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NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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MEMORANDUM FOR: Jerome Nelson, General Counsel
Office of the General Counsel

FROM: Ernst Volgenau, Director
Office of Inspection and Enforcement

SUBJECT: ADMINISTRATIVE CONFERENCE SURVEY QUESTIONNAIRE ON
CIVIL PENALTIES

This is in response to your memorandum of the same subject dated February 6, 1978, and requesting IE to provide information for a response to certain questions in a survey being conducted by the Administrative Conference of the United States.

The answers to the questions are set out in the Enclosure to this memorandum and they are listed in the same numerical sequence as those in the original questionnaire.

We trust that this information will be responsive to your request.

Handwritten signature of Ernst Volgenau
Ernst Volgenau
Director
Office of Inspection
and Enforcement

Enclosure:
As stated

cc: J. G. Davis
J. P. Murray
T. W. Brockett

1. Name of agency?
U. S. Nuclear Regulatory Commission
- 2.c. Other sanctions which may be imposed.
The formal actions available to the Commission in the exercise of its enforcement responsibilities are of three basic types: notice of violation, civil penalties, and orders to "cease and desist" and orders to suspend, modify, or revoke a license. The criteria for these sanctions is set out in "CRITERIA FOR DETERMINING ENFORCEMENT ACTION AND CATEGORIES OF NONCOMPLIANCE WITH AEC REGULATORY REQUIREMENTS-MODIFICATIONS" which was sent to all licensees on December 31, 1974 and was noticed in the Federal Register (40 FR 820 January 3, 1975), see Appendix A. Also, these sanctions, the criteria, and the guidance for their use are set out in the Inspection and Enforcement Manual Chapter MC 0800 - ENFORCEMENT ACTIONS, See Appendix B. This document is available in the Public Document Room.
- 2.f. Frequency of use.
The civil penalty sanction is imposed under Section 234 of the Atomic Energy Act at a frequency of between five and 20 times per year. The legislative history of Section 234 of the Act is set out in Appendix C. NRC also has authority to imposed civil penalties for failure to report certain safety defects under Section 205d the Reorganization Act of 1974 but no penalty has been imposed under this authorization.
4. Does your agency provide a procedure for mitigating civil penalties?
The applicable regulations do provide for mitigating civil penalties both in the assessment and in the mitigation process. These mitigating processes are described in Items 5 and 6 below.
- 5.a. How is the process initiated? 5.b. How is the alleged violation investigated?
The NRC has five Regional Offices which makes routine inspections to determine that licensees comply with the regulations and the provisions of licenses and orders issued by the Commission. Also, investigations are made of matters reported to the NRC by the licensee or other persons and which involve health, safety or the safeguarding of materials. For items of noncompliance identified by inspectors of IE, enforcement action in the form of notices of violation are sent to licensees from the Regional Offices in most cases. About 2% of the cases involving items of noncompliance are referred to Headquarters for action. All civil penalty actions and orders are issued from the Headquarters office.

The sanction for a given case is selected in accordance with the Criteria for Enforcement Action and the guidance of MC 0800. The determination of the appropriate sanction is in the last analysis, however, a matter of judgment exercised in accordance with the established criteria and the guidance in MC 0800. The specific

action decided upon is dependent on the facts and circumstances of each particular case. Factors bearing upon selection of the appropriate enforcement action include the total items of noncompliance, the significance of each individual item of noncompliance and the licensee's previous enforcement history. In selecting the appropriate sanction, emphasis is on corrective action and management controls to assure continued compliance as distinguished from purely punitive action.

The Criteria for Enforcement Action outline eleven examples for which a civil penalty may be the appropriate sanction. Thus a civil penalty is considered where repetitive items of noncompliance with the same general requirement have been noted, where chronic non-compliance is found, where noncompliance has been deliberate, and also where a single instance of noncompliance of the significance level of a "violation"* occurs. Orders are issued in instances of unauthorized uses or activities; where an immediate hazard exists regardless of whether there may be any associated noncompliance with regulatory requirements; in other instances where serious potential safety, security or environmental hazards must be removed; in instances where other enforcement actions have not been effective; in instances where deliberate violations have occurred; or in other similar instances.

