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Office of Investigations Annual Report FY 2018

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Office of Investigations Annual Report FY 2018

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ABSTRACT

This report provides the U.S. Nuclear Regulatory Commission with an overview of the Office of Investigations' (OI's) activities, mission, and purpose, along with the framework of case inventory with highlights of significant cases that OI completed during fiscal year 2018 (see Staff Requirements Memorandum COMJC-89-8, dated June 30, 1989). This is the 30th OI annual report.

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DIRECTOR'S MESSAGE

Since joining the Nuclear Regulatory Commission as the Director of the Office of Investigations (OI) in July 2018, the one word that comes to mind while getting acquainted with the level of work the agents and staff do is, "impressive". In my thirty years of law enforcement I have covered a lot of ground, and been involved in complex investigations and operations. However, I don't think I have ever seen the degree of detail, precision, and ability to organize highly technical information into a comprehensive package that the agents and staff of OI do day in and day out. The requirements are demanding. The agents work independently for the most part, with a great deal of time spent on the road conducting interviews, compiling the volumes of information gathered, working with the NRC technical experts, and writing the investigative reports concisely capturing all of the complex information. I can confidently say that OI agents are exceptional investigators, in class all by themselves.



OI's mission is to support the NRC in its regulatory responsibilities by conducting timely, credible, and comprehensive investigations of potential wrongdoing. Over this past fiscal year from October 1, 2017 through September 30, 2018, the agents and staff have conducted 174 investigations, and 21 assists to NRC staff. With the support of our partners at the Department of Justice, several investigations were accepted for prosecution, and 2018 saw the sentencing of two individuals for falsifying documents related to the radiological remediation effort at Hunter's Point Shipyard in San Francisco, California. It is egregious violations like these, where OI truly provides the NRC with the necessary skills and abilities to hold those who intentionally deceive the protectors of the environment accountable.

Looking ahead the staff will be examining past OI practices and policies in order to find innovative ways to increase our efficiency in meeting our stakeholders' needs without compromising thoroughness or quality. This effort will be driven by the personnel who do the job with input from our colleagues in the Office of Enforcement and the Office of General Counsel. The overall objective is to put the OI investigative product back into the NRC regulatory process as soon as possible, a benefit for both the NRC and those we regulate.

I look forward to the challenges ahead.

A handwritten signature in blue ink that reads "Andy Shuttleworth". The signature is fluid and cursive.

Andy Shuttleworth
Director

FOCUSING ON OUR MISSION

As the U.S. Nuclear Regulatory Commission's (NRC's) law enforcement arm, the Office of Investigations (OI) protects the American public by conducting criminal, civil, and administrative investigations of alleged violations by NRC licensees.

Since 1982, OI has investigated a broad range of violations, and this year the office continues to focus on the following investigative priorities:

- criminal violations that undermine the safe and secure use of radioactive materials, the common defense and security of the United States, and the protection of the environment
- criminal violations that pose a particularly significant risk of harm to the public health and safety and for which the criminal process appears to be the most effective remedy
- criminal conduct, including making material false statements to the NRC during the regulatory process, that prevents the NRC from being able to properly regulate
- criminal violations by individuals who discriminate against whistleblowers who raise and pursue certain protected activities regulated by the NRC
- criminal violations in situations where the normal regulatory process may be unable to remedy the problem
- criminal violations by individuals and organizations that attempt to introduce counterfeit, fraudulent, and suspect items into the nuclear supply chain
- proactive investigative partnerships with other Federal, State, international, and local law enforcement officials

1 FISCAL YEAR 2018 HIGHLIGHTS

During fiscal year (FY) 2018, the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) recruited, hired, and maintained a mission-driven, high-performing workforce and affirmed its commitment to investigative independence, excellence, and adherence to established quality standards. OI is comprised of experienced Federal criminal investigators and professional support staff who continuously exceed the expectations of both internal and external stakeholders. With the goal of continuous program improvement, OI implemented several strategies that enhanced its investigative role within the NRC.

OI's significant achievements during FY 2018 included the following:

- OI closed 95 investigations. In 95 percent (90 investigations), OI developed sufficient information to reach a conclusion regarding substantiated or unsubstantiated allegations of willful wrongdoing, exceeding OI's performance measure of 90 percent.
- Of the above 95 investigations, OI closed 93 percent in 12 months or less, exceeding OI's performance measures for both reactor and materials investigations.
- Of the 20 assists to staff closed, 100 percent were closed within 90 days, exceeding OI's performance measure of 90 percent.
- OI processed 35 Freedom of Information Act requests in a timely manner.
- OI referred 100 percent of its substantiated wrongdoing investigations to the U.S. Department of Justice (DOJ) for consideration of prosecution.

