for Radiography Equipment."
- EGM 96-001 was issued on July 3, 1996, to provide guidance concerning a joint NRR/OE/Region review panel established to help ensure that 10 CFR 50.56, "Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," (the maintenance rule) was enforced in a consistent manner.
- EGM 96-002 was issued on August 21, 1996, to provide interim enforcement guidance for evaluating issues identified during maintenance rule inspections of licensee facilities.
- EGM 96-003 was issued on September 26, 1996, to provide enforcement guidance for evaluating enforcement issues raised during the review of licensee steam generator inspections in the areas of steam generator tube surveillance, maintenance, and related program issues.

E. Enforcement Training

The Office of Enforcement routinely provides training on the enforcement program through several NRC training courses. During fiscal year 1996, OE provided comprehensive enforcement training in the Fundamentals of Inspection Course (FOIC) in April 1996.

The regions also provided training on the enforcement program in the regional offices. In addition, OE conducted "lessons learned" training in each of the regional offices on properly dispositioning noncompliances in inspection reports.

F. NRC Enforcement Manual on LAN

A "read only" electronic text of the *Manual* continues to be included on the agency's AUTOS LAN to provide wide-spread dissemination of enforcement guidance to all NRC personnel who are regularly involved in enforcement activities. The electronic files were replaced when the document was republished and the electronic text is updated to be consistent with the issuance of *Manual* Change Notices and EGMs. The *Manual* can be accessed by selecting the Agency-Wide icon and then selecting the Enforcement Manual program.

G. Enforcement Information on the Internet

To ensure timely and widespread public dissemination of enforcement information, OE worked with the Office of Information Resources (IRM) to electronically publish enforcement information on the Internet. A home page for the enforcement program was established on the World Wide Web in May 1996. The home page includes a general description of the enforcement program and its mission, enforcement contacts, the Enforcement Policy, the *Manual*, the policy statement for "Nuclear Employees Raising Safety Concerns Without Fear of Retaliation," a link to Department of Labor (DOL) adjudicatory decisions, and upcoming predecisional enforcement conferences. It also includes a copies of significant enforcement actions that the agency has issued arranged by reactor, materials, and individual actions. The Internet address for OE's home page is: www.nrc.gov/OE/.

H. Suggested Corrective Action Guidance For Materials Licensees

In an effort to assist materials licensees, the NRC staff prepared guidance that could be used for developing and implementing corrective action in response to violations of NRC requirements. This guidance was issued in Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," on May 1, 1996. An excerpt from this Information Notice is routinely issued to materials licensees in conjunction with an invitation to a predecisional enforcement conference or when an opportunity is provided for a written response in lieu of a conference. The guidance reiterates the importance of taking prompt and comprehensive corrective action and reminds licensees that under the agency's Enforcement Policy, taking prompt and comprehensive corrective action may result in a reduced civil penalty or no penalty, but the failure to do so will most certainly result in a civil penalty for a significant violation.

3. *Escalated Enforcement and Administrative Actions*

During fiscal year 1996, the agency issued 174 escalated enforcement actions. Escalated enforcement actions include civil penalty actions, orders (other than orders imposing civil penalties), and Notices of Violation for Severity Level I, II, or III violations. Table 2 includes a numerical breakdown of escalated enforcement actions and Demands for Information issued by each regional office.

Table 3 includes a statistical summary of escalated actions based on the type of licensee. This does not include actions issued to individuals and other non-licensed persons. (See Section 5 for more information on enforcement actions issued to individuals and other non-licensed persons.)

Timeliness of Enforcement Actions

The Office of Management and Budget (OMB) requires that each agency report annually on its performance measures. The average time to issue escalated enforcement actions (excluding orders) is a performance measure for the NRC. For actions that do not involve an investigation, the measurement period begins on the date of the inspection exit meeting. For actions that involve an investigation, but no referral to the Department of Justice (DOJ), the measurement period begins on the date of issuance of the report of investigation. For actions that involve an investigation and referral to DOJ, the measurement period begins on the date DOJ informs the NRC that the NRC may proceed with civil action. For actions that involve discrimination and Department of Labor (DOL) proceedings, the measurement period begins when there is an appropriate decision in the DOL process or sufficient evidence from the NRC's processes to support actions.

On the basis of the defined measurement period, escalated enforcement actions (excluding orders) are to be issued within an average of no more than 90 days. During fiscal year 1996 this standard was met, with enforcement actions issued in an average time of 84.5 days.

Table 4 includes timeliness information for cases considered for potential escalated enforcement action in fiscal year 1996. It should be noted that some of these cases resulted in escalated enforcement action, while others resulted in non-escalated enforcement action, or no action at all.

Civil Penalty Process: Determining Whether a Civil Penalty Should Be Proposed

If the NRC concludes that a violation should be categorized at Severity Level I, II, or III, the staff then considers whether (for a licensed facility), a civil penalty should be proposed for the violation. For the majority of cases, the civil penalty process considers (1) whether the licensee has had any previous escalated enforcement action (regardless of the activity area) during the past 2 years or past 2 inspections, whichever is longer; (2) whether the licensee should be given credit for actions related to identification; (3) whether the licensee's corrective actions are prompt and comprehensive; and (4) whether, in view of all the circumstances, the matter in question requires the exercise of

discretion. Depending on the outcome of the civil penalty process, the staff will conclude whether an escalated NOV should be issued with or without a civil penalty. Figure 1 of this report includes a graphic representation of the civil penalty process and includes a statistical breakdown of the 130 individual cases assessed under the process. It should be noted that this number does not directly correlate to the 132 escalated Notices of Violation issued with and without civil penalties to licensees (66 and 66 respectively), because not all cases were assessed under the civil penalty assessment process. Specifically, 4 cases were evaluated under the Enforcement Policy in effect prior to June 30, 1995, 4 cases were based solely on an exercise of discretion, and the staff refrained from issuing civil penalties in 2 cases because they were beyond the 5-year Statute of Limitations for issuing civil penalties. In addition, four cases involved multiple civil penalty assessments. Figure 2 includes a statistical breakdown of the 73 reactor cases assessed under the process and Figure 3 includes a statistical breakdown of the 57 material cases assessed under the process.

A. Escalated Notices of Violation (Without Civil Penalties)

During fiscal year 1996, the agency issued 91 escalated Notices of Violation (without civil penalties). (Twenty-four of these actions were issued to individuals and other non-licensed persons. See Section 5 for more information on enforcement actions issued to individuals and other non-licensed persons.) Appendix A includes a short summary description of each of the actions issued to licensees.

B. Civil Penalty Actions

During fiscal year 1996, the agency issued 66 civil penalty actions. Appendix B includes a short summary description of each of these actions. Table 5 includes statistical information on civil penalties and Table 6 includes a statistical analysis of the range of civil penalties for both reactor and materials licensees.

C. Orders

During fiscal year 1996, the agency issued 17 orders. Nine of these orders were issued to licensees while eight of the orders were issued to individuals. (See Section 5 for more information on enforcement actions issued to individuals and other non-licensed persons.) Appendix C includes a short summary description of each of the eight orders issued to licensees. In addition, nine civil penalty imposition orders were issued.

D. Demands for Information

During fiscal year 1996, the agency issued three formal Demands for Information to licensees. Appendix D includes a short summary description of each of these actions. (See Section 5 for more information on Demands for Information issued to individuals.)

E. Summary of Significant Actions

The NRC considers violations categorized at Severity Level I and II to be very significant. The agency also considers enforcement actions consisting of multiple Severity Level III violations to be very significant. During fiscal year 1996, the agency issued two Severity Level I enforcement actions, 15 Severity Level II actions, and six multiple Severity Level III actions. The following discussion summarizes these actions.

SEVERITY LEVEL I ACTIONS

Georgia Power Company, (Vogtle Units 1 & 2) Supplement VII

EAs 95-171 & 95-277

A Notice of Violation was issued on May 29, 1996, for two Severity Level I violations involving discrimination against employees of the licensee. No civil penalty was proposed because the Statute of Limitations had expired.

NDT Services, Inc., Hato Rey, Puerto Rico Supplements VI and VII

EA 94-029

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$15,000 was issued on July 16, 1996, to NDT Services, Inc., a radiography licensee, to emphasize the importance of compliance with NRC requirements and the necessity for complete and accurate information. The action was based on: (1) a Severity Level I problem involving deliberate failures to train radiographers and to provide complete and accurate information to the NRC; (2) a Severity Level III violation involving the failure to wear alarm ratemeters; and (3) a Severity Level III violation involving the failure to perform adequate surveys to evaluate the extent of the radiological hazard present during source disconnect and retrieval activities. A base civil penalty was assessed for the Severity Level I problem, the civil penalty was fully mitigated for one of the Severity Level III violations, and discretion was exercised for the other Severity Level III violation such that a civil penalty was issued.

SEVERITY LEVEL II ACTIONS***Richard Balcom******IA 95-42***

A Notice of Violation was issued on October 17, 1995, for discriminating against employees for engaging in protected activities.

***Department of Veteran Affairs Medical Center, Philadelphia, PA
Supplement VII******EA 96-182***

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8,000 was issued on September 18, 1996, to emphasize the unacceptability of discrimination against employees in retaliation for engaging in a protected activity. The action was based on a Severity Level II violation involving discrimination of the licensee's radiation safety officer.

***Diamond H Testing Company, Chubbuck, Idaho
Supplement VI******EA 95-148***

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8,000 was issued on October 25, 1995, for a Severity Level II problem involving: (1) an apparent willful failure to lock the sealed source in the shielded position following a radiographic exposure; (2) a failure to conduct an adequate survey of the source guide tube after a radiographic exposure; and (3) a failure to wear an alarm ratemeter.

***Florida Power & Light Company, (Turkey Point, Units, 1 & 2)
Supplement VII******EA 96-051***

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on July 16, 1996, for discrimination against an engineer for engaging in protected activities.

***Houston Lighting & Power, (South Texas Project)
Supplement VII******EA 95-077***

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$160,000 was issued on October 17, 1995, for discrimination against employees for engaging in protected activities.

***Houston Lighting & Power, (South Texas Project)
Supplement VII******EA 96-133***

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on September 19, 1996, for discrimination against an employee for engaging in protected activities.

**Madigan Army Medical Center, Tacoma, Washington
Supplement VI**

EA 96-004

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8,000 was issued on February 22, 1996, to Madigan Army Medical Center to emphasize the licensee's responsibility to provide adequate training and to assure that NRC requirements are being followed. The action was based on a Severity Level II problem involving a breakdown in the licensee's quality management program and resulting in multiple patient misadministrations.

Roy Newholm

IA 95-41

A Notice of Violation was issued on October 10, 1995, for falsifying access screening information.

**Niagara Mohawk Power Corp., (Nine Mile Point)
Supplement VII**

EA 96-116

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$80,000 was issued on July 24, 1996 for discrimination against an engineer for engaging in protected activities.

**Power Systems Energy Services, Inc., Windsor, Connecticut
Supplement VII**

EA 92-233

A Notice of Violation was issued October 13, 1995, for a violation involving falsified background screening certification letters. A Notice of Violation was also issued to the supervisor responsible for providing the false information (IA 95-041).

**Power Systems Energy Services, Inc., Windsor, Connecticut
Supplement VII**

EA 96-078

A Notice of Violation was issued May 28, 1996, for discrimination against a manager who raised concerns about the access authorization program.

**Stone & Webster Engineering Corporation, Boston, Massachusetts
Supplement VII**

EA 95-190

A Notice of Violation was issued November 14, 1996 for discrimination against a Stone & Webster iron worker for reporting concerns about the fire watch at Tennessee Valley Authority's Browns Ferry Nuclear Plant. A civil penalty was also issued to Tennessee Valley Authority for this violation (EA 95-220).

**Temple University, Philadelphia, Pennsylvania
Supplement VII**

EA 95-152

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8,000 was issued December 15, 1995, for discrimination against a Radiation Safety Officer for engaging in protected activities.

***Tennessee Valley Authority Athens, Alabama
(Browns Ferry, Units 1 & 2), Supplement VII******EA 95-220***

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$80,000 was issued February 14, 1996 for discrimination by Tennessee Valley Authority's contractor, Stone & Webster Engineering Corporation, against a Stone & Webster employee for reporting concerns about fire watch. Payment of the civil penalty is on hold pending the final decision by the Secretary of Labor. A Notice of Violation was also issued to Stone & Webster (EA 95-190)

***Tennessee Valley Authority (Sequoyah, Units 1 & 2)
Supplement VII******EA 95-252***

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$80,000 was issued February 20, 1996 for not selecting an employee for several positions due to his reporting safety concerns.

MULTIPLE SEVERITY LEVEL III ACTIONS***Florida Power Corporation, (Crystal River, Unit 3)
Supplement I******EA 95-126***

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$500,000 was issued on July 10, 1996, based on seven Severity Level III violations identified by the NRC as a result of inspections and investigations following the licensee's identification that an unauthorized evolution had been conducted by a shift of licensed operators on September 5, 1994, and that it had resulted in operation outside the design basis of the facility. It was subsequently identified that the same shift of operators had conducted the unauthorized evolution also on the previous day. Both tests were performed in an effort to resolve a long-standing safety concern by demonstrating that an operating curve provided by the engineering department was non-conservative. Numerous instances were identified in which the plant had previously been operated inadvertently outside the design basis due to the inadequate operating curve. Other examples of inadequate engineering analyses and inadequate corrective actions were also identified. The violations were characterized as Severity Level III violations, with a total civil penalty in the amount of \$500,000; Enforcement Discretion was used to increase the civil penalty from the base penalty of \$50,000 to \$100,000 in two cases. In addition, letters were sent to the six licensed operators related to their involvement in the unauthorized tests.

**NDT Services, Inc., Hato Rey, Puerto Rico
Supplements VI and VII**

EA 94-029

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$15,000 was issued on July 16, 1996, to NDT Services, Inc., a radiography licensee, to emphasize the importance of compliance with NRC requirements and the necessity for complete and accurate information. The action was based on: (1) a Severity Level I problem involving deliberate failures to train radiographers and to provide complete and accurate information to the NRC; (2) a Severity Level III violation involving the failure to wear alarm ratemeters; and (3) a Severity Level III violation involving the failure to perform adequate surveys to evaluate the extent of the radiological hazard present during source disconnect and retrieval activities. A base civil penalty was assessed for the Severity Level I problem, the civil penalty was fully mitigated for one of the Severity Level III violations, and discretion was exercised for the other Severity Level III violation such that a civil penalty was issued.

**Northeast Nuclear Energy (Millstone)
Supplement I**

EA 95-177

A Notice of Violation was issued on December 7, 1995, for two Severity Level III violations. The first violation involved an existing single failure vulnerability in the loss of normal power logic that would have prevented both emergency power sources from properly starting and sequencing required loads. The second violation involved two examples of existing vulnerabilities in the standby gas treatment system (SGTS). Both civil penalties were fully mitigated based on the licensee's identification and correction of the violations.

