

**Responses to Information Requests  
The Honorable Jason Chaffetz  
Letter dated June 8, 2015**

- REQUEST 1.**     **A list of all fines or penalties that may be assessed by the Agency. For each fine or penalty, identify:**
- a.    the Agency component responsible for assessing the fine or penalty;**
  - b.    the regulatory and statutory authority under which the fine or penalty may be assessed;**
  - c.    the regulatory and statutory authority under which funds may be retained or spent after collection, including any constraints on such spending;**
  - d.    all non-Agency recipients of funds collected from the fine or penalty, including the amount provided to each recipient, since January 1, 2010; and,**
  - e.    whether the fine or penalty is civil or criminal in nature.**

**ANSWER.**

- a) The Office of Enforcement is responsible for oversight of the enforcement program, including assessment of fines or penalties. The head of the applicable program or regional office proposes fines and penalties, in consultation with the Office of Enforcement, and issues the initial enforcement sanction.
- b) Civil penalties are assessed under section 234 of the Atomic Energy Act, as amended, 42 U.S.C. § 2282a. Regulations promulgated to implement this authority are at 10 CFR Part 2, Subpart B. The maximum civil penalty is adjusted at least once every four years pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.
- c) The U.S. Nuclear Regulatory Commission (NRC) does not have the authority to retain or spend civil penalties collected. All penalties are deposited in the United States Treasury as miscellaneous receipts.
- d) None.
- e) The NRC authority is limited to imposition of civil penalties.

Enclosure

**REQUEST 2. All guidance referring or relating to assessment of fines or penalties.**

**ANSWER.**

- a) The U.S. Nuclear Regulatory Commission (NRC) Enforcement Policy (Policy) sets forth the general principles governing the NRC's enforcement program and the Commission's expectations regarding the process to be used by the NRC to assess and disposition violations of NRC requirements. Section 2.3.4 of the Policy describes the assessment of civil penalties. The current version of the Policy, dated February 4, 2015, is available at: <http://pbadupws.nrc.gov/docs/ML1502/ML15029A148.pdf>.
- b) The Enforcement Manual (Manual) provides specific guidance to the staff on implementation of the NRC enforcement program. The current version of the Manual, dated December 5, 2014, is available at: <http://pbadupws.nrc.gov/docs/ML1026/ML102630150.pdf>

Hard copies of these two documents have not been included because they are over 500 pages combined.

**REQUEST 3. All guidance referring or relating to retention or expenditure of funds collected from fines or penalties.**

**ANSWER.**

Section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2282, authorizes the NRC to impose civil penalties. Additionally, 31 U.S.C. § 3302(b) (Miscellaneous Receipts Act) requires the NRC to deposit into the U.S. Treasury as miscellaneous receipts all monies collected under Section 234. As such, the NRC lacks the authority to retain or expend funds collected from fines or civil penalties. This was confirmed by the Comptroller General of the United States in B-238419, 70 Comp. Gen. 17(1990).

**REQUEST 4. A list of all instances since January 1, 2010, where a fine or penalty was waived or otherwise disposed of as part of a settlement with the Agency and/or the Department of Justice.**

**ANSWER.**

The following table lists those instances, since January 1, 2010, where a fine or penalty was waived or otherwise disposed of as part of a settlement through the use of alternative dispute resolution (ADR). The Administrative Dispute Resolution Act of 1996 provides the statutory framework to use ADR to settle disputes.