2 INTRODUCTION AND OVERVIEW

HISTORY

In 1982, with the support of the DOJ and the U.S. Congress, the NRC established OI as part of an agency effort to improve the quality of its investigative work and to support the NRC's overall mission. On April 20, 1982, the Commission announced the formation of OI to improve the NRC's capability "to perform credible, thorough, timely and objective investigations." OI was given the responsibility to conduct independent investigations either at the request of specific NRC officials or on its own initiative. OI subsequently hired experienced Federal criminal investigators, a practice it continues today, who investigate alleged wrongdoing in accordance with DOJ guidelines and Quality Standards for Investigations established by the Council of Inspectors General on Integrity and Efficiency.

AUTHORITY

The Commission delegated to the Director of OI the authority to take the necessary steps to accomplish the OI mission, as described in Title 10 of the *Code of Federal Regulations* (10 CFR) 1.36, "Office of Investigations." (See Section 161(c) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201(c)) and Section 206 of the Energy Reorganization Act of 1974 (42 U.S.C. 5846).) OI jurisdiction extends to the investigation of alleged wrongdoing by licensees, certificate holders, permittees, or applicants; by contractors, subcontractors, and vendors of such entities; and by management, supervisory, and other employed personnel of such entities who may have violated the Atomic Energy Act, the Energy Reorganization Act, and rules, orders, and license conditions issued by the Commission.

Additionally, during investigations, OI may uncover issues that are potentially significant to safety that may, or may not, be related to wrongdoing. In these instances, OI promptly gives this information to the technical staff for appropriate action. OI also provides professional investigative expertise to the NRC staff in the form of assists to staff. Generally, these assists to staff are associated with matters of regulatory concern for which the NRC staff has requested OI's investigative expertise but that do not initially involve a specific indication of wrongdoing.

MISSION

As stated in the NRC's Strategic Plan for FYs 2014–2018, the agency's mission is to license and regulate the Nation's civilian use of radioactive materials to protect public health and safety, promote the common defense and security, and protect the environment. The NRC's vision is to carry out its mission in a manner that ensures it remains a trusted, independent, transparent, and effective nuclear regulator. The NRC's Strategic Plan defines the strategic goals and objectives that will allow the agency to carry out its mission and identifies activities that will contribute to achieving these goals.

OI aligns with the agency's regulatory programs and strategic values and goals to provide for the safe use of radioactive materials and nuclear power for civilian use. OI's national investigations program consistently operates under the agency's principles of good regulation, openness, efficiency, clarity, and reliability to support regulatory actions that are effective, realistic, and timely.

3 THE OFFICE OF INVESTIGATIONS

The Director of OI reports to the Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs and supports the reactor and materials programs.

OI is an independent, national investigations program, which consists of four regionally co-located field offices led by special agents in charge, who report directly to OI senior executives located at OI headquarters. Federal criminal investigators (special agents (GG-1811)) and professional support personnel staff OI field and headquarters offices.

All NRC OI special agents have extensive backgrounds and experience in Federal criminal investigations. During FY 2018, the professional cadre of OI special agents had an average of 18 years of Federal law enforcement experience. OI special agents have previously served at Federal law enforcement agencies including the Secret Service, Department of Energy, Naval Criminal Investigative Service, Department of Labor, Air Force Office of Special Investigations, FBI, Drug Enforcement Administration, and various offices of Inspectors General.

OI plans and conducts investigations of allegations of wrongdoing to determine whether there are willful and deliberate actions in violation of NRC regulations and criminal statutes. OI also develops and implements policies, procedures, and quality control standards for investigations. OI conducts investigations in accordance with the Quality Standards for Investigations established by DOJ guidelines and Quality Standards for Investigations established by the Council of Inspectors General on Integrity and Efficiency. Additionally, OI maintains proactive investigative partnerships with other Federal, State, and local law enforcement officials.

4 QUALITY ASSURANCE REVIEWS

OI quality assurance reviews (QARs) are annual self-assessments of OI's national investigations program. QARs are conducted for OI headquarters and each OI field office to support the goal of continuous improvement and to assess three major focus areas: operations, management, and administration.

QARs include meetings with OI personnel to discuss current OI headquarters' initiatives and activities, policy and procedural focus, and special or regional items of interest. During these self-assessments, OI personnel are interviewed to obtain timely feedback about operational matters and to discuss any issues of particular interest to the employee. Additionally, the QAR team meets with internal stakeholders, including the Regional/Deputy Regional Administrator, Regional Counsel, Enforcement Coordinator, Allegation Coordinator, and other regional staff, as appropriate.