**Portland General Electric Company, (Trojan, Unit 1)
Supplement VII**

EA 96-111

A Civil Penalty in the amount of \$50,000 was issued June 6, 1996 for two Severity Level III issues involving the submission of incomplete and inaccurate information to the NRC in a Licensee Event Report (LER) on June 10, 1991, and in Revision 1 to that LER, submitted October 28, 1991. Although the civil penalty assessment process would not have resulted in a civil penalty in one case, the NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and a base civil penalty was proposed to reflect the significant regulatory concern arising from the extensive management failures that contributed to this problem. The second Severity Level violation was beyond the Statute of Limitations for proposing civil penalties.

**Public Service Electric (Salem)
Supplement I****EAs 95-062, 95-065, & 95-117**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$600,000 was issued on October 16, 1996, for six violations, five involving the failure to promptly respond to and correct conditions adverse to quality over an extensive period of time and one involving the failure to perform an adequate modification on the pressurizer code safety valves. Notwithstanding the normal civil penalty assessment process, the NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and proposed a \$100,000 civil penalty for each violation, so as to appropriately reflect the NRC's concern regarding the violations and causes, and to convey an appropriate message, given that (1) the Salem enforcement history was not good, (2) the majority of the violations were identified by the NRC, and (3) the licensee's organizations's prior actions to ensure problems are identified and corrected in a timely manner were not effective.

**Wolf Creek Nuclear Operations (Wolf Creek Station)
Supplement I****EA 96-124**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$300,000 was issued on July 1, 1996, for multiple Severity Level III problems associated with the inoperability of one train of the emergency service water system, the degradation of the other train of the emergency service water system, the inoperability of the turbine driven auxiliary feedwater pump, and the inadequate response by operational personnel in response to an icing event. Discretion was exercised in accordance with Section VII.A.1 of the Enforcement Policy and each of the Severity Level III violations and the Severity Level III problem was issued the maximum civil penalty of \$100,000 based on the particularly poor performance that substantially contributed to, and severely complicated the recovery from this risk-significant event. The forth Severity Level III issue was not assessed a civil penalty because it was beyond the Statute of Limitations.

F. Enforcement Trends

During fiscal year 1996, enforcement workload and activities increased, as evidenced by the number of actions that were issued. Specifically, the agency issued 173 escalated enforcement actions (90 escalated NOVs, 66 civil penalties, and 17 orders) during fiscal year 1996 versus 154 for fiscal year 1995. This represents an approximate 12% increase.

Statistical comparisons between fiscal years 1996 and 1995 are included in each of the tables of this report. However, it should be noted that direct correlations between the fiscal years is difficult because of the major policy change that occurred in June of 1995.

Table 7 of this report includes a 2-year history of escalated actions by specific reactor sites. Based on a 2-year period, reactor sites are ranked in order of the largest civil penalty amounts assessed and the largest total number of combined civil penalty actions and escalated Notices of Violations without civil penalties issued. A 2-year period is used for this ranking because it represents a sufficient time frame to provide perspectives on performance and enforcement activity. Two years is also the time period used in the Enforcement Policy for reviewing past performance. This table also provides enforcement data for the last 12 months at each of the sites listed.

Figures 4 and 5 include generic overviews of escalated enforcement activity for reactor sites. Again, these figures are based on 2-year time frames (i.e., fiscal years 1995 - 1996 and fiscal years 1993 - 1994) to provide better indication of performance and enforcement activity.

4. Cases Involving Exercise of Discretion

Section VII of the Enforcement Policy addresses those cases where, notwithstanding the normal guidance contained in the Policy, the NRC may choose to exercise discretion and either escalate or mitigate enforcement sanctions within the Commission's statutory authority to ensure that the resulting enforcement action appropriately reflects the level of NRC concern regarding the violation at issue and conveys the appropriate message to the licensee. During fiscal year 1996, 27 escalated cases involved an exercise of discretion.

Section VII.A.1 of the Enforcement Policy provides for either increasing the amounts of civil penalties or proposing civil penalties where the normal process would result in no civil penalty. During fiscal year 1996, 16 cases involved this exercise of discretion.

Section VII.B.3 provides that civil penalties or NOVs need not be issued for old design issues that are licensee-identified and corrected and were not likely to have been identified earlier through routine surveillance. During fiscal year 1996, 1 case involved this exercise of discretion.

Section VII.B.5 provides that civil penalties or NOV's need not be issued for violations involving discrimination issues if they are licensee-identified and corrected. During fiscal year 1996, 1 case involved this exercise of discretion.

Section VII.B.6 provides that civil penalties or NOV's need not be issued for violations involving special circumstances. During fiscal year 1996, 9 cases involved this exercise of discretion.

Appendix E includes a summary of the escalated cases issued during fiscal year 1996 that involved an exercise of discretion.

5. Actions Against Individuals & Other Non-Licensed Persons

During fiscal year 1996, the agency issued 39 actions against individuals and other non-licensed persons. The following sections provide a breakdown of the actions based on whether the actions were issued to licensed or non-licensed individuals, as well as other non-licensed persons (e.g., vendors). The section on orders includes orders that were issued to individuals that prohibited or limited their activities in NRC-licensed activities during the fiscal year.

A. Actions Against Licensed Individuals

During fiscal year 1996, the agency issued 1 order and DFI and 5 NOV's to licensed individuals. Appendix F includes a short summary description of these actions.

B. Actions Against Non-Licensed Individuals

During fiscal year 1996, the agency issued 7 orders, 15 NOV's, and 3 DFIs, to non-licensed individuals. Appendix G includes a short summary description of each of these actions.

C. Actions Against Non-Licensed Persons Other Than Individuals

During fiscal year 1996, the agency issued 8 NOV's to non-licensed persons (vendors) other than individuals. Appendix H includes a short summary description of each of these actions.

6. *Cases Involving Discrimination*

During fiscal year 1996, the agency issued 23 enforcement actions for violations involving discrimination. The agency also issued six "chilling effect letters" during the fiscal year. A chilling effect letter is a form of correspondence that the NRC issues to a licensee after the Department of Labor (DOL) completes its initial investigation and concludes that discrimination has occurred. A chilling effect letter serves three purposes: (1) to notify the licensee of the NRC's concern, (2) to understand the basis for the licensee's position on whether or not discrimination occurred, and (3) to obtain a description of any remedial action the licensee plans to take to address the potential chilling effect. Remedial action may be warranted, even if the licensee disagrees with the finding of discrimination, because of the potential for a chilling effect. Appendix I includes a short description of each of the 23 actions involving discrimination that were issued during the fiscal year.

7. *Hearing Activities*

During fiscal year 1996, 10 cases had some type of hearing activity, i.e., hearing request, settlement, dismissal, discovery, hearing proceeding, appeal, etc. Appendix J includes a short summary of each of these cases.

8. *10 CFR 2.206 Petitions*

During fiscal year 1996, four cases had some type of petition activity pending before the Office of Enforcement during the fiscal year, i.e., petition request, NRC staff review, Director's Decision, etc. Appendix K includes a short summary of each of these cases.

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**TABLE 1: OPEN vs. CLOSED PREDECISIONAL
ENFORCEMENT CONFERENCES**

	Region I	Region II	Region III	Region IV	Other	Total FY 96	Total FY 95
Open Conferences	7	5	6	5	0	23	19
Closed Conferences	28	38	25	28	1	120	98
Total	35	43	31	33	1	143	117

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**TABLE 2: ESCALATED ENFORCEMENT ACTIONS &
DEMANDS FOR INFORMATION**

	Region I	Region II	Region III	Region IV	Other ¹	Total FY 96	Total FY 95
Pre-decisional Enforcement Conferences	35	43	31	33	1	143	117
Escalated NOVs w/o Civil Penalties	20	16	32	20	3	91	76
Proposed Civil Penalties	16	14	15	20	1	66	56
Imposed Civil Penalties	2	2	1	4	0	9	10
Civil Penalties Paid	14	11	14	16	1	56	47
Orders	10	3	1	2	1	17	22
Demands for Information	6	1	0	0	0	7	8
Total	103	90	94	95	7	388	336

¹ This category includes actions initiated by the Office of Enforcement (OE), the Office of Nuclear Reactor Regulation (NRR), and the Office of Nuclear Material Safety and Safeguards (NMSS).

- OE issued 1 order.
- NRR issued 3 escalated NOVs without civil penalties.
- NMSS issued 1 escalated NOV with civil penalty, and received payment for the civil penalty.

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**TABLE 3: ESCALATED ENFORCEMENT ACTIONS
BY TYPE OF LICENSEE**

Type of Licensee	Escalated NOVs (w/o penalty)	Civil Penalties	Orders	Total FY 96	Total FY 95
Academic	2	3	0	5	3
Physician	1	0	2	3	2
Fuel Facility	0	3	0	3	1
Gauge User	14	7	2	23	29
Hospital	8	5	0	13	12
Radiographer	2	6	2	10	11
Pharmacy	1	0	0	1	3
Operating Reactor	33	39	0	72	47
Materials Distributer	0	2	0	2	0
Mill	1	0	0	1	0
Other	4	1	5	10	11
Total	66	66	11	143	121

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TABLE 4: TIMELINESS INFORMATION*Fiscal Year 1996*

Type of case	# of cases disposed in < 3 months	# of cases disposed in 3 - 12 months	# of cases disposed in > 12 months	TOTAL
Case did not involve an OI report	176	67	1	244
Case involved an OI report	27	73	3	103
TOTAL	203	140	4	347

Fiscal Year 1995

Type of case	# of cases disposed in < 3 months	# of cases disposed in 3 - 12 months	# of cases disposed in > 12 months	TOTAL
Case did not involve an OI report	128	30	1	159
Case involved an OI report	29	51	16	96
TOTAL	157	81	17	255

It should be noted that some of these cases resulted in escalated enforcement action, while others resulted in non-escalated enforcement action, or no action at all.

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TABLE 5: CIVIL PENALTY INFORMATION

	FY 96	FY 95
Number of Proposed Civil Penalties	66	56
Number of Imposed Civil Penalties	9	10
Number of Civil Penalties Paid	56	47
Amount of Proposed Civil Penalties	\$3,832,500	\$2,263,950
Amount of Imposed Civil Penalties	\$44,500	\$615,250
Amount of Civil Penalties Paid	\$3,014,000	\$2,265,949

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TABLE 6: CIVIL PENALTY RANGES*Reactor Licensees*

Civil Penalty Amounts	Number of Cases FY 96	Number of Cases FY 95
< \$50,0000	0	3
\$50,000	22	6
\$50,001 - \$99,999	3	3
\$100,000	9	8
\$100,001 - \$200,000	2	0
\$200,001 - \$300,000	2	0
> \$300,001	1	1
Total	39	22

Material Licensees

Civil Penalty Amounts	Number of Cases FY 96	Number of Cases FY 95
0 - \$2,500	17	9
\$2,501 - \$5,000	1	12
\$5,001 - \$7,500	1	3
\$7,501 - \$10,000	7	3
\$10,001 - \$25,000	1	5
\$37,500	0	1
\$200,000	0	1
Total	27	34

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**TABLE 7: 2-YEAR ESCALATED ACTION HISTORY
FOR REACTOR SITES**

	Last 24 Months			Last 12 Months		
Facility	Civil Penalty Amount	Civil Penalties	Escalated NOVs (w/o penalty)	Civil Penalty Amount	Civil Penalties	Escalated NOVs (w/o penalty)
Salem	\$1,180,000	5	0	\$600,000	3	0
Crystal River	525,000	2	0	500,000	1	0
South Texas	460,000	4	0	360,000	3	0
Quad Cities	380,000	5	0	100,000	2	0
Cooper Station	350,000	4	3	50,000	1	2
Wolf Creek	325,000	2	0	300,000	1	0
Braidwood	200,000	2	2	100,000	1	1
Dresden	200,000	3	0	100,000	2	0
Zion	150,000	3	1	150,000	3	0
Washington Nuclear	150,000	3	0	0	0	1
Millstone	150,000	2	1	100,000	1	1
Nine Mile Pt.	130,000	2	0	130,000	2	0
Hope Creek	100,000	1	2	100,000	1	1
Vermont Yankee	100,000	1	1	50,000	1	1
St. Lucie	100,000	2	1	100,000	2	1
Susquehanna	100,000	1	1	100,000	1	0
Robinson	100,000	1	1	0	0	1
Turkey Point	100,000	1	1	100,000	1	0
Calvert Cliffs	100,000	2	0	100,000	2	0
Palo Verde	100,000	1	0	100,000	1	0
Peach Bottom	87,500	1	1	0	0	0
Browns Ferry	80,000	1	1	80,000	1	1
Sequoyah	80,000	1	0	80,000	1	0