The authority for imposing civil penalties was intended to be exercised for items of noncompliance which are too significant for a mere notice of violation and yet not significant enough to warrant the suspension or revocation of a license. A brief summary of the legislative history is set forth in Appendix C.

Procedures for the civil penalty action are found in 10 CFR 2.205 of the Commission's "Rules of Practice." After consideration of the various factors discussed above and a decision to issue a proposed civil penalty, a notice of violation is prepared citing the specific items of noncompliance and the sections of the regulations in Title 10, Code Federal Regulations, or license conditions with which the licensee was found to be in apparent noncompliance. Each item of noncompliance is classified either as a violation, an infraction or a deficiency and a dollar amount is assigned to each classification in accordance with guidance in MC 0800. This guidance sets out five types of licensees on the basis of the most credible incident that could occur and a

*Items of noncompliance have been categorized into three levels of significance: "violation" (most significant), "infraction", and "deficiency" (least significant). These categories are elaborated on in Attachment B to Appendix A.

monetary scale is established for each of the three categories of noncompliance for each type of licensee (see page 0800-42). Since the Commission is authorized to impose a civil penalty of \$5,000 for each item of noncompliance, this system is a mitigating process with consideration for the type of licensee and the significance of the item of noncompliance. Also, for initial items of noncompliance the monetary penalty is taken at the bottom of the scale, one repeated item is taken at the middle of the scale and the second repeat is taken at the top of the scale. A Notice of Proposed Imposition of Civil Penalties is also prepared by IE with concurrence of the Office of the Executive Legal Director. The appropriate Licensing Office is informed of the proposed action early in the consideration process. A graphic portrayal of the process is contained in Appendix D.

5.c. What opportunity is afforded the alleged violator to present evidence or arguments to the agency and at what stage?

The licensee is given twenty days from the date of receipt of the Notice of Violation and the Notice of Proposed Civil Penalty to respond. If no response is received in the twenty day period the penalties will be imposed in the proposed amount. The licensee may protest the imposition of the penalties in whole or in part. If he chooses to protest the penalties he may (a) deny the items of noncompliance listed in the Notice of Violation, (b) demonstrate extenuating circumstances, (c) show error in the Notice of Violation, or (d) show other reasons why the penalties should not be imposed. He may also request remission or mitigation of the penalties.

When the licensee's response to the Notice of Violation and the Notice of Proposed Imposition of Civil Penalties is received in IE Headquarters, copies are sent to the responsible Regional Office, the appropriate licensing office, the Office of the Executive Legal Director and the Office of Public Affairs. After a review of the licensee's response, IE will either issue an order dismissing the proposed penalty or impose, mitigate or remit the civil penalties.

Upon receipt of the Order Imposing Civil Penalties, the licensee may, within twenty days, pay the civil penalties or request a hearing on the order. A number of licensees have requested hearings on civil penalty matters, however, these matters have usually been resolved in the prehearing stage. Only three cases have gone beyond the prehearing stage and these are currently in the hearing process.* It should be noted that if a hearing is requested, a hearing must be granted. The mechanism for convening a hearing is the issuance

*In addition there was the Virginia Electric and Power Company matter involving a civil penalty. There as a result of a stipulation by all parties the order imposing the civil penalty was initiated by the Atomic Safety and Licensing Board rather than the staff. This proceeding was unique and is not pertinent to the present discussion.

by the Commission of a Notice of Hearing.

The hearing is held by either an Administrative Law Judge or an Atomic Safety and Licensing Board (ASLB). The decision of the Administrative Law Judge or the ASLB, as appropriate, is appealable to the Appeal Board at the request of either the licensee or the staff. The Appeal Board's decision may in turn be reviewed by the Commission at its discretion. Once the decision becomes final, a licensee may seek redress in the courts.

If payment is not made within the specified time following either the service of an order or the expiration of the time for requesting a hearing, the matter may be referred to the Attorney General for collection through a civil action in District Court. Under Section 234 of the Act, a licensee may refuse payment and the matter may be processed directly in District Court without going