At the conclusion of the reviews, the QAR team conducts an exit briefing with the OI field office special agent in charge to discuss the team's findings and recommendations. OI headquarters conducts a final review of the QAR findings to identify and implement best practices with a view toward continuous program improvement and investigative excellence.

In addition to the QARs, the OI Director or Deputy Director conducts annual visits to each of the OI field offices, which are co-located in the four NRC regional offices. During these visits, OI senior executives emphasize effective communication among OI staff and internal stakeholders to promote organizational excellence. The Director's visit may include individual meetings with each OI employee to discuss a variety of subjects and to address any concerns or questions. Additionally, investigative and support staff at OI headquarters may accompany the Director or Deputy Director during visits to OI field offices, which provide opportunities for effective knowledge transfer and increased operational and programmatic awareness. These visits facilitate, encourage, and demonstrate an open exchange of ideas and expressions of differing views between OI senior management and its field office personnel, as well as between OI and regional senior management.

5 CASES

Figure 1 shows the OI case inventory, which includes all investigations and assists to staff conducted during FY 2014 through FY 2018. The total case inventory in FY 2018 was 195, down 7 percent from 209 in FY 2017. This includes 174 investigations, 91 of which were carried over from FY 2017. Also included are 21 assists to staff, 3 of which was carried over from FY 2017.

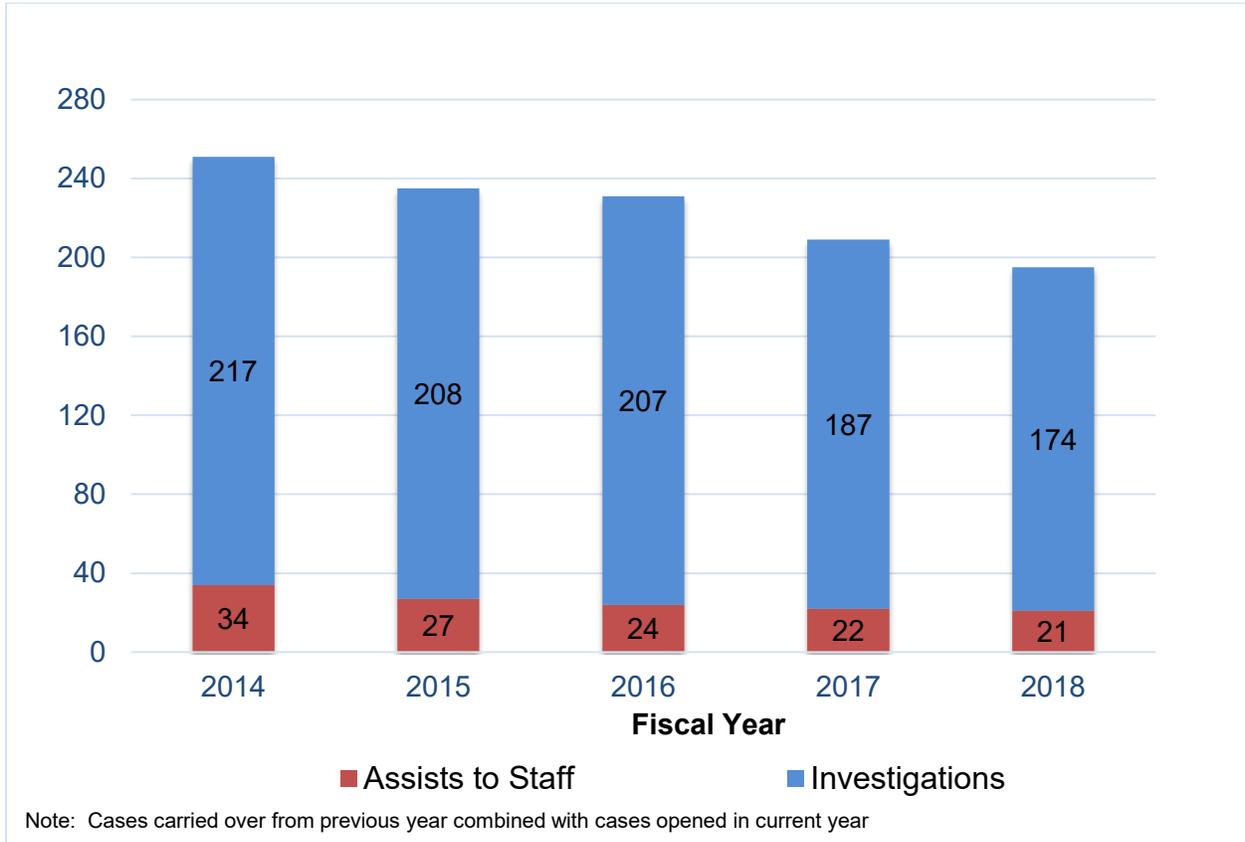


Figure 1 Case Inventory

The total number of cases in the OI inventory during FY 2018 was 195, which was a 7 percent decrease from 209 in FY 2017.