**TABLE 7: 2-YEAR ESCALATED ACTION HISTORY
FOR REACTOR SITES - CONT.**

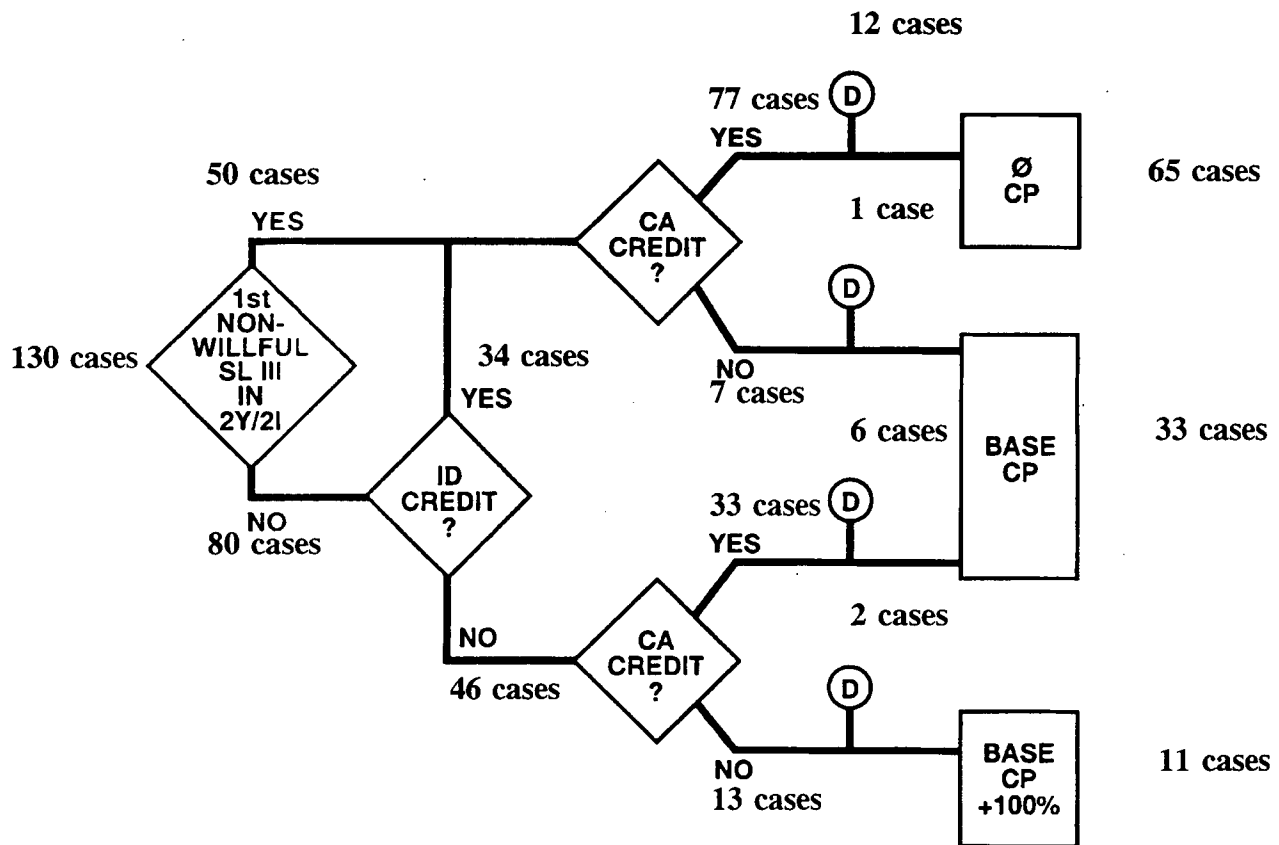
	Last 24 Months			Last 12 Months		
Facility	Civil Penalty Amount	Civil Penalties	Escalated NOVs (w/o penalty)	Civil Penalty Amount	Civil Penalties	Escalated NOVs (w/o penalty)
Palisades	\$75,000	1	1	\$50,000	1	0
Arkansas Nuclear One	50,000	1	3	50,000	1	0
Indian Point 3	50,000	1	1	50,000	1	1
Diablo Canyon	50,000	1	1	50,000	1	1
Big Rock Point	50,000	1	0	0	0	1
Waterford	50,000	1	0	50,000	1	0
Trojan	50,000	1	0	50,000	1	0
Fermi	50,000	1	0	50,000	1	0
Oconee	50,000	1	0	50,000	1	0
Brunswick	0	0	4	0	0	3
Cook	0	0	3	0	0	2
McGuire	0	0	3	0	0	2
Indian Point 2	0	0	3	0	0	1
Byron	0	0	2	0	0	1
Fort Calhoun	0	0	2	0	0	1
Ft. St. Vrain	0	0	2	0	0	1
Three Mile Island	0	0	2	0	0	2
Surry	0	0	2	0	0	2
Vogtle	0	0	2	0	0	2
Beaver Valley	0	0	1	0	0	1
Pilgrim	0	0	1	0	0	0
Point Beach	0	0	1	0	0	1
Davis-Besse	0	0	1	0	0	1

**TABLE 7: 2-YEAR ESCALATED ACTION HISTORY
FOR REACTOR SITES - CONT.**

	Last 24 Months			Last 12 Months		
Facility	Civil Penalty Amount	Civil Penalties	Escalated NOVs (w/o penalty)	Civil Penalty Amount	Civil Penalties	Escalated NOVs (w/o penalty)
Ginna	0	0	1	0	0	0
Harris	0	0	1	0	0	0
Kewaunee	0	0	1	0	0	1
Maine Yankee	0	0	1	0	0	0
Monticello	0	0	1	0	0	1
Oyster Creek	0	0	1	0	0	0

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**FIGURE 1: ANALYSIS OF ESCALATED ACTIONS
PROCESSED UNDER CIVIL PENALTY PROCESS**



In 50 cases, the action was the first non-willful Severity Level III enforcement action that the licensee had had during the past 2 years or past 2 inspections.

In 80 cases, that action was NOT the first non-willful Severity Level III enforcement action that the licensee had had during the past 2 years or past 2 inspections.

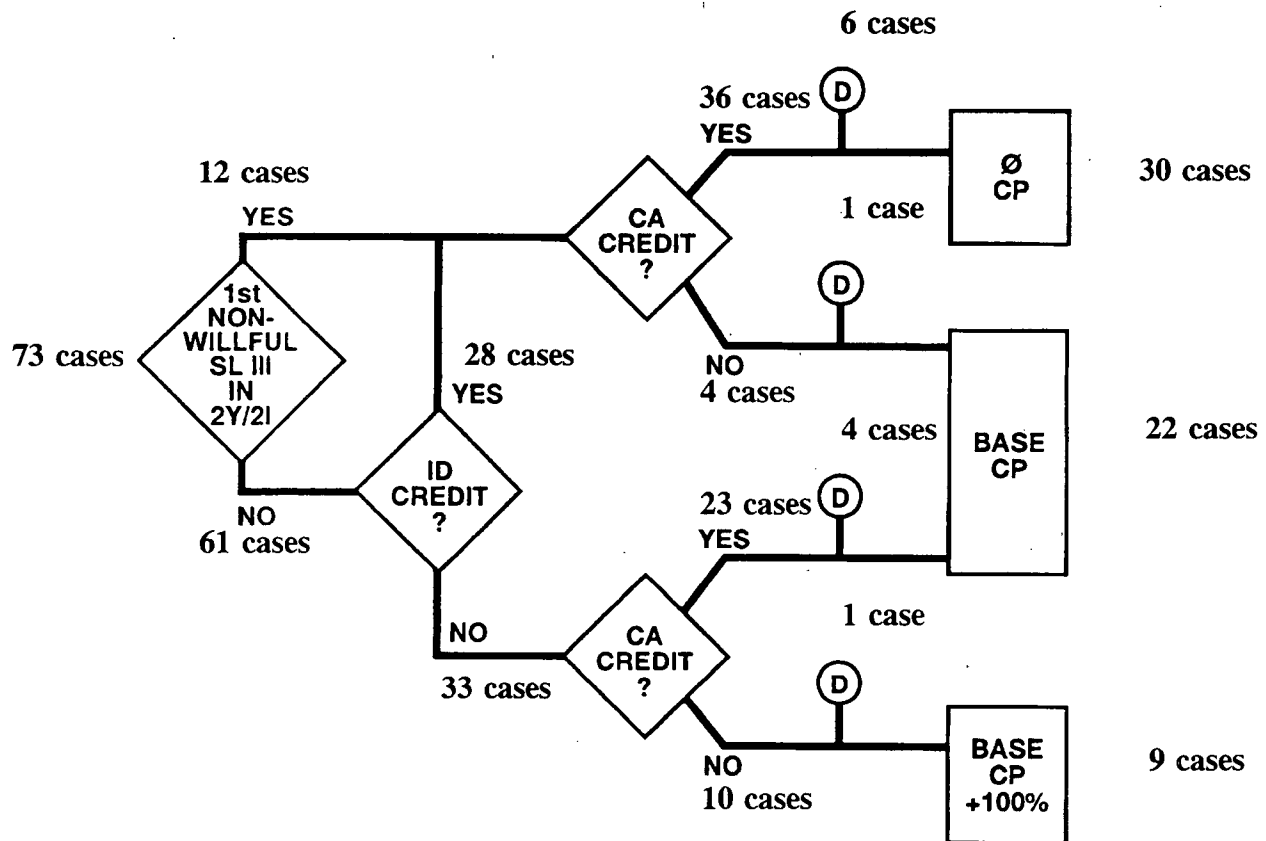
Of the 80 applicable cases, the licensee was given credit for actions related to identification in 34 cases and NOT given credit in 46 cases.

Of the total 130 cases, the licensee was given credit for corrective actions in 110 cases (approximately 85% of the cases) and NOT given credit in 20 cases.

Discretion was exercised under Sections VII.A.1 and VII.B.6 in 21 cases (approximately 16% of the cases).

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**FIGURE 2: ANALYSIS OF REACTOR ACTIONS
PROCESSED UNDER CIVIL PENALTY PROCESS**



In 12 cases, the action was the first non-willful Severity Level III enforcement action that the licensee had had during the past 2 years or past 2 inspections.

In 61 cases, that action was NOT the first non-willful Severity Level III enforcement action that the licensee had had during the past 2 years or past 2 inspections.

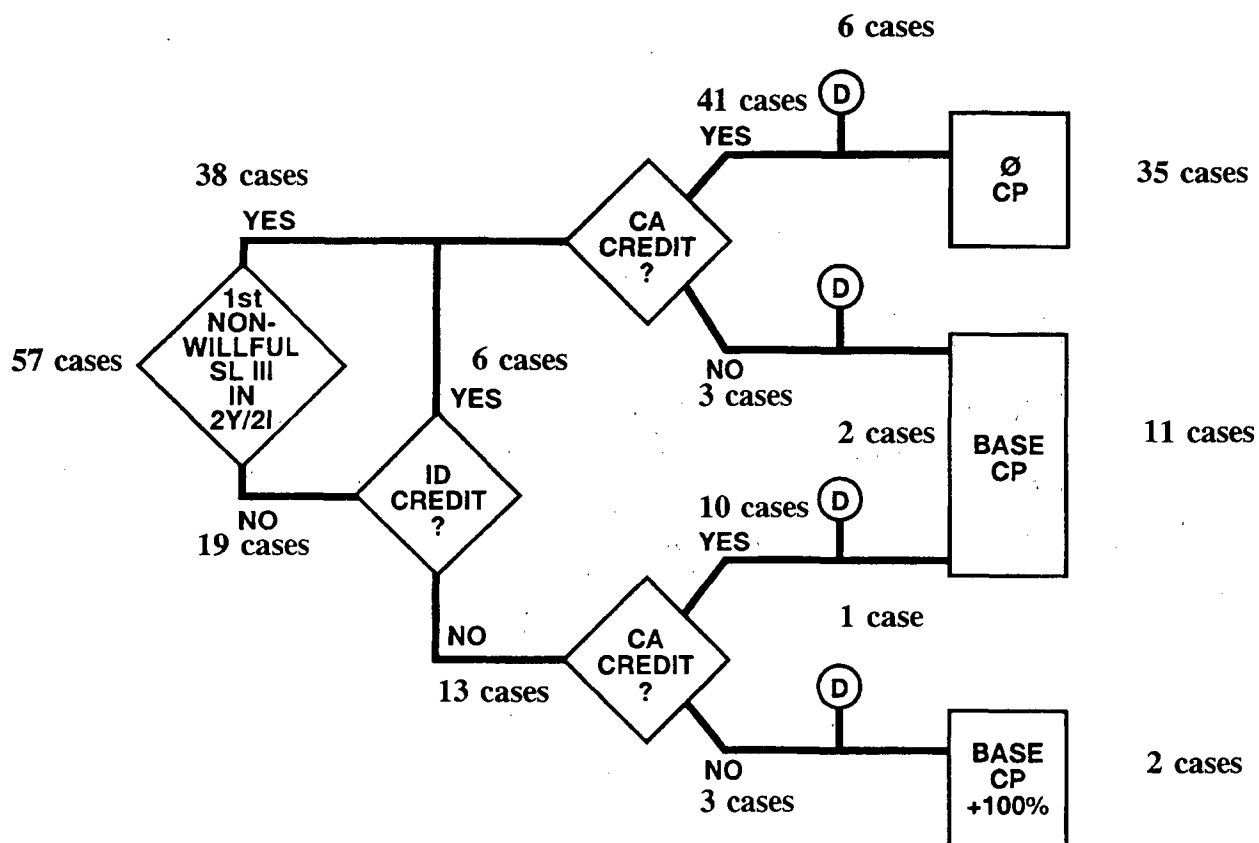
Of the 61 applicable cases, the licensee was given credit for actions related to identification in 28 cases and NOT given credit in 33 cases.

Of the total 73 cases, the licensee was given credit for corrective actions in 59 cases (approximately 81% of the cases) and NOT given credit in 14 cases.

Discretion was exercised under Sections VII.A.1 and VII.B.6 in 12 cases (approximately 16% of the cases).

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**FIGURE 3: ANALYSIS OF MATERIALS ACTIONS
PROCESSED UNDER CIVIL PENALTY PROCESS**



In 38 cases, the action was the first non-willful Severity Level III enforcement action that the licensee had had during the past 2 years or past 2 inspections (approximately 67% of the cases).

In 19 cases, that action was NOT the first non-willful Severity Level III enforcement action that the licensee had had during the past 2 years or past 2 inspections.

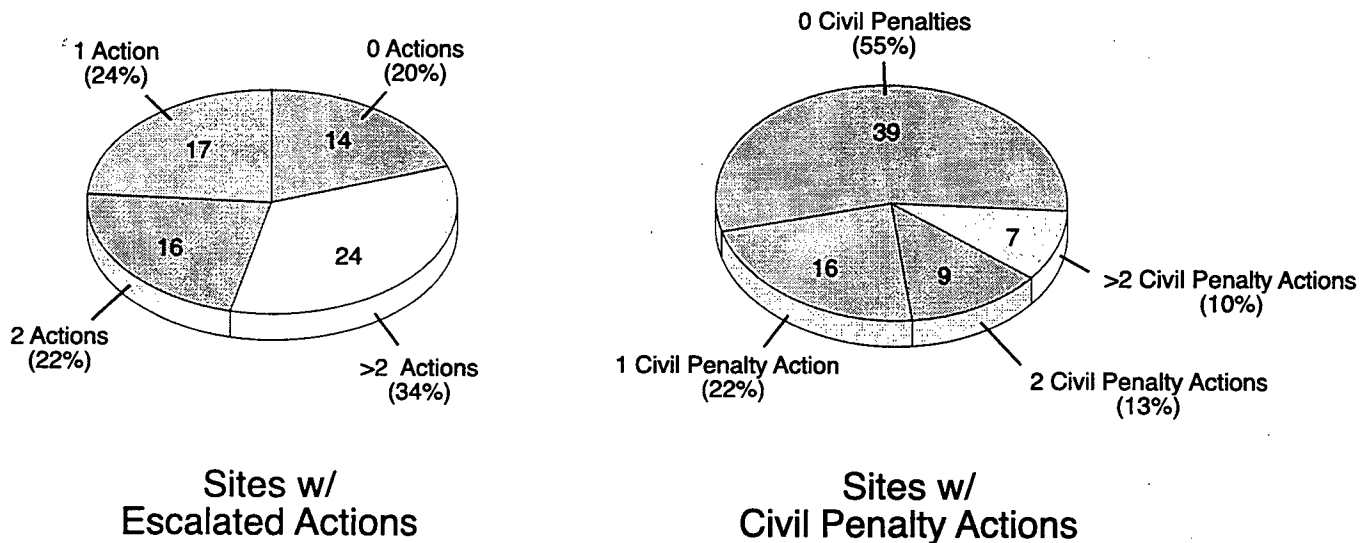
Of the 19 applicable cases, the licensee was given credit for actions related to identification in 6 cases and NOT given credit in 13 cases. Of the total 57 cases, the licensee was given credit for corrective actions in 51 cases (approximately 89% of the cases) and NOT given credit in 6 cases.