<b>Case No.</b>	<b>Licensee</b>	<b>Action</b>	<b>Date</b>
EA-2009-142	U.S. Department of Commerce, National Institute of Standards and Technology	Confirmatory Order with Civil Penalty	03/01/2010
EA-2008-184	CAN USA, Inc.	Confirmatory Order	04/16/2010
EA-2009-272	AREVA NP, Inc.	Confirmatory Order	04/26/2010
EA-2009-252	Duke Energy Carolinas, LLC	Confirmatory Order	06/02/2010
EA-2010-054	Stone & Webster Construction, Inc., Browns Ferry Nuclear Power Plant	Confirmatory Order	09/10/2010
EA-2010-076	Nuclear Fuel Services, Inc.	Confirmatory Order	11/16/2010
EA-2010-041	AREVA NP, Inc.	Confirmatory Order	12/02/2010
EA-2010-077	Superior Well Services, Ltd.	Confirmatory Order with Civil Penalty	02/08/2011
EA-2010-231	Alaska Industrial X-Ray, Inc.	Confirmatory Order with Civil Penalty	06/07/2011
EA-2010-258	Bozeman Deaconess Hospital	Confirmatory Order with Civil Penalty	07/08/2011
EA-2011-056	United States Enrichment Corporation	Confirmatory Order	08/17/2011
EA-2010-161	Professional Service Industries, Inc.	Confirmatory Order with Civil Penalty	08/18/2011
EA-2011-096	Entergy Nuclear Operations, Inc., River Bend Station	Confirmatory Order	08/24/2011
EA-2011-043	Accurate NDE and Inspection, Inc.	Confirmatory Order with Civil Penalty	12/19/2011
EA-2011-214	Entergy Nuclear Operations, Inc., Palisades Nuclear Plant	Confirmatory Order	01/25/2012
EA-2010-090	Entergy Nuclear Operations, Inc., James A. Fitzpatrick Nuclear Power Plant	NOV	01/26/2012
EA-2011-254	ABSG Consulting Inc.	Confirmatory Order	04/17/2012
EA-2010-102	Texas Gamma Ray, LLC	Confirmatory Order with Civil Penalty	05/15/2012

Case No.	Licensee	Action	Date
EA-2012-021	Tennessee Valley Authority	Confirmatory Order	06/18/2012
EA-2012-005	Indiana Michigan Power Co.	Confirmatory Order	06/28/2012
EA-2011-124	Quality Inspection and Testing, Inc.	Confirmatory Order with Civil Penalty	08/10/2012
EA-2012-058	DBI , Inc.	Confirmatory Order with Civil Penalty	10/11/2012
EA-2012-145	Southern Nuclear Operating Company, Inc., Joseph M. Farley Nuclear Plant	Confirmatory Order	05/06/2013
EA-2013-025	Dr. Bradley D. Bastow	Confirmatory Order with Civil Penalty	09/03/2013
EA-2012-189	Chicago Bridge and Iron Company	Confirmatory Order	09/16/2013
EA-2013-068	Exelon Generation Company, LLC	Confirmatory Order	10/28/2013
EA-2012-140	South Carolina Electric & Gas Company, Virgil C. Summer Nuclear Station	Confirmatory Order	03/10/2014
EA-2014-005	Tennessee Valley Authority, Browns Ferry Nuclear Plant	Confirmatory Order	05/01/2014
EA-2014-013	Entergy Nuclear Operations, Inc., Palisades Nuclear Plant	Confirmatory Order	07/21/2014
EA-2013-196	Chicago Bridge and Iron Company	Confirmatory Order	09/25/2014
EA-2014-113	Kruger Technologies, Inc.	Confirmatory Order	10/28/2014
EA-2014-009	Entergy Operations, Inc., River Bend Station	Confirmatory Order with Civil Penalty	12/03/2014

**REQUEST 5.** For each Agency component, the total amount of funds collected through the assessment of fines and penalties by the applicable statute or regulation that was implicated, since January 1, 2010.

ANSWER.

The total amount of funds collected from civil penalties assessed under section 234 of the Atomic Energy Act, as amended, 42 U.S.C. §2282a, since January 1, 2010, is approximately \$1,558,036. All funds collected are deposited into the U.S. Treasury.

**REQUEST 6.** A breakdown of the total amount of funds collected through the assessment of fines and penalties by the applicable statute or regulation that was implicated, since January 1, 2010.

ANSWER.

The total amount of funds collected from civil penalties assessed under section 234 of the Atomic Energy Act, as amended, 42 U.S.C. §2282a, since January 1, 2010, is approximately \$1,558,036. All funds collected are deposited into the U.S. Treasury. No funds from civil penalties were assessed or collected under any other statute or regulation.