6 CASES OPENED

Table 1 shows the number of cases opened by category from FY 2014 through FY 2018. In FY 2018, there was a 12-percent decrease in total cases opened from FY 2017. There was a decrease of 30 percent in the number of investigations of suspected material false statements and a 10-percent decrease in violations of other NRC regulatory requirements. In FY 2018, the number of discrimination investigations decreased by 2 percent, and the number of assists to staff cases decreased by 14 percent. OI opened 101 cases in FY 2018 in the categories listed below.

Table 1 Cases Opened by Category

Category	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Total	135	138	119	115	101
Material False Statements	35	33	24	23	16
Violations of Other NRC Regulatory Requirements	38	43	29	30	27
Discrimination	33	36	46	41	40
Assists to Staff	29	26	20	21	18

Note: Of the 101 cases opened in FY 2018, 16 percent consisted of material false statements, 27 percent were violations of other NRC regulatory requirements, 40 percent were discrimination, and 18 percent were assists to staff.

The graph in Figure 2 shows the distribution of cases opened during FY 2014 through FY 2018 for the reactor and materials programs. From FY 2017 to FY 2018, the overall number of reactor cases decreased by 20 percent. Reactor investigations decreased 22 percent, and reactor-related assists to staff decreased by 14 percent.

The number of materials cases increased by 23 percent, with an increase of 40 percent in the number of materials investigations and a 14-percent decrease in materials-related assists to staff.