Discretion was exercised under Sections VII.A.1 and VII.B.6 in 9 cases (approximately 16% of the cases).

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FIGURE 4: 2-YEAR ESCALATED ENFORCEMENT TRENDS FOR REACTOR SITES

Fiscal Year 1995 - Fiscal Year 1996
(10/01/94 - 9/30/96)



During the 2-year period between fiscal years 1995 and 1996, the agency issued a total of 116 escalated actions (civil penalty actions and Severity I, II, and III actions without civil penalties) to 57 (or 80%) of the reactor sites. Fourteen sites did not receive any escalated enforcement action during this period. Of the 57 sites, 17 sites received 1 escalated action (17 actions), 16 sites received 2 escalated actions (32 actions), and 24 sites received more than 2 escalated actions (67 actions). Thus, 24 sites (or 34%) accounted for 67 (or 58%) of the escalated actions issued.

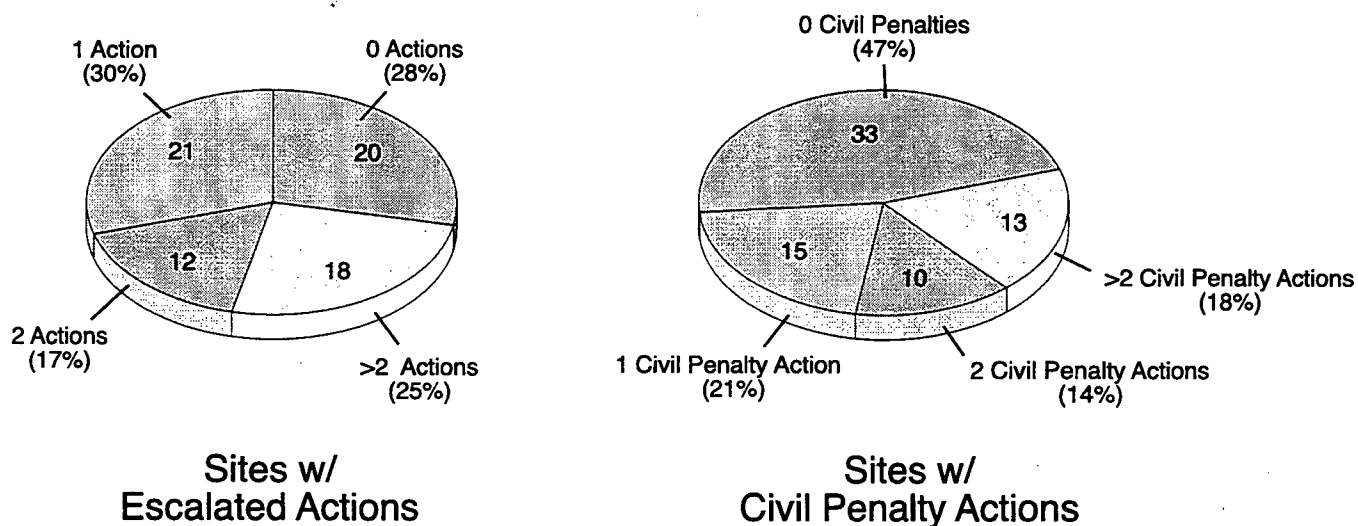
Of the 116 escalated actions, 61 were civil penalty actions issued to 32 (or 45%) of the 71 reactor sites. Thirty-nine (or 55%) of the sites did not receive a civil penalty.

Of the 32 sites that did receive a penalty, 16 sites had 1 civil penalty action (16 actions), 9 sites had 2 civil penalty actions each (18 actions), and 7 sites had more than 2 civil penalty actions (27 actions) for a total of 61 civil penalty actions. Thus, 7 sites (or 10%) accounted for 27 (or 44%) of the civil penalty actions issued.

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**FIGURE 5: 2-YEAR ESCALATED ENFORCEMENT TRENDS
FOR REACTOR SITES - CONT.**

**Fiscal Year 1993 - Fiscal Year 1994
(10/01/92 - 9/30/94)**



During the 2-year period between fiscal years 1993 and 1994, the agency issued a total of 115 escalated actions (civil penalty actions and Severity I, II, and III actions without civil penalties) to 51 (or 72%) of the reactor sites. Twenty sites did not receive any escalated enforcement action during this period. Of the 51 sites, 21 sites received 1 escalated action (21 actions), 12 sites received 2 escalated actions (24 actions), and 18 sites received more than 2 escalated actions (70 actions). Thus, 18 sites (or 25%) accounted for 70 (or 61%) of escalated actions issued.

Of the 115 escalated actions, 82 were civil penalty actions issued to 38 (or 53%) of the 71 reactor sites. Thirty-three (or 47%) of the sites did not receive a civil penalty.

Of the 38 sites that did receive a penalty, 15 sites had 1 civil penalty action (15 actions), 10 sites had 2 civil penalty actions each (20 actions), and 13 sites had more than 2 civil penalty actions (47 actions) for a total of 82 civil penalty actions. Thus, 13 sites (or 18%) accounted for 47 (or 57%) of the civil penalty actions issued.

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APPENDIX A: SUMMARY OF ESCALATED NOTICES OF VIOLATION (WITHOUT CIVIL PENALTIES)

***A. E. Staley Manufacturing Company, Lafayette, IN
Supplements IV and VI***

EA 96-042

A Notice of Violation was issued on April 4, 1996, for the failure to secure a moisture density gauge containing licensed material from unauthorized removal.

***Abington Memorial Hospital, Abington, PA
Supplement IV***

EA 96-186

A Notice of Violation was issued on July 12, 1996, for failure to account for a 16.75 millicurie cesium-137 brachytherapy source in required quarterly physical inventories over a period of 20 years.

***Applied Construction Technologies, Cleveland, OH
Supplements IV and V***

EA 95-266

A Notice of Violation was issued on February 5, 1996, for the failure to secure a moisture density gauge containing licensed material from unauthorized removal.

***Carolina Power & Light Company (Brunswick, Units 1 & 2)
Supplement I***

EA 95-228

A Notice of Violation was issued on December 20, 1995, for design control failures that resulted in degraded flow control valves in the residual heat removal system.

***Carolina Power & Light Company (Brunswick, Units 1 & 2)
Supplement VII***

EA 96-054

A Notice of Violation was issued on April 4, 1996, for multiple failures of the licensee's fitness-for-duty chemical testing program.

***Carolina Power & Light Company (Brunswick, Units 1 & 2)
Supplement I***

EA 96-181

A Notice of Violation was issued on July 12, 1996, for design control failures that resulted in the failure of a service water pump due to the galvanic corrosion of a bolt.

***Carolina Power & Light Company (Robinson, Unit 2)
Supplement III***

EA 96-120

A Notice of Violation was issued on May 16, 1996, for the failure to protect sensitive safeguards information.

**Central Plains Clinic, Sioux Falls, SD
Supplement VI****EA 95-249**

A Notice of Violation was issued on January 8, 1996, for the failure to establish medical quality management procedures for diagnostic iodine-131, which resulted in three misadministrations.

**Clara Maass Medical Center, Belleville, NJ
Supplement VI****EA 96-047**

A Notice of Violation was issued on March 25, 1996, for a brachytherapy misadministration to the wrong part of the body.

**Commonwealth Edison Co. (Braidwood)
Supplement I****EA 95-265**

A Notice of Violation was issued on January 29, 1996, for the failure of the diesel generator output breaker to close.

**Commonwealth Edison Co. (Byron)
Supplement I****EA 95-197**

A Notice of Violation was issued on December 11, 1995, for the inoperability of the post accident hydrogen monitoring system.

**Consolidated Edison Co. (Indian Point)
Supplement I****EA 96-089**

A Notice of Violation was issued on May 6, 1996, for an inadequate 10 CFR 50.59 evaluation concerning the control room ventilation system.

**Corning Clinical Laboratories, Horsham, PA
Supplement VI****EA 96-008**

A Notice of Violation was issued on March 12, 1996, for violations indicative of a breakdown in control of licensed activities as involving the consolidation and termination of operations at one facility.

**Duke Power Co. (McGuire)
Supplement I****EA 96-080**

A Notice of Violation was issued on May 9, 1996, for the failure to maintain adequate procedures to ensure adequate freeze protection.

**Duke Power Co. (McGuire)
Supplement I****EA 96-100**

A Notice of Violation was issued on May 9, 1996, for the inoperability of the emergency diesel generators due to a cold lube oil line.

**Duquesne Light Co. (Beaver Valley)
Supplement I**

EA 96-244

A Notice of Violation was issued on September 11, 1996, for the failure of the Anticipated Transient Without Scram (ATWS) Mitigating System Actuation Circuitry (AMSAC) system.

**EDP Consultants, Inc., Kirtland, OH
Supplement IV**

EA 96-010

A Notice of Violation was issued on March 28, 1996, for the failure to maintain surveillance over a moisture/density gauge, which was run over by a soil compactor.

**Evart Products, Evart, MI
Supplements IV and VI**

EA 96-254

A Notice of Violation was issued on September 3, 1996, for the loss of generally licensed material and the failure to report such loss.

**Florida Power & Light Co. (St. Lucie)
Supplement I**

EA 96-249

A Notice of Violation was issued on September 19, 1996, for multiple failures involving the requirements of 10 CFR 50.59.

**FMC Wyoming Corporation, Green River, WY
Supplement IV**

EA 95-269

A Notice of Violation was issued on February 6, 1996, for the failure to secure licensed material from unauthorized removal.

**GCME, Inc., DePere, WI
Supplement VI**

EA 95-154

A Notice of Violation was issued on November 16, 1995, for the failure to ensure that moisture density gauge users were wearing personnel monitoring devices when using the gauges.

**Geisinger Medical Center, Danville, PA
Supplements IV, VI, and VII**

EA 96-189

A Notice of Violation was issued on July 3, 1996, for the failure to maintain complete and accurate records and for failure to conduct radiation surveys.

**Georgia Power Co. (Vogtle)
Supplement VII**

EA 95-171

A Notice of Violation was issued on May 29, 1996, for discrimination against an employee for raising safety concerns.

**Georgia Power Co. (Vogtle)
Supplement VII****EA 95-277**

A Notice of Violation was issued on May 29, 1996, for discrimination against an employee for raising safety concerns.

**Globe X-Ray Services, Tulsa, OK
Supplement IV****EA 96-069**

A Notice of Violation was issued on April 25, 1996, for a failure to limit the annual occupational dose to an adult radiographer to 5 rems per year.

**GPU Nuclear Corporation (Three Mile Island)
Supplement I****EA 95-238**

A Notice of Violation was issued on March 11, 1996, for design control failures relating to a previous in-service-inspection analysis of pipe supports.

**GPU Nuclear Corporation (Three Mile Island)
Supplement III****EA 96-057**

A Notice of Violation was issued on March 26, 1996, for a repetitive violation that involved the degradation of a storm drain cover that could have allowed unauthorized access into the protected area.

**Harvard University, Cambridge, MA
Supplements IV and VI****EA 96-068**

A Notice of Violation was issued on April 18, 1996, for failure to secure licensed material from unauthorized removal or access.

**Indiana & Michigan Electric Company (Cook, Units 1 & 2)
Supplement III****EA 95-219**

A Notice of Violation was issued on December 8, 1995, for the inappropriate granting of unescorted access to an individual whose drug screening test results had not yet been received.

**Indiana & Michigan Electric Company (Cook, Units 1 & 2)
Supplement I****EA 96-020**

A Notice of Violation was issued on March 11, 1996, for the inoperability of the high head safety injection pump.

***Law Engineering, Inc., Chesapeake, VA
Supplements V and VI***

EA 96-108

A Notice of Violation was issued on June 13, 1996, for violations indicative of a breakdown in control of licensed activities related to an incident in which the source rod of a portable moisture density gage became stuck in its extended position. The technician failed to notify the radiation safety officer and violated transportation regulations by transporting the unshielded gage back to the office.

***Mallinckrodt, Inc., Maryland Heights, MO
Supplement V***

EA 95-179

A Notice of Violation was issued on October 6, 1995, for a violation involving the delivery of licensed material outside NRC radiation level limits to a carrier for transport.

***Massachusetts Institute of Technology, Cambridge, MA
Supplement VI***

EA 95-284

A Notice of Violation was issued on February 22, 1996, for the failure to secure licensed material from unauthorized removal or access.

***Nationwide Testing Services, Inc., Schaumburg, IL
Supplement VI***

EA 96-129

A Notice of Violation was issued on May 16, 1996, for violations of the requirement in 10 CFR 150.20 to file an NRC Form-241 before an Agreement State licensee conducts operations in NRC jurisdiction.

***Nebraska Public Power (Cooper)
Supplement I***

EA 96-094

A Notice of Violation was issued on April 17, 1996, for design control and post maintenance testing errors that rendered the emergency diesel generators for fire protection inoperable.

***Nebraska Public Power (Cooper)
Supplement I***

EA 96-202

A Notice of Violation was issued on September 30, 1996, for procedural errors by operators during a rod mispositioning event.

***Nekoosa Papers, Inc., Nekoosa, WI
Supplements IV and VI***

EA 95-221

A Notice of Violation was issued on December 29, 1995, for three violations that reflected a breakdown in the management control of the licensee's radiation safety program.

***Niblock Excavating Inc., Bristol, IN
Supplement VI******EA 96-298***

A Notice of Violation was issued on September 25, 1996, for violations involving the unauthorized use of a moisture density gauge.

***North Star Steel Ohio, Youngstown, OH
Supplement IV and VI******EA 95-208***

A Notice of Violation was issued on December 8, 1995, for violations that represented a breakdown in control of licensed activities.

***Northeast Nuclear Energy (Millstone)
Supplement I******EA 95-177***

A Notice of Violation was issued on December 7, 1995, for multiple failures involving 10 CFR 50.59, old design issues, and the failure to take prompt and comprehensive corrective action.

***Northern States Power Co. (Monticello)
Supplement I******EA 95-244***

A Notice of Violation was issued on December 28, 1995, for multiple violations involving the inoperability of both trains of drywell spray.

***Omaha Public Power (Fort Calhoun)
Supplement I******EA 96-204***

A Notice of Violation was issued on July 31, 1996, for the disabling of the primary system overpressure protection system.

***Omnitron International, Inc., Houston, TX
Supplement VI******EA 96-061***

A Notice of Violation was issued on June 21, 1996, for a failure to file for reciprocity prior to conducting licensed activities in areas under NRC jurisdiction.

***Pacific Gas & Electric Company (Diablo Canyon, Units 1 & 2)
Supplement III******EA 96-123***

A Notice of Violation was issued on June 7, 1996, because the licensee granted unescorted access to a person for whom derogatory information was known.

***Power Authority of the State of New York (Indian Point 3)
Supplement I******EA 95-176***

A Notice of Violation was issued on October 17, 1995, for failure to operate at required pressure in violation of 10 CFR 50.59.

**Public Service Company of Colorado (Fort St. Vrain, Unit 1)
Supplement VII**

EA 95-110

A Notice of Violation was issued on October 30, 1995, for the falsification of vehicle radiation survey records and radiation work permits. Notices of Violation were also issued to the licensee's contractor, Scientific Ecology Group, Inc. (SEG) (EA 95-164) and to two employees of SEG.

**Public Service Electric (Hope Creek)
Supplement I**

EA 96-014

A Notice of Violation was issued on April 8, 1996, for repetitive failures to correct problems with snubbers and the residual heat removal system.

**Raytheon Engineers & Construction, Honolulu, HI
Supplement IV**

EA 96-205

A Notice of Violation was issued on September 20, 1996, for the loss of licensed material.

**Schleede-Hampton Associates, Inc., St. Charles, IL
Supplement VI**

EA 96-130

A Notice of Violation was issued on May 22, 1996, for violations of the requirement in 10 CFR 150.20 to file NRC Form-241 before an Agreement State licensee conducts operations in NRC jurisdiction.

**Shilts, Graves & Associates, Inc., South Bend, IN
Supplement IV**

EA 96-043

A Notice of Violation was issued on April 8, 1996, for the failure to maintain constant control and surveillance of licensed material in an unrestricted area.

**South Haven Community Hospital, South Haven, MI
Supplements V and VII**

EA 96-099

A Notice of Violation was issued on July 17, 1996, for deliberate violations involving receipt of licensed material at an address not authorized on the license, failure to measure the activity of radiopharmaceutical dosages in a dose calibrator, and inaccurate records.

**St. Mary's Hospital, Norton, VA
Supplement VI**

EA 96-006

A Notice of Violation was issued on February 22, 1996, for failure to follow the procedures of the medical quality management program, which requires a written directive for administrations of iodine-131 as sodium iodide in quantities greater than 30 microcuries.

***Stocker and Yale, Incorporated, Swampscott, MA
Supplement VI***

EA 96-036

A Notice of Violation was issued on March 18, 1996, for a programmatic breakdown of licensed activities concerning the failure to secure licensed material in an unrestricted area, transfer of licensed material without authorization, exceeding the possession limit, and the failure to comply with a license condition.

***Temple University, Philadelphia, PA
Supplement VI***

EA 95-243

A Notice of Violation was issued on March 5, 1996, for two failures to follow the procedures of medical quality management program, which resulted in a teletherapy misadministration.

***Tennessee Valley Authority (Browns Ferry)
Supplement I***

EA 96-199

A Notice of Violation was issued on August 1, 1996, for design failures and post-modification testing failures that resulted in the inoperability of the RCIC system.

***Testwell Craig Testing Laboratories, Mays Landing, NJ
Supplement IV***

EA 95-254

A Notice of Violation was issued on January 23, 1996, for a repetitive failure to secure a moisture density gauge containing licensed material from unauthorized removal.

***Toledo Edison Co. (Davis Besse)
Supplement I***

EA 96-122

A Notice of Violation was issued on June 13, 1996, for design modification failures that resulted in the inability to confirm that the emergency core cooling system was filled with water as required by technical specification surveillance requirements.

***U.S. Engineering Labs, Inc., Rahway, NJ
Supplement IV***

EA 96-245

A Notice of Violation was issued on August 5, 1996, for the failure to secure a moisture density gauge containing licensed material from unauthorized removal.

***Universal Imaging, Inc., Taylor MI
Supplement III***

EA 96-157

A Notice of Violation was issued on August 2, 1996, for multiple violations representing a breakdown in the control of licensed activities involving an iodine-131 misadministration.

***Vermont Yankee Nuclear (Vermont Yankee)
Supplement I***

EA 95-268

A Notice of Violation was issued on February 13, 1996, for numerous failures of the licensees fire protection program.

***Virginia Electric Power (Surry)
Supplement I***

EA 95-223

A Notice of Violation was issued on November 22, 1995, for the failure to follow procedures that resulted in a loss of reactor coolant system inventory.

***Virginia Electric Power (Surry)
Supplement I***

EA 95-231

A Notice of Violation was issued on August 16, 1996, for inadequate procedures that resulted in the inoperability of the hydrogen analyzers.

***Washington County Memorial Hospital, Salem, IN
Supplement VI***

EA 96-071

A Notice of Violation was issued on May 2, 1996, for a therapeutic administration of iodine-131 that took place under the supervision of a physician who was not fully qualified to perform the procedure.

***Wilcox Associates, Cadillac, MI
Supplement IV and VI***

EA 96-257

A Notice of Violation was issued on September 3, 1996, for the failure to secure a moisture density gauge containing licensed material from unauthorized removal.

***Wisconsin Electric Power Company (Point Beach, Units 1 & 2)
Supplement III***

EA 95-158

A Notice of Violation was issued on October 11, 1995, for a failure involving a security training supervisor leaving sensitive safeguards information unsecured and unprotected.

***Wisconsin Public Service (Keweenaw)
Supplement I***

EA 95-267

A Notice of Violation was issued on February 2, 1996, for the inoperability of the auxiliary feedwater system.

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APPENDIX B: SUMMARY OF PROPOSED CIVIL PENALTIES

***ABB-Combustion Engineering Nuclear Fuel, Hematite, MO
Supplement VII***

EA 96-002

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$12,500 was issued on February 29, 1996, for a violation involving three examples of a failure to provide the NRC complete and accurate information.

***Arizona Public Service Company (Palo Verde, Unit 1)
Supplement VII***

EA 93-159

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on March 7, 1996, for a violation involving discrimination against a contract employee. The supervisor responsible for the discrimination was also issued a Notice of Violation.

***Ashford Presbyterian Community Hospital, San Juan, PR
Supplement VI***

EA 96-053

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$ 2,500 was issued on March 19, 1996, for failure to instruct technologists in the licensee's medical quality management program and failure to prepare written directives for diagnostic administrations of iodine-131 as sodium iodide.

***Ashland Petroleum Co., Canton, OH
Supplement VI***

EA 95-103

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$500 was issued on December 6, 1995, for failures involving an unqualified person using licensed material without proper dosimetry or survey meter.

***B&W Fuel Company, Lynchburg, VA
Supplements V and VII***

EA 95-236

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$12,500 was issued on January 30, 1996, for multiple failures that were indicative of a significant lack of attention or carelessness toward licensed activities.

***Baltimore Gas & Electric Company (Calvert Cliffs)
Supplement III***

EA 95-170

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on January 2, 1996, based on a violation involving the granting of unescorted access to an individual that the licensee believed had provided inaccurate information concerning his criminal history.

**Baltimore Gas & Electric Company (Calvert Cliffs)
Supplement III****EA 96-179**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on July 25, 1996, for failure to comply with fire protection requirements, such that the HVAC system would be unavailable in one room in the event of a fire.

**Bemis Construction, Inc., Oklahoma City, OK
Supplement V and VI****EA 95-276**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on March 19, 1996, for failure to file an NRC Form-241 and for the deliberate failure to perform leak tests for a moisture density gauge.

**Champion International, Hamilton, OH
Supplement VI****EA 95-184**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on November 22, 1995, for a violation involving an unauthorized disposal of gauge containing licensed material.

**Commonwealth Edison Company, (Braidwood)
Supplement I****EAs 96-070 & 96-102**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on May 16, 1996, for the repetitive failures to implement the configuration control and out-of-service programs.

**Commonwealth Edison Company, (Dresden, Units 2 and 3)
Supplement V****EA 95-214**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on December 5, 1995, for the failure to deliver to licensed material in a package with a radiation level that was within NRC limits to a carrier for transport.

**Commonwealth Edison Company, (Dresden, Units 2 and 3)
Supplement I****EA 96-115**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on June 13, 1996, for failure to account for modifications in an original design calculation that rendered the corner room's structural steel outside the FSAR.

**Commonwealth Edison Company, (Quad Cities)
Supplement I****EA 95-241**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on January 2, 1996, for the failure to take adequate corrective action to prevent overloading on the 480 Vac Motor Control Center.

***Commonwealth Edison Company, (Quad Cities)
Supplement I***

EA 96-114

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on June 13, 1996, for failure to account for modifications in an original design calculation that rendered the corner room's structural steel outside the FSAR.

***Commonwealth Edison Company (Zion, Units 1 and 2), Zion, IL
Supplement VII***

EA 95-144

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on November 28, 1995, for discrimination by Commonwealth Edison Company's contractor, Bechtel Construction, against an employee for raising safety concerns. A Notice of Violation was also issued to Bechtel (EA 95-235).

***Commonwealth Edison Company, (Zion)
Supplement I***

EA 95-283

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on February 21, 1996, for the failure to maintain emergency lighting.

***Commonwealth Edison Company, (Zion)
Supplement I***

EA 96-216

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on August 23, 1996, for multiple procedural violations by operations personnel indicating a breakdown in the control of operations.

***Community Hospital, Torrington, WY
Supplement VI***

EA 96-056

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on June 12, 1996, for two sodium iodide iodine-131 misadministrations and the failure to maintain complete and accurate records pertaining to the misadministrations.

***Consumers Power Co. (Palisades)
Supplement I***

EA 96-131

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on August 13, 1996, for failures to comply with fire protection requirements.

Department of the Navy, Washington, D.C.
Supplement VI

EA 95-210

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on December 6, 1995, for the failure of the medical quality management program to have adequate procedures to verify that sources used for brachytherapy treatments were in accordance with the physician's written directive, which resulted in a therapeutic misadministration.

Department of Veteran Affairs Medical Center, Philadelphia, PA
Supplement VII

EA 96-182

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8,000 was issued on September 18, 1996, for a Severity Level II violation involving discrimination of the licensee's radiation safety officer.

Detroit Edison Co. (Fermi)
Supplement I

EA 96-095

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on May 21, 1996, for the inoperability of the diesel generator and the diesel generator service water pump under certain weather conditions.

Diagnostic Reagents, Inc., Dearborn, MI
Supplement VI and VII

EA 96-140

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$1,000 was issued on August 5, 1996, for a deliberate failure to amend the NRC license following a change of address.

Diamond H Testing Company, Chubbuck, ID
Supplements IV and VI

EA 95-148

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8,000 was issued on October 25, 1995, for violations involving an apparent willful failure to lock the sealed source in the shielded position following a radiographic exposure, a failure to conduct an adequate survey of the source guide tube after a radiographic exposure, and a failure to wear an alarm ratemeter.

Duke Power Co. (Oconee)
Supplement I

EA 96-019

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on March 5, 1996, for a violation associated with a spent fuel assembly being left in the refueling mast that was suspended in the spent fuel pool.

***Duriron Co. Inc., Dayton OH
Supplement VI***

EA 95-227

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on February 5, 1996, for the willful failure to perform leak tests at required intervals.

***Energy Technologies, Inc., Knoxville, TN
Supplements VI and VII***

EA 95-187

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on October 24 1995, for a violation involving a willful failure by the licensee to file for reciprocity while performing licensed activities in areas under NRC jurisdiction.

***Entergy Operations, Inc., (Arkansas Nuclear One)
Supplement I***

EA 96-274

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on September 6, 1996, for the failure of maintenance personnel to follow procedures that resulted in a main steam safety valve sticking open.

***Entergy Operations, Inc., (Waterford)
Supplement I***

EA 96-025

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on March 28, 1996, for operability problems associated with the auxiliary component cooling water system due to water hammer events.

***Florida Power & Light Co., (St. Lucie)
Supplement I***

EA 95-180

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on November 13, 1995, for the inoperability of the PORVs due to personnel errors during maintenance and inadequate post-maintenance testing.

***Florida Power & Light Co., (St. Lucie)
Supplement I***

EA 96-040

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on March 28, 1996, for issues related a reactor coolant system boron dilution evolution and the failure of a reactor operator to provide adequate turnover that resulted in an inadvertent addition of positive reactivity.

***Florida Power & Light Co., (Turkey Point)
Supplement VII***

EA 96-051

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on July 16, 1996, for discriminating against an employee for raising safety concerns.

**Florida Power & Light Co., (Crystal River)
Supplement I****EA 95-126**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$500,000 was issued on July 10, 1996, for numerous violations involving the apparent deliberate misconduct by a licensed operator resulting in overpressurization of the makeup tank.

**Foley Construction Services, Santa Rosa, CA
Supplement VI****EA 95-270**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$1,000 was issued on February 29, 1996, for the failure to file an NRC Form-241.

**Gamma Tech Industries, Inc., San Diego, CA
Supplement VI****EA 96-093**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$1,500 was issued on June 6, 1996, for performance of radiography in exclusive federal jurisdiction without obtaining an NRC license or filing NRC Form-241 and the failure to provide complete and accurate information to the NRC.

**Health & Human Services, Bethesda, MD
Supplement IV and VI****EA 96-027**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on August 23, 1996, for numerous security violations that represented a breakdown in the control of licensed activities.

**Houston Lighting & Power (South Texas Project)
Supplement VII****EA 95-077**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$160,000 was issued on October 17, 1995, for two Severity Level II violations for discriminating against employees for raising safety concerns.

**Houston Lighting & Power (South Texas Project)
Supplement VII****EA 96-133**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on September 19, 1996, for a Severity Level II violation for discriminating against employees for raising safety concerns.

**Houston Lighting & Power (South Texas Project)
Supplement VII****EA 96-136**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on September 19, 1996, for a Severity Level III violation for discriminating against employees for raising safety concerns.

***Industrial Marine Testing Labs, Inc., San Diego, CA
Supplement VI***

EA 96-065

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$1,500 was issued on June 6, 1996, for performance of radiography in exclusive federal jurisdiction without obtaining an NRC license or filing NRC Form-241.

***Innovative Weaponry Inc., Albuquerque, NM
Supplement VI***

EA 96-135

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$7,500 was issued on May 15, 1996, for violations of license conditions, selling sources in unauthorized configurations, and distributing tritium from an unauthorized source.

***Madigan Army Medical Center, Tacoma, WA
Supplement VI***

EA 96-004

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8,000 was issued on February 22, 1996, for two violations involving a breakdown in the licensee's quality management program.

***Monsanto Chemicals Company, Soda Spring, IN
Supplement IV***

EA 95-280

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on March 1, 1996, for the loss of control of a gauge containing approximately 50 millicuries of Cs-137.