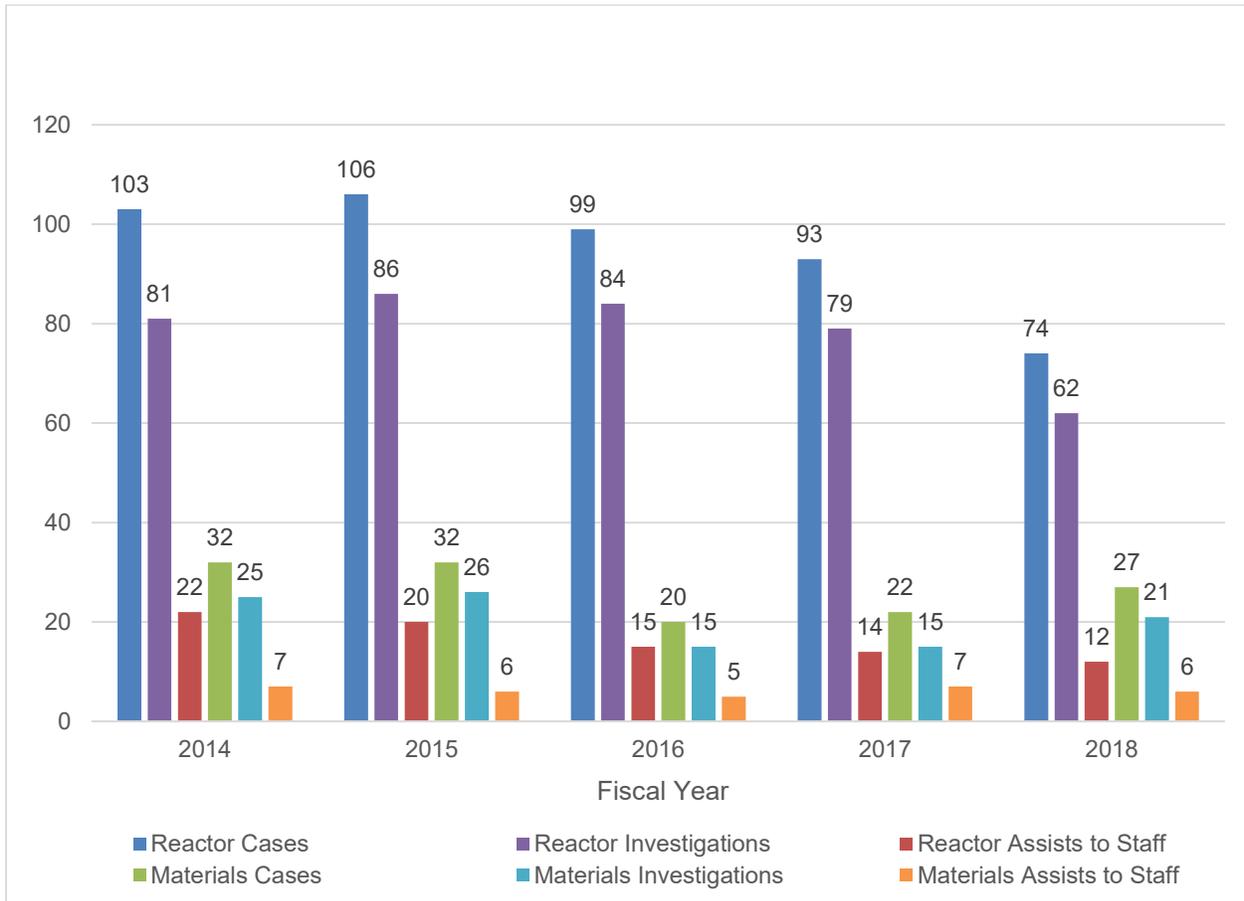


Figure 2 Cases Opened by Reactor/Material

Reactor cases: 74
Reactor investigations: 62
Reactor assists to staff: 12

Materials cases: 27
Materials investigations: 21
Materials assists to staff: 6

7 CASES CLOSED

Table 2 shows the number of cases closed by category during FY 2014 through FY 2018. The total closed during FY 2018 remained the same from the number closed in FY 2017. There was a 4 percent decrease in investigations of material false statements and a 19-percent increase of investigations involving violations of other NRC regulatory requirements. Discrimination investigations decreased by 13 percent and assists to staff increased by 5 percent. OI closed 115 cases in FY 2018 in the categories listed below.

Table 2 Cases Closed by Category

Category	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Total	154	123	137	115	115
Material False Statements	19	33	34	23	22
Violations of Other NRC Regulatory Requirements	50	38	42	26	32
Discrimination	52	29	37	47	41
Assists to Staff	33	23	23	19	20

Note: Of 115 cases closed in FY 2018, 19 percent consisted of material false statements, 28 percent were violations of other NRC regulatory requirements, 36 percent were discrimination, and 17 percent were assists to staff.

The graph in Figure 3 shows the cases closed from FY 2014 through FY 2018 for the reactor and materials programs. From FY 2017 to FY 2018, the overall number of reactor cases remained the same. There was a 3-percent increase in reactor investigations and a 14-percent decrease in reactor-related assists to staff.

The overall number of materials cases remained the same. Materials investigations dropped 17 percent and materials-related assists to staff increased by 60-percent.

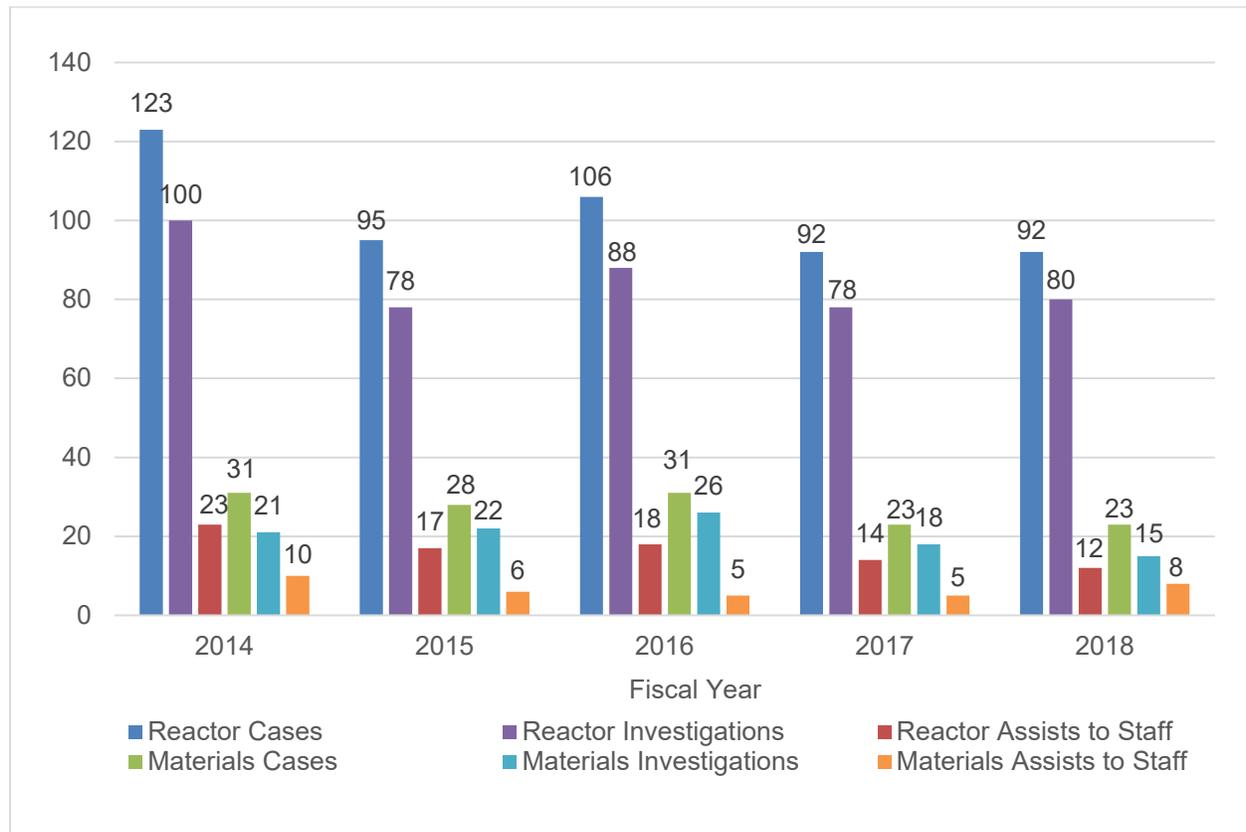


Figure 3 Cases Closed by Category

Reactor cases: 92

Reactor investigations: 80

Reactor assists to staff: 12

Materials cases: 23

Materials investigations: 15

Materials assists to staff: 8

Of the 115 cases closed in FY 2018—

- 24 investigations were closed after OI substantiated willfulness in one or more of the allegations of wrongdoing.
- 66 investigations were closed after OI investigations did not substantiate willful wrongdoing.
- 5 investigations were administratively closed.
- 20 of the cases closed were assists to staff.

8 SIGNIFICANT INVESTIGATIONS

This section highlights investigative conclusions by OI. Final enforcement action by the NRC or the DOJ is pending unless otherwise stated.

REGION I

TETRA TECH

As a result of a joint OI investigation, two former Tetra Tech Radiation Task Supervisors were charged in U.S. District Court, Northern District of California, with one count of destruction, alteration, or falsification of records in federal investigations and bankruptcy, in violation of 18 U.S.C. § 1519. The two former Tetra Tech Radiation Task Supervisors pleaded guilty in 2017, to the falsification of records regarding radiological remediation at the Hunter's Point Naval Shipyard, San Francisco, CA.

On January 24, 2018, and May 3, 2018, the former radiation task supervisors were each sentenced to 8 months in prison and ordered to pay fines of \$10,000 and \$2,000, respectively. In addition, both will be placed on three years of supervised release following their prison sentences. OI's investigative efforts were coordinated with the Defense Criminal Investigative Service; the Naval Criminal Investigative Service; the Environmental Protection Agency, Criminal Investigative Division, as well as the U.S. Department of Justice.

CALVERT CLIFFS

This OI investigation substantiated that a Non-Licensed Operator (NLO) Training Instructor at Calvert Cliffs deliberately compromised required testing by NLOs. Specifically, the investigation substantiated that on two occasions in 2017, during exam review and preparation, the NLO instructor provided NLOs with questions and answers almost identical in format and content, and/or the exact questions and answers of examinations that they were about to take. The investigation determined that the NLO's deliberate misconduct compromised the examinations.

Although the NRC did not take enforcement action on this matter, the investigation resulted in the NLO resigning his employment.

REGION I FACILITY

The OI investigation substantiated that a Non-Licensed Operator (NLO) deliberately failed to follow licensee procedures pertaining to the conduct of operator rounds, falsified records, and provided a false statement to OI while under oath.

On October 13, 2017, a Region 1 facility had a configuration control event that removed the temporary battery chargers for the 24 volt DC bus system, at approximately 9:00 a.m. The responsible night shift NLO should have identified the lowering voltage on the bus during his rounds. The configuration control issue was identified at approximately 5:00 a.m., on October 14, when control room annunciators alarmed as the battery was depleting.

During a re-interview the NLO confessed to OI to not performing the required rounds on October 13, 2017, to include not taking the voltage readings for the 24 V DC Bus batteries in the Lower Switchgear room. The NLO confessed that when he entered his results into the database, he entered the values for the battery voltage from the previous readings. The NLO also stated that he initially lied when questioned by OI about having taken the battery readings because he was afraid of losing his job.

Based on the evidence developed during this investigation, OI substantiated that the NLO deliberately failed to follow licensee procedures pertaining to the conduct of Operator Rounds and falsified records at the facility. Additionally, the NLO provided a false statement to OI while under oath during the conduct of this investigation. As a result of the conduct and the OI investigation, the NLO's employment was terminated by the licensee.

The results of this investigation remain under regulatory review by the NRC staff.