***NDT Services, Inc., Hato Rey, PR
Supplements IV, VI, and VII***

EA 94-029

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$15,000 was issued on July 16, 1996, for multiple violations reflecting lack of management control of licensed activities.

***Nebraska Public Power (Cooper Station)
Supplement I***

EA 96-062

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on April 17, 1996, for design control failures involving the diesel generator and blowout panel.

***Niagara Mohawk Power Corporation (Nine Mile Point)
Supplement I***

EA 96-079

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on June 18, 1996, for design control problems that could have resulted in failure of the reactor building structure under certain conditions.

**Niagara Mohawk Power Corporation (Nine Mile Point)
Supplement VII****EA 96-116**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$80,000 was issued on July 24, 1996, for discriminating against an employee for raising safety concerns.

**Northeast Nuclear Energy Company (Millstone)
Supplement VII****EA 96-059**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on June 4, 1996 for discrimination by a licensee contractor, Bartlett Nuclear, Inc., against one of Bartlett's employees for raising safety concerns. A Notice of Violation was also issued to Bartlett (EA 96-060).

**Nuclear Fuel Services, Erwin, TN
Supplement VI****EA 96-213**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$12,500 was issued on August 21, 1996, for numerous failures involving inadequate configuration control, inadequate procedures, and failure to follow procedures.

**Pacific Gas & Electric Company (Diablo Canyon)
Supplement I****EA 95-279**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on January 25, 1996, for the failure to follow procedures surrounding a transformer explosion and the loss of offsite power.

**Pennsylvania Power & Light Company (Susquehanna)
Supplement VII****EA 95-250**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on February 9, 1996, for a violation involving discrimination against an employee as a result of his engaging in protected activities.

**Portland General Electric Company, (Trojan, Unit 1)
Supplement VII****EA 96-111**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on June 6, 1996, for submission of incomplete and inaccurate information to the NRC in a Licensee Event Report (LER) and in Revision 1 to that LER, concerning degradation of electrical penetration assembly module seals.

**Power Authority of the State of New York (Indian Point 3)
Supplement I****EA 95-251**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on January 2, 1996, for exceeding cold shutdown with the recirculation pump control switches mispositioned.

***Public Service Electric (Hope Creek)
Supplement I***

EA 95-216

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on December 12, 1995, for a failure to follow procedures that violated technical specifications and caused an unplanned heatup.

***Public Service Electric (Salem)
Supplement I***

EAs 95-062, 95-065, & 95-117

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$600,000 was issued on October 16, 1996, for six violations, five involving the failure to promptly respond to and correct conditions adverse to quality over an extensive period of time and one involving the failure to perform an adequate modification on the pressurizer code safety valves.

***Syncor International Corporation, Chatsworth, CA
Supplement VI***

EA 96-104

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on July 25, 1996, for a deliberate misuse of licensed material in which the lock on an employee locker was deliberately contaminated with technetium-99m.

***Temple University, Philadelphia, PA
Supplement VII***

EA 95-152

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8,000 was issued on December 15, 1995, for discriminating against an employee for raising safety concerns.

***Tennessee Valley Authority (Browns Ferry)
Supplement VII***

EA 95-220

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$80,000 was issued February 14, 1996, for discrimination by Tennessee Valley Authority's contractor, Stone & Webster Engineering Corporation, against a Stone & Webster employee for reporting concerns about fire watches. A Notice of Violation was also issued to Stone & Webster (EA 95-190).

***Tennessee Valley Authority (Sequoyah)
Supplement VII***

EA 95-252

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$80,000 was issued February 20, 1996, for discriminating against an employee for raising safety concerns.

Testco, Inc., Greensboro, NC
Supplements VI and VII**EA 95-101**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$5,000 was issued on October 31, 1995, for deliberate violations of the requirement in 10 CFR 150.20 to file NRC Form-241 before an Agreement State licensee conducts operations in NRC jurisdiction.

The Dial Corporation, London, OH
Supplement IV**EA 96-041**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on June 18, 1996, for the loss of control of a gauge containing byproduct material.

University of Oklahoma, Oklahoma City, OK
Supplement IV**EA 96-049**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on June 17, 1996, for the failure to maintain constant surveillance of licensed material in an unrestricted area.

Vermont Yankee Nuclear Power Co. (Vermont Yankee)
Supplement I**EA 96-210**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on August 23, 1996, for the failure to analyze ECCS equipment against the single failure criterion.

Wolf Creek Nuclear Operations (Wolf Creek Station)
Supplement I**EA 96-124**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$300,000 was issued on July 1, 1996, for multiple Severity Level III problems associated with the inoperability of one train of the emergency service water system, the degradation of the other train of the emergency service water system, the inoperability of the turbine driven auxiliary feedwater pump, and the inadequate response by operational personnel in response to an icing event.

APPENDIX C: SUMMARY OF ORDERS

IMPOSITION OF CIVIL PENALTY ORDERS

Advacare Management Services, Inc., Bala, PA

An Order Imposing Civil Monetary Penalty (Imposition) in the amount of \$2,500 was issued on November 28, 1995.

B&W Fuel Company, Lynchburg, VA ***EA 95-236***

An Imposition in the amount of \$12,500 was issued on April 29, 1996.

Bemis Construction, Inc., Oklahoma, OK ***EA 95-276***

An Imposition in the amount of \$2,500 was issued on May 23, 1996.

Canspec Group Inc., Middlesex, NJ

An Imposition in the amount of \$5,000 was issued on February 2, 1996.

Madigan Army Medical Center, Tacoma, WA ***EA 96-004***

An Imposition in the amount of \$8,000 was issued on May 20, 1996.

Diamond Testing Company, Chubbuck, ID ***EA 95-148***

An Imposition in the amount of \$5,000 was issued on March 5, 1996.

Duriron Co., Inc., Dayton, OH ***EA 95-227***

An Imposition in the amount of \$2,500 was issued on April 12, 1996.

Industrial Marine, Inc., Albuquerque, NM ***EA 96-065***

An Imposition in the amount of \$1,500 was issued on July 31, 1996.

Testco, Inc., Greensboro, NC ***EA 95-101***

An Imposition in the amount of \$5,000 was issued on March 19, 1996.

CONFIRMATORY, MODIFICATION, SUSPENSION, AND CEASE & DESIST ORDERS***Applied Health Physics, Bethel Park, PA******EA 96-009***

A Confirmatory Order Modifying License was issued on March 29, 1996, for failure to limit possession of licensed material to the limits authorized by the license.

Applied Health Physics, Bethel Park, PA***EA 96-353***

A Confirmatory Order Modifying License was issued on September 27, 1996, based on information that the U.S. Internal Revenue Service seized the licensee's bank accounts.

Eastern Testing & Inspection, Thorofare, NJ***EA 96-085***

An Order Suspending License was issued on March 29, 1996, based on the deliberate use of a radiographer without proper training.

Five Star Products, Inc., Fairfield, CT***EA 95-133***

An Order Prohibiting Involvement in NRC-Licensed Activities was issued on December 1, 1995, based on providing the NRC with false information.

GRD Steel Corporation, Monogahela, PA***EA 96-302***

An Order Suspending License was issued on September 13, 1996, based on the inappropriate transfer of material.

HNU Systems, Inc., Newton Highlands, MA***EA 96-234***

A Confirmatory Order Modifying License was issued on August 22, 1996, based on numerous violations of NRC requirements.

Innovative Weaponry Inc., Albuquerque, NM***EA 96-170***

A Confirmatory Order Modifying License was issued on May 15, 1996, based on violations of license conditions, selling sources in unauthorized configurations and distributing tritium from an unauthorized source.

Middle Monongahela Industries, Donora, PA***EA 96-288***

A Confirmatory Order was issued on August 12, 1996, to ensure that licensed material was properly controlled and secured.

Roy Sadovsky, Floral Park, NY***EA 96-349***

An Order Suspending License was issued on September 13, 1996, based on numerous violations of NRC requirements, including a willful use of licensed material at an unauthorized location and a failure to secure licensed material from unauthorized removal.

APPENDIX D: SUMMARY OF DEMANDS FOR INFORMATION

HNU Systems, Inc.

EA 96-153

A Demand for Information (DFI) was issued on June 7, 1996, in light of the licensee's financial concerns, to request information as to: (1) whether the licensee has sufficient resources to manage an effective radiation safety program; (2) why the NRC should conclude that delinquent debt (i.e., licensing fees) to the United States will be paid in a timely manner; and (3) why the licensee's NRC licenses should not be revoked.

National Institutes of Health, Bethesda, MD

EA 95-240

A DFI was issued on November 2, 1995, to request a response to the issues raised in a petition, filed pursuant to 10 CFR 2.206, asking that NRC suspend or revoke the NRC license and take other appropriate enforcement action.

Nelson Excavating, Thomas, WV

EA 96-173

A DFI was issued on June 11, 1996, to request information regarding the use of byproduct material after the license had been suspended by order for non-payment of fees.

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APPENDIX E: SUMMARY OF CASES INVOLVING EXERCISE OF DISCRETION

Arizona Public Service Company (Palo Verde, Unit 1) Supplement VII

EA 93-159

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was proposed on March 7, 1996, for a violation involving discrimination against a contract employee. The NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and issued the maximum civil penalty by statute because the violation went undiscovered and uncorrected for more than 19 months, during which time the overall environment at Palo Verde for raising safety concerns was in need of substantial attention.

Arizona Public Service Company (Palo Verde, Unit 1) Supplement VII

EA 95-140

In accordance with Section VII.B.5 of the Enforcement Policy, the NRC issued an exercise of Enforcement Discretion letter on January 8, 1996, based on discrimination by the licensee's contractor (The Atlantic Group). The NRC exercised discretion based on the circumstances of the case, on the fact that the licensee settled the complaint filed by the individual against the licensee prior to a hearing being conducted, and on the licensee's actions to ensure that the contractor and other contractors maintain a proper environment for raising concerns.

Champion International, Hamilton, OH Supplement VI

EA 95-184

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on November 22, 1995, for a violation involving an unauthorized disposal of gauge containing licensed material. Although application of the civil penalty assessment process would not result in a civil penalty in this case, discretion was exercised in accordance with Section VII.A.1(g) of the Enforcement Policy and a civil penalty of \$2,500 was proposed because the loss of the gauge (which was not identified and reported by the licensee) put uncontrolled radioactive material in the public domain.

Detroit Edison Co. (Fermi) Supplement I

EA 96-095

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on May 21, 1996, for the inoperability of the diesel generator and the diesel generator service water pump under certain weather conditions. Although application of the civil penalty assessment process would not result in a civil penalty, the NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and proposed a base civil penalty of \$50,000 because the nonconservative operating philosophy exhibited during the event resulted in increased duration of the problem and associated risks; and because the failure to promptly address a common cause failure mode for the Ultimate Heat Sink service water pumps represented particularly poor licensee performance.

**Entergy Operations, Inc., (Arkansas 2)
Supplement I****EA 95-193**

The staff exercised enforcement discretion under Section VII.B.3 of the Enforcement Policy (Old Design Issue) and refrained from issuing a Notice of Violation for a potential Severity Level III violation involving a design deficiency associated with the electrical power supply for the emergency feedwater system, that, under certain conditions, would have rendered both trains of emergency feedwater inoperable upon the failure of a single power supply. Discretion was warranted because: (1) the licensee discovered the problem as a result of a voluntary initiative to validate its Abnormal Operating Procedures; (2) the problem was difficult to identify and was unlikely to have been discovered through routine efforts such as surveillance testing, routine inspection, or QA activities; (3) the licensee took prompt and appropriate corrective action; and (4) the problem involved an old design issue from a design change made in 1983 and was not indicative of the licensee's current performance.

**Florida Power & Light Co., (Crystal River)
Supplement I****EA 95-126**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$500,000 was issued on July 10, 1996, for seven Severity Level III violations involving the apparent deliberate misconduct by a licensed operator resulting in overpressurization of the makeup tank. The NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy in two instances and doubled the base civil penalty based on the high regulatory significance and the licensee's multiple failures to correct design deficiencies associated with the maximum overpressure curve.

**Florida Power & Light Co., (St. Lucie)
Supplement I****EA 95-180**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on November 13, 1995, for the inoperability of the PORVs due to personnel errors during maintenance and inadequate post-maintenance testing. Although application of the civil penalty assessment process would not result in a civil penalty, the NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and proposed a base civil penalty of \$50,000 because the licensee missed six opportunities to ensure system operability.

**Gamma Tech Industries, Inc., San Diego, CA
Supplement VI****EA 96-093**

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$1,500 was issued June 6, 1996, for performance of radiography in exclusive federal jurisdiction without obtaining an NRC license or filing NRC Form-241. Discretion was exercised in accordance with Section VII.B.6 of the Enforcement Policy and the amount of the civil penalty was decreased to reflect the small size of the licensee's business and the lack of safety concerns from this particular violation.

***Houston Lighting & Power (South Texas Project)
Supplement VII***

EA 96-133

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on September 19, 1996, for a Severity Level II violation for discriminating against employees for raising safety concerns. Although application of the civil penalty assessment process would have resulted in a civil penalty of \$160,000, the NRC exercised discretion in accordance with Section VII.B.6 of the Enforcement Policy and reduced the amount of the penalty based on the licensee's extensive actions taken to address the overall environment for raising concerns at its facility.

***Industrial Marine Testing Labs, Inc. San Diego, CA
Supplement VI***

EA 96-065

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$1,500 was issued on June 6, 1996, for performance of radiography in exclusive federal jurisdiction without obtaining an NRC license or filing NRC Form-241. Discretion was exercised in accordance with Section VII.B.6 of the Enforcement Policy and the amount of the civil penalty was decreased to reflect the small size of the licensee's business and the lack of safety concerns from this particular violation.

***Innovative Weaponry Inc., Albuquerque, NM
Supplement VI***

EA 96-135

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$7,500 was issued on May 15, 1996, for violations of license conditions, selling sources in unauthorized configurations, and distributing tritium from an unauthorized source. Discretion was exercised pursuant to Section VII.A.1 of the Enforcement Policy and the base civil penalty in the amount of \$2,500 was increased given management's failure to assure that requirements were met and that the license was understood.

Lydick Engineers & Surveyors, Clovis, NM

EA 96-160

An Exercise of Enforcement Discretion was issued on June 24, 1996, involving the failure to obtain an NRC license or to file NRC Form-241 for reciprocity prior to using byproduct material in areas of exclusive federal jurisdiction. Discretion was exercised in accordance with Section VII.B.6 of the Enforcement Policy and enforcement action was not issued because the licensee did not understand the regulatory requirements pertaining to work in areas of exclusive federal jurisdiction and was unaware that it was conducting operations in areas under exclusive federal jurisdiction.