REGION II

FARLEY

This investigation was initiated based on information from NRC Resident Inspectors, who believed there was evidence of falsified system operator (SO) round logs being falsified at Vogtle 1 an 2 (Related OI Case 2-2017-005). As a result, an extent of condition review was conducted at the Farley Nuclear Plant (FNP), which identified several questionable SO log readings during the review.

The initial scope of OI's investigation at FNP included the SOs from July 2016 through September 2016. A disciplinary review board determined that three SOs had falsified rounds and log readings at FNP. Of approximate 40 individuals performing SO duties during the time frame examined, it was determined that four SOs falsified log readings. These SOs made log entries during periods in which the card reader data indicated that they had not actually entered the rooms required to take the log readings. One SO failed to enter rooms on multiple dates and, as a result, falsified logs. The other three SOs failed to enter one room, however the room in question involved multiple log readings.

It was also determined four SOs deliberately failed to complete their assigned operator rounds of the rooms on the dates in question, and deliberately falsified QA records in violation of 10 CFR § 50.5(a)(1) and (a)(2). Their actions also caused the licensee to violate 10 CFR § 50.9.

On May 24, 2018, the NRC determined that two Severity Level (SL) IV violations of NRC requirements occurred.

REGION II FACILITY

An OI investigation substantiated that between February and March 2017, a Reactor Services Projects Coordinator employed by a nuclear materials company at a Region 2 facility, lost a temporary work assignment at a separate Region 2 facility because he/she raised safety concerns. Specifically, the Reactor Services Projects Coordinator raised concerns about workers being required to wear dosimeter multi-packs which he/she believed were cumbersome, inconsistent with rules about hard hat safety, and prolonged radiation exposure. He/she ultimately brought these concerns to the attention of the Licensees Employee Concerns Program (ECP), the Health Physics Manager, and wrote multiple condition reports on the issue. Subsequent to

reporting the aforementioned issues, he/she was removed by senior management, from a previously scheduled temporary work assignment at the alternate Region 2 facility.

The OI investigation determined that he/she was directed not to go to the alternate Region 2 facility, specifically because of the CR that he/she had written regarding the use of multi-packs, in violation of 10 C.F.R. 50.7.

The results of this investigation remain under regulatory review by the NRC staff.

REGION II FACILITY

An OI investigation substantiated that on multiple occasions in August 2016, a former Nuclear Security Officer (NSO) employed by a Region 2 facility, deliberately failed to properly secure safeguards information (SGI). OI's investigation concluded that the former NSO failed to properly store SGI, including leaving SGI unattended in a hotel room, and leaving SGI unattended in a vehicle overnight in a hotel parking lot.

OI's investigation concluded the former NSO deliberately violated regulatory requirements to properly secure SGI, causing the licensee to violate 10 CFR 73.21(a)(1) and 10 CFR 73.22(c)(2).

The results of this investigation remain under regulatory review by the NRC staff.

REGION III

REGION III FACILITY

An OI investigation substantiated that a security officer at a Region 3 facility deliberately failed to adequately conduct various fire watch tours and security patrols, on multiple occasions between February and May, 2016. Specifically, the security officer testified that instead of entering the necessary area, his standard practice involved feeling external doors for heat, rather than entering those areas. This was contradicted by licensee dosimetry records which demonstrated that on at least two occasions, the security officer could not have accessed some of the doors to feel them for heat, since those doors could not be accessed without a dosimetry record being created. Additionally, the security officer's testimony regarding the acceptability of his standard practice was not corroborated by any of the other 29 security officers interviewed as a part of the investigation.

The security officer acknowledged he should have entered the required areas in order to conduct security patrols, but insisted he had not been trained properly. Training records and testimonial evidence indicated that the security officer was trained to conduct the fire watch tours and security patrols in a similar manner as all the security officers on site.

A licensee audit revealed that the security officer was the only one (security officer) that failed to regularly enter specific, required areas during his fire watch tours and security patrols. Entergy, in response, committed to a series of actions related to the revision of existing fire watch tours and security patrols training, procedures, and documentation.

The results of this investigation remain under regulatory review by the NRC staff.

PERRY 1

An OI investigation substantiated that a radiation protection supervisor deliberately falsified a monthly security protective mask inspection at Perry Nuclear Plant (Perry). This case was initiated after an NRC Security Inspection was completed at the facility and questioned whether the June 2016 monthly inspection had been completed, even though the supervisor signed off on its completion.

OI obtained evidence indicating the supervisor was trained and experienced in radiation protection mask inspections, and understood his/her responsibility to provide the NRC with complete and accurate information. Additionally, evidence revealed that the supervisor was notified the day before that the inspection had not been completed, but signed off on it as completed.