**Monsanto Chemicals Company, Soda Spring, IN
Supplement IV**

EA 95-280

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on March 1, 1996, for the loss of control of a gauge containing approximately 50 millicuries of Cs-137. Although application of the civil penalty assessment process would not have resulted in a civil penalty in this case, the NRC exercised discretion in accordance with Section VII.A.1.(g) of the Enforcement Policy and proposed a civil penalty of \$2,500 to reflect the NRC's added concern regarding the loss of a gauge, which was not identified by the licensee, and to emphasize the Commission's concern that licensed material be properly controlled and transferred.

**NDT Services, Inc., Hato Rey, PR
Supplements IV, VI, and VII**

EA 94-029

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$15,000 was issued on July 16, 1996, for multiple violations reflecting lack of management control of licensed activities. In one case the NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and proposed a base civil penalty based on the circumstances surrounding the particular violation, its importance to safety, previously expressed NRC concerns related to the licensee's failure to properly use alarm ratemeters, and the fact that prior corrective actions were ineffective to prevent the violation.

**Nuclear Fuel Services, Erwin, TN
Supplement VI**

EA 96-213

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$12,500 was issued on August 21, 1996, for numerous failures involving inadequate configuration control, inadequate procedures, and failure to follow procedures. Although application of the civil penalty assessment process would not result in a civil penalty, the NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and proposed a base civil penalty based on the fact that the violations represented particularly poor performance in several aspects of the licensee's safety program.

Pettigrew and Associates, Hobbs, NM

EA 96-159

An Exercise of Enforcement Discretion was issued on June 24, 1996, involving the failure to obtain an NRC license or to file NRC Form-241 for reciprocity prior to using byproduct material in areas of exclusive federal jurisdiction. Discretion was exercised in accordance with Section VII.B.6 of the Enforcement Policy and enforcement action was not issued because the licensee did not understand the regulatory requirements pertaining to work in areas of exclusive federal jurisdiction and was unaware that it was conducting operations in areas under exclusive federal jurisdiction.

**Portland General Electric Company, (Trojan, Unit 1), Rainier, OR
Supplement VII**

EA 96-111

A Civil Penalty in the amount of \$50,000 was issued on June 6, 1996, for submission of incomplete and inaccurate information to the NRC in a Licensee Event Report (LER) on June 10, 1991, and in Revision 1 to that LER, submitted October 28, 1991. Discretion was exercised in accordance with Section VII.A.1 of the Enforcement Policy and the amount of the civil penalty was increased to reflect the significant regulatory concern arising from the extensive management failures that contributed to this problem.

**Power Authority of the State of New York (Indian Point 3)
Supplement I**

EA 95-251

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on January 2, 1996, for exceeding cold shutdown with the recirculation pump control switches mispositioned. Although application of the civil penalty assessment process would not result in a civil penalty, the NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and proposed a base civil penalty based on the poor performance by the licensee's operations staff.

**Public Service Electric (Salem)
Supplement I**

EAs 95-062, 95-065, & 95-117

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$600,000 was issued on October 16, 1996, for six violations, five involving the failure to promptly respond to and correct conditions adverse to quality over an extensive period of time and one involving the failure to perform an adequate modification on the pressurizer code safety valves. Notwithstanding the normal civil penalty assessment process, the NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and proposed a \$100,000 civil penalty for each violation, so as to appropriately reflect the NRC's concern regarding the violations and causes, and to convey an appropriate message, given that (1) the Salem enforcement history was not good, (2) the majority of the violations were identified by the NRC, and (3) the licensee's organizations's prior actions to ensure problems are identified and corrected in a timely manner were not effective.

***Syncor International Corporation, Chatsworth, CA
Supplement VI******EA 96-104***

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 was issued on July 25, 1996, for a deliberate misuse of licensed material in which the lock on an employee locker was deliberately contaminated with technetium-99m. Although application of the civil penalty assessment process would not result in a civil penalty, the NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and proposed a base civil penalty based on the fact that the violation represented the second occurrence of deliberate misuse of licensed material within Syncor International Corporation. Therefore, a significant sanction was warranted to emphasize to the licensee and its employees that such actions are not acceptable.

***Tennessee Valley Authority (Browns Ferry)
Supplement I******EA 96-199***

A Notice of Violation was issued August 1, 1996, for design failures and post-modification testing failures that resulted in the inoperability of the RCIC system. Discretion was exercised in accordance with Section VII.B.6 of the Enforcement Policy and the base penalty was fully mitigated based on the fact that the violation associated with the previous escalated enforcement action occurred more than 2 years prior to the current issue and based on the licensee's recent overall good performance.

***Testco, Inc., Greensboro, NC
Supplements VI and VII******EA 95-101***

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$5,000 was issued on October 31, 1995, for deliberate violations of the requirement in 10 CFR 150.20 to file NRC Form-241 before an Agreement State licensee conducts operations in NRC jurisdiction. Although application of the civil penalty assessment process would have resulted in twice the base civil penalty (\$10,000), the NRC exercised discretion in accordance with Section VII.B.6 of the Enforcement Policy and proposed a base civil penalty after considering the size of the company and the effect that an Order against the company's president would have on the company's operations.

***Texas Utilities Electric (Comanche Peak)
Supplement VII******EA 95-271***

In accordance with Section VII.B.6 of the Enforcement Policy, the NRC issued an exercise of Enforcement Discretion letter to the licensee on February 22, 1996, and refrained from issuing a civil penalty or Notice of Violation for a potential Severity Level II violation for discrimination by the Acting Vice President for Operations against an employee by temporarily suspending the individual's unescorted access. Enforcement discretion was warranted because: 1) the licensee identified the issue within 12 hours of its occurrence when one of the involved managers made his supervisor aware of the access suspension; 2) upon being informed of the suspension, the group vice president immediately reversed the suspension; 3) the individual's access was restored before he required access to the protected area; 4) the individual was not aware that his protected area

access had been temporarily suspended; and 5) although not required, the licensee informed NRC of this matter the same day it was discovered.

***The Dial Corporation, London, OH
Supplement IV***

EA 96-041

A Civil Penalty (Civil Penalty) in the amount of \$2,500 was issued June 18, 1996 for loss of control of a gauge containing byproduct material. Discretion was exercised in accordance with Section VII.A.1 of the Enforcement Policy and the civil penalty was increased to reflect the NRC's added concern regarding loss of a gauge and to emphasize the Commission's concern that licensees control and properly transfer and dispose of licensed material.

Trinity Engineering Testing Company, Austin, TX

EA 96-184

An Exercise of Enforcement Discretion was issued on July 8, 1996, for the failure to file reciprocity prior to using licensed material within an area of exclusive federal jurisdiction. Discretion was exercised in accordance with Section VII.B.6 of the Enforcement Policy and a civil penalty enforcement action was not issued because the licensee did not intentionally refrain from obtaining a proper license and did not fully understand the regulatory requirements.

***Vermont Yankee Nuclear Power Co. (Vermont Yankee)
Supplement I***

EA 96-210

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on August 23, 1996, for the failure to analyze ECCS equipment against the single failure criterion. Although application of the civil penalty assessment process would not result in a civil penalty, the NRC exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and proposed a base civil penalty based on the length of time (approximately 22 years) that the condition existed, as well as the number of prior opportunities that existed to identify and correct the violation sooner.

***Wolf Creek Nuclear Operations (Wolf Creek Station)
Supplement I***

EA 96-124

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$300,000 was issued on July 1, 1996, for multiple Severity Level III problems associated with the inoperability of one train of the emergency service water system, the degradation of the other train of the emergency service water system, the inoperability of the turbine driven auxiliary feedwater pump, and the inadequate response by operational personnel in response to an icing event. Discretion was exercised in accordance with Section VII.A.1 of the Enforcement Policy and each of the Severity Level III violations and the Severity Level III problem was issued the maximum civil penalty of \$100,000 based on the particularly poor performance that substantially contributed to, and severely complicated the recovery from this risk-significant event. The fourth Severity Level III issue was not assessed a civil penalty because it was beyond the Statute of Limitations.

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APPENDIX F: SUMMARY OF ACTIONS AGAINST LICENSED INDIVIDUALS

ORDER AND DEMAND FOR INFORMATION (DFI)

Dr. Shashi Agarwal

EA 96-152

An Order Suspending License was issued on September 12, 1996, based on NRC concerns involving: (1) the lack of oversight of licensed nuclear medicine activities provided by the authorized user/Radiation Safety Officer (RSO); (2) continued use of licensed radioactive material following the resignation of the authorized user/RSO; (3) the large number of violations identified, indicative of a programmatic breakdown pertaining to NRC regulatory requirements; (4) the apparent inaccurate information concerning the initial use of radioactive material provided by the authorized user/RSO to an NRC inspector; and (5) the failure to take corrective action for previous violations. A DFI was also issued in conjunction with the order requesting information from the licensee as to why, given the circumstances, the license should not be revoked.

NOTICES OF VIOLATION (NOVs)

William E. Breen

IA 96-049

A Notice of Violation was issued on August 27, 1996, as a result of the licensed operator's failure of a chemical test for drugs.

Mark D. Diehl

IA 96-031

A Notice of Violation was issued on June 14, 1996, as a result of the licensed operator's failure of a chemical test for drugs.

Bryan Eccleston

IA 96-032

A Notice of Violation was issued on June 17, 1996, as a result of the licensed operator's failure of a chemical test for drugs.

Michael S. Lawrence

IA 96-002

A Notice of Violation was issued on February 2, 1996, as a result of the licensed operator's failure of a chemical test for drugs.

Arthur C. Lennon

IA 96-010

A Notice of Violation was issued on February 29, 1996, as a result of the licensed operator's failure of a chemical test for drugs.

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APPENDIX G: SUMMARY OF ACTIONS AGAINST NON-LICENSED INDIVIDUALS

ORDERS

Eugene Bolton

IA 96-009

An Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately) was issued on February 23, 1996 to the above individual. The Order was based on investigation findings which concluded that the individual violated the fitness for duty requirements by submitting a surrogate urine sample and by admittedly submitting surrogate urine samples successfully on previous occasions. The Order prohibits the individual from seeking unescorted access to facilities licensed by the NRC for a period of five years from March 9, 1993, the date that the individual's unescorted access was terminated by the licensee.

Juan Guzman

IA 96-020

An Order Prohibiting Unescorted Access or Involvement in NRC-Licensed Activities was issued on April 19, 1996, due to the individual providing false information about his identity and criminal background. The individual requested a hearing.

Mark Jenson

IA 96-042

An Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately) was issued on July 16, 1996, to the above individual. The Order was based on inspection and investigation findings which concluded that the individual deliberately violated 10 CFR 30.10 by failing to utilize trained and qualified individuals for the conduct of radiographic operations. The Order removed the individual from NRC-licensed activities for a period of 5 years. In addition, for a period of five years following the 5-year prohibition, the individual is required to notify the NRC the first time that he engages in licensed activities.

Donald J. McDonald

IA 96-018

An Order Prohibiting Involvement in NRC-Licensed Activities was issued on March 26, 1996 due to the individual providing incomplete and inaccurate information on forms he filed for unescorted access authorization at an NRC-licensed facility.

Gary Minnick

IA 95-061

An Order Prohibiting Involvement in NRC-Licensed Activities was issued to the above individual on December 22, 1995 based on his providing incomplete and/or inaccurate information on forms he filed for employment and unescorted access authorization with several NRC licensees.

Jesus Osorio**IA 96-043**

An Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately) was issued July 16, 1996, to the above individual. The Order was based on inspection and investigation findings which concluded that the individual deliberately violated 10 CFR 30.10 by failing to utilize trained and qualified individuals for the conduct of radiographic operations and by failing to provide the NRC complete and accurate information. The Order removed the individual from NRC-licensed activities for a period of 5 years. In addition, for a period of five years following the 5-year prohibition, the individual is required to notify the NRC the first time that he engages in licensed activities.

James L. Shelton**IA 95-055**

An Order Prohibiting Involvement in NRC-Licensed Activities for 3 years was issued October 31, 1995, because the individual deliberately violated the requirement in 10 CFR 150.20 to file NRC Form-241 before conducting radiography operations in NRC jurisdiction.

NOTICES OF VIOLATION (NOVs)**Steven R. Allent****IA 96-050**

A Notice of Violation for a Severity Level III violation was issued on September 5, 1996, for deliberately exposing a coworker to a hot particle at the Point Beach facility.

Richard Balcom**IA 95-042**

A Notice of Violation for a Severity Level II violation was issued on October 17, 1995, for discriminating against an employee for raising concerns at the South Texas facility.

Bonnie Bonas**IA 06-96**

A Notice of Violation for a Severity Level III violation was issued on June 19, 1996, for failure to follow established health physics procedures at the Braidwood facility.

Samuel L. Brooks**IA 96-030**

A Notice of Violation involving a Severity Level III violation was issued on June 12, 1996, to the individual for deliberately recording dosages in the dose administration records that were not accurate.

Kirk Carroll**IA 96-063**

A Notice of Violation for a Severity Level III violation was issued to the above individual on September 6, 1996, for deliberately violating Energy Fuels Nuclear, Inc.'s procedures by entering a yellowcake packaging enclosure without wearing a full face respirator.

Richard Fentiman

IA 96-061

A Notice of Violation for a Severity Level III violation was issued on September 27, 1996, for failure to follow access authorization procedures at the Cooper station.

Michael Nevers

IA 96-048

A Notice of Violation for a Severity Level IV violation was issued on August 23, 1996, for falsification of surveillance records at the Davis-Besse facility.

Roy G. Newholm

IA 95-041

A Notice of Violation for a Severity Level II was issued on October 10, 1995, to the above individual who told a security department supervisor to falsify the certification letters for individuals for whom job references had not been developed. Mr. Newholm's employer, Power Systems Energy Services, Inc., was also issued a Notice of Violation (EA 92-233)

Dennis C. Palmer

IA 96-046

A Notice of Violation for a Severity Level IV violation was issued on August 23, 1996, for the falsification of a surveillance record at the Byron facility.

Kevin P. Reiley

IA 96-047

A Notice of Violation for a Severity Level IV violation was issued on August 23, 1996, for the falsification of a surveillance record at the Byron facility.

John E. Rice

IA 95-044

A Notice of Violation for a Severity Level III violation was issued October 18, 1995, for a violation involving falsification of personnel background screening forms to conceal actions taken against the individual by his previous employer.

Kipp Rustenholtz

IA 96-040

A Notice of Violation for a Severity Level III violation was issued July 17, 1996, for deliberate violations involving receipt of licensed material at an address not authorized on the license, failure to measure the activity of patient radiopharmaceutical dosages in a dose calibrator, and creating inaccurate NRC-required records.