The supervisor claimed that he/she needed to speak “face-to-face” with the technician to determine whether the inspection was done, but was unable to do so. OI obtained information which refuted the credibility of this claim. All individuals interviewed testified that a “face-to-face” communication was unnecessary, including the technician who testified that the supervisor mainly discussed matters with him/her through e-mail. Lastly, Perry Security Badge Access Reports indicated the supervisor and the technician worked several shifts together and had multiple opportunities to discuss this matter.

OI concluded that the monthly security protective mask inspection in June 2016 was deliberately falsified, based on the supervisor’s lack of credibility, and the testimonial and documentary evidence obtained.

On September 20, 2018, NRC issued a Notice of Violation (Severity Level IV), and issued a close-out letter to the supervisor.

REGION II FACILITY

An OI investigation substantiated that an industrial radiographer at a Region 3 facility, deliberately failed to follow NRC regulations pertaining to radiography practices, while contracted to an oil refining company. Specifically, in October 2017, the Region 3 facility notified the NRC that a radiograph image of a human hand had been included in a film package submitted to the oil refining company. The Region 3 facility’s corporate managers reviewed the image, and reported that it was the hand of the radiographer who was completing work at the facility.

During the OI interview of the radiographer, he/she admitted to radiographing his/her hand on September 8, 2017, and subsequently initialing and dating the copy of the image. The radiographer claimed he/she wanted the Region 3 facility to terminate him/her rather than simply resigning from his/her position, as he/she felt obligated to his/her position. Based on the information obtained during the investigation, the radiographer’s testimony was found to lack credibility.

The investigation confirmed that no other Region 3 facility employee were involved in or aware of the actions taken by the radiographer.

The results of this investigation remain under regulatory review by the NRC staff.

REGION IV

REGION IV FACILITY

An OI investigation determined that a Region 4 facility Reactor Supervisor, deliberately falsified a training document and subsequently provided the falsified document to an NRC inspector during an NRC compliance inspection.

The Reactor Supervisor was interviewed by OI and admitted that in addition to providing a copy of the falsified document an NRC inspector, he/she placed a copy of the falsified document in each of the Region 4 facility Reactor operator's training file to show compliance with regulatory requirements.

The results of this investigation remain under regulatory review by the NRC staff, and disciplinary action is pending by the United States Geological Survey.

PROFESSIONAL TESTING & INSPECTION

An OI investigation substantiated that the owner of Professional Testing & Inspection (PTI) deliberately provided incomplete and inaccurate information to the NRC, concerning portable density gauges that contain Radium-226. The OI investigation established that the owner, upon applying for an NRC Materials License, intentionally withheld information on his/her NRC application to possess portable density gauges.

This case was initiated based on information from NRC inspection staff that the owner of PTI provided false statements, during a pre-license visit (PLV) at the licensee's Hawaii facility. Specifically, the owner informed the NRC inspector that he/she did not possess any portable density gauges when, in fact, one of the gauges was in his/her possession during the PLV.

The OI investigation ascertained testimonial and documentary evidence [shipping/purchase records] from a PTI vendor, which confirmed the owner's possession of two portable density gauges prior to the submission of his/her NRC license application. In his/her interview with OI, the PTI owner confessed that he/she knowingly did not provide complete and accurate information on his/her NRC license application, when he/she stated that it was his/her "desire to possess" two portable density gauges; although he/she knew at the time of the application that he/she currently owned such devices. The owner also admitted that he/she did not provide complete and accurate information to the NRC inspector during the PLV.

On October 25, 2018, the NRC issued a Notice of Violation, Severity Level III; however, exercised enforcement discretion. Additionally, the NRC issued a close-out letter to the owner.

DIABLO CANYON POWER PLANT

An OI investigation substantiated that a Diablo Canyon Power Plant (DCPP) Nuclear Security Officer (NSO) deliberately failed to provide an equivalent level of protection to that provided by the degraded or inoperable equipment system, or components.

The OI investigation established that while DCPP was conducting maintenance work on a section of their security system, a former NSO responsible for providing compensatory security for the impacted area was found by a DCPP security supervisor watching videos on his phone. The OI investigation determined that although the responsible NSO claimed he/she could watch videos

while maintaining awareness of his assigned security zone, he/she had been briefed verbally and in writing that his/her post was a non-reading post, which also meant that he/she could not be using other electronic attentiveness aids such as his/her phone. DCPD terminated the NSO for his/her actions.

On September 28, 2018, the NRC issued a Non-cited Violation, Severity Level IV to the licensee, and issued a close-out letter to the NSO.

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This report describes Office of Investigations case activities during FY 2018.

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