Roland Sawyer

IA 95-047

A Notice of Violation for a Severity Level III violation was issued October 30, 1995, for creating and approving false records of radiation surveys at the Public Service Company of Colorado's (PSC) Fort St. Vrain Nuclear Generating Station. Notices of Violation were also issued to PSC (EA 95-110), the individual's employer, Scientific Ecology Group, Inc. (EA 95-164) and another employee of SEC (IA 95-046)

Frank A. Warriner**IA 96-015**

A Notice of Violation for a Severity Level III violation was issued to the above individual on March 7, 1996, for discriminating against a contract employee by refusing to hire him for the contract employee's earlier involvement in protected activities. The facility licensee, Arizona Public Service Company was also issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was proposed March 7, 1996 for the supervisor's actions (EA 93-159).

Kenneth Zahrt**IA 95-046**

A Notice of Violation for a Severity Level III violation was issued on October 30, 1995, for creating and approving false records of radiation surveys at the Public Service Company of Colorado's (PSC) Fort St. Vrain Nuclear Generating Station. Notices of Violation were also issued to PSC (EA 95-110), the individual's employer, Scientific Ecology Group, Inc. (EA 95-164) and another employee of SEC (IA 95-047)

DEMANDS FOR INFORMATION (DFIs)**Eugene Bolton****IA 95-040**

A DFI was issued on October 6, 1995, to request information regarding the apparent willful violations involving the fitness-for-duty program at Indian Point 3.

Juan Guzman**IA 95-064**

A DFI was issued on January 2, 1996, to request information regarding the apparent falsification of background information in support of unescorted access at the Calvert Cliffs facility.

Paul Thompson**IA 96-022**

A DFI was issued on May 2, 1996, to request information regarding the apparent direction to two individuals to falsify radiation work permits at the Fitzpatrick facility.

APPENDIX H: SUMMARY OF ACTIONS AGAINST NON-LICENSED PERSONS OTHER THAN INDIVIDUALS

NOTICES OF VIOLATION (NOVs)

***Bartlett Nuclear, Inc., Plymouth, MA
Supplement VII***

EA 96-060

A Notice of Violation was issued on June 4, 1996, for discrimination against an employee for raising safety concerns. A Notice of Violation and Proposed Imposition of Civil Penalty (EA 96-059) was also issued to Northeast Nuclear Energy Company for which Bartlett was a contractor at the time of this violation.

***Bechtel Power Construction, Ann Arbor, MI
Supplement VII***

EA 95-235

A Notice of Violation was issued on November 28, 1995, for a violation involving discrimination against an employee of Bechtel for raising safety concerns at Commonwealth Edison Company's Zion plant. A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was also issued November 28, 1995.

***Power Systems Energy Services, Inc., Windsor, CT
Supplement VII***

EA 92-233

A Notice of Violation was issued on October 13, 1995, to Power Systems Energy Services based on a violation involving falsified background screening certification letters. A Notice of Violation was also issued to the supervisor responsible for providing the false information (IA 95-041).

***Power Systems Energy Services, Inc., Windsor, CT
Supplement VII***

EA 96-078

A Notice of Violation was issued on May 28, 1996, for discriminating against an employee who raised concerns about the access authorization program.

***Raytheon Engineers & Construction (South Texas)
Supplement VII***

EA 96-137

A Notice of Violation was issued on September 19, 1996, for discriminating against an employee for raising safety concerns.

Scientific Ecology Group, Inc., Oakridge, TN
Supplement VII**EA 95-164**

A Notice of Violation was issued on October 30, 1995, for a violation involving the falsification of vehicle radiation survey records and radiation work permits. A Notice of Violation was also issued to SEG's employer, Public Service Company of Colorado (EA 95-110) and to two of SEG's employees (EAs 95-200, 95-201).

Stone & Webster Engineering Corporation, Boston, MA
Supplement VII**EA 95-190**

A Notice of Violation was issued on February 14, 1996, for discrimination against a Stone & Webster iron worker for reporting concerns about the fire watch at Tennessee Valley Authority's Browns Ferry Nuclear Plant. A civil penalty was also issued to Tennessee Valley Authority for this violation (EA 95-220).

The Atlantic Group
Supplement VII**EA 95-192**

A Notice of Violation was issued on January 8, 1996, for a violation involving discrimination against an employee of The Atlantic Group for raising safety concerns.

APPENDIX I: SUMMARY OF CASES INVOLVING DISCRIMINATION

***Arizona Public Service Company (Palo Verde, Unit 1)
Supplement VII***

EA 93-159

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on March 7, 1996, for a violation involving discrimination against a contract employee. The supervisor responsible for the discrimination was also issued a Notice of Violation.

***Bartlett Nuclear, Inc., Plymouth, MA
Supplement VII***

EA 96-060

A Notice of Violation was issued on June 4, 1996, for discrimination against an employee for raising safety concerns at the Millstone facility. A Notice of Violation and Proposed Imposition of Civil Penalty (EA 96-059) was also issued to Northeast Nuclear Energy Company for which Bartlett was a contractor at the time of this violation.

***Bechtel Power Construction, Ann Arbor, MI
Supplement VII***

EA 95-235

A Notice of Violation was issued on November 28, 1995, for a violation involving discrimination against an employee of Bechtel for raising safety concerns at Commonwealth Edison Company's Zion plant. A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was also issued November 28, 1995.

***Commonwealth Edison Company (Zion, Units 1 and 2), Zion, IL
Supplement VII***

EA 95-144

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued on November 28, 1995, for discrimination by Commonwealth Edison Company's contractor, Bechtel Construction, against an employee for raising safety concerns. A Notice of Violation was also issued to Bechtel (EA 95-235).

***Department of Veteran Affairs Medical Center, Philadelphia, PA
Supplement VII***

EA 96-182

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8,000 was issued on September 18, 1996, for a Severity Level II violation involving discrimination of the licensee's radiation safety officer.

***Florida Power & Light Co., (Turkey Point)
Supplement VII***

EA 96-051

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on July 16, 1996, for discriminating against an employee for raising safety concerns.

**Georgia Power Co. (Vogtle)
Supplement VII**

EA 95-171

A Notice of Violation was issued May 29, 1996, for discrimination against an employee for raising safety concerns.

**Georgia Power Co. (Vogtle)
Supplement VII**

EA 95-277

A Notice of Violation was issued May 29, 1996, for discrimination against an employee for raising safety concerns.

**Houston Lighting & Power (South Texas Project)
Supplement VII**

EA 95-077

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$160,000 was issued on October 17, 1995, for two Severity Level II violations for discriminating against employees for raising safety concerns.

**Houston Lighting & Power (South Texas Project)
Supplement VII**

EA 96-133

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on September 19, 1996, for a Severity Level II violation for discriminating against employees for raising safety concerns.

**Houston Lighting & Power (South Texas Project)
Supplement VII**

EA 96-136

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on September 19, 1996, for a Severity Level III violation for discriminating against employees for raising safety concerns.

**Niagara Mohawk Power Corporation (Nine Mile Point)
Supplement VII**

EA 96-116

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$80,000 was issued on July 24, 1996, for discriminating against an employee for raising safety concerns.

**Northeast Nuclear Energy Company (Millstone)
Supplement VII**

EA 96-059

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on June 4, 1996 for discrimination by a licensee contractor, Bartlett Nuclear, Inc., against one of Bartlett's employees for raising safety concerns. A Notice of Violation was also issued to Bartlett (EA 96-060).

**Pennsylvania Power & Light Company (Susquehanna)
Supplement VII**

EA 95-250

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was issued on February 9, 1996, for a violation involving discrimination against an employee as a result of his engaging in protected activities.

**Power Systems Energy Services, Inc., Windsor, CT
Supplement VII**

EA 96-078

A Notice of Violation was issued on May 28, 1996, for discriminating against an employee who raised concerns about the access authorization program.

**Raytheon Engineers & Construction (South Texas)
Supplement VII**

EA 96-137

A Notice of Violation was issued on September 19, 1996, for discriminating against an employee for raising safety concerns.

**Stone & Webster Engineering Corporation, Boston, MA
Supplement VII**

EA 95-190

A Notice of Violation was issued on February 14, 1996, for discrimination against a Stone & Webster iron worker for reporting concerns about the fire watch at Tennessee Valley Authority's Browns Ferry Nuclear Plant. A civil penalty was also issued to Tennessee Valley Authority for this violation (EA 95-220).

**Temple University, Philadelphia, PA
Supplement VII**

EA 95-152

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8,000 was issued on December 15, 1995, for discriminating against an employee for raising safety concerns.

**Tennessee Valley Authority (Browns Ferry)
Supplement VII**

EA 95-220

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$80,000 was issued February 14, 1996, for discrimination by Tennessee Valley Authority's contractor, Stone & Webster Engineering Corporation, against a Stone & Webster employee for reporting concerns about fire watches. A Notice of Violation was also issued to Stone & Webster (EA 95-190).

**Tennessee Valley Authority (Sequoyah)
Supplement VII**

EA 95-252

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$80,000 was issued February 20, 1996, for discriminating against an employee for raising safety concerns.

***The Atlantic Group
Supplement VII******EA 95-192***

A Notice of Violation was issued on January 8, 1996, for a violation involving discrimination against an employee of The Atlantic Group for raising safety concerns.

Frank A. Warriner***IA 96-015***

A Notice of Violation was issued to the above individual on March 7, 1996, for discriminating against a contract employee by refusing to hire him for employment at the Palo Verde facility because of the contract employee's earlier involvement in protected activities. The facility licensee, Arizona Public Service Company was also issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 was proposed March 7, 1996 for the supervisor's actions (see EA 93-159 above).

APPENDIX J: SUMMARY OF HEARING ACTIVITY

Bauer, James, M.D.

IA 94-011

A request for hearing was received on May 26, 1994 regarding an Order prohibiting an individual from participating in NRC-licensed activities. The parties reached a proposed settlement agreement and submitted it for approval by the Licensing Board; the Board approved the settlement agreement and dismissed the proceeding on November 13, 1995.

Eastern Testing and Inspection

EA 96-085

A request for hearing and request to set aside the immediate effectiveness of an Order suspending licenses, was filed by the licensee on April 1, 1996. The Staff and licensee filed a proposed settlement agreement for approval by the Licensing Board; the Board approved the settlement agreement and dismissed the proceeding on June 11, 1996.

Guzman, Juan

IA 96-020

Requests for hearing were filed by an individual and his wife on April 29, 1996, regarding an Order prohibiting the individual's unescorted access and involvement in NRC-licensed activities. On September 10, 1996, the Licensing Board granted the Staff and licensee's joint motion to hold the proceeding in abeyance pending the finalization of a settlement agreement. The parties filed the proposed settlement agreement on October 4, 1996; on October 16, 1996, the Licensing Board approved the settlement agreement and dismissed the proceeding.

Innovative Weaponry

EA 96-170

A request for hearing was filed on June 14, 1996, regarding a Confirmatory Order modifying the license (effective immediately), requiring the submission of written procedures and plans for training and audits. The hearing is pending.

Oncology Services Corp.

EA 94-006

A request for hearing was filed on May 18, 1995, regarding an Order imposing civil penalty. The Staff and licensee filed a joint motion for approval of a proposed settlement agreement on February 12, 1996; the Licensing Board approved the settlement agreement and dismissed the proceeding on March 28, 1996.

Radiation Oncology Center at Marlton

EA 93-072

A request for hearing was filed on May 18, 1995, regarding an Order imposing civil penalty. The Staff and licensee filed a joint motion for approval of a proposed settlement agreement on February 12, 1996; the Licensing Board approved the settlement agreement and dismissed the proceeding on March 28, 1996.

Shelton, James***IA 95-055***

A request for hearing was filed on December 21, 1995, regarding an Order prohibiting an individual's involvement in NRC-licensed activities, in a companion case to the Testco proceeding (see below). On September 17, 1996, the Staff and licensee informed the Licensing Board that they had reached a settlement agreement. The Licensing Board approved the settlement agreement and dismissed the proceeding on October 1, 1996.

Testco***EA 95-101***

A request for hearing was filed on July 20, 1996, concerning an Order imposing a civil penalty on an Agreement State materials licensee who had conducted operations in non-Agreement states under NRC jurisdiction. On September 17, 1996, the Staff and licensee informed the Licensing Board that they had reached a settlement agreement. The Licensing Board approved the settlement agreement and dismissed the proceeding on October 1, 1996.

Western Industrial X-Ray Inspection Co.***EA 93-238, EA 94-131***

A request for hearing was filed by the licensee regarding an Order suspending its radiography license. A second request for hearing was filed by the licensee regarding a further Order revoking the license. The Staff and licensee filed a proposed settlement agreement for approval by the Licensing Board; the Board approved the settlement agreement and dismissed the proceedings on November 16, 1995.

Wicks, Larry D.***IA 94-024***

A request for hearing was filed by the owner of licensee Western Industrial X-Ray Inspection Co. (WIX), regarding an Order prohibiting his involvement in NRC-licensed activities. The parties filed a proposed settlement agreement for approval by the Licensing Board; the Board approved the settlement agreement and dismissed the proceeding on November 16, 1995.

APPENDIX K: SUMMARY OF 10 CFR 2.206 ACTIVITY

Director's Decision-96-04

A petition was received on May 12, 1993, on Palo Verde requesting the immediate shutdown of the licensee and a survey of the breadth of any chilling effect on the basis of asserted discrimination. Supplemental information received on October 26, 1993, January 15, 1994, and June 2, 1994. The supplemental information included the petitioner's October 23, 1993 complaint to the Department of Labor, and allegations of retaliatory conduct and chilling effect by the Atlantic Group. This issue was addressed in Director's Decision-96-04, dated June 3, 1996.

Director's Decision-96-04

A petition was received on May 27, 1994, on Palo Verde requesting the staff to modify, suspend, or revoke the operating license authorizing the operation of the three reactors at Palo Verde. The bases for the requested action are the continued employment of the Atlantic Group, that is alleged to have discriminated against the petitioner, statements by a licensee official concerning the petitioner's application, improper termination of an employee, and a separate technical issue involving eddy current testing. This issue was addressed in Director's Decision-96-04, dated June 3, 1996.

Director's Decision-96-04

A petition was received on November 14, 1994, on Palo Verde requesting the NRC (1) grant an administrative public hearing before the NRC ASLB, (2) immediately shut down all three reactors at Palo Verde until the licensee can demonstrate there is no hostile work environment, and (3) issue a Demand for Information to the licensee seeking assurance that the licensee will ensure that an environment exists free of harassment, intimidation, and discrimination. This issue was addressed in Director's Decision-96-04, dated June 3, 1996.

PENDING

A petition was received on May 30, 1996, on Westinghouse Electric Corporation requesting the staff to take immediate action and issue a Show Cause Order or civil penalty pertaining to Westinghouse's allegedly providing false information to the Department of Labor Administrative Law Judge concerning qualifications for health physics technicians. The staff is preparing a Director's Decision on the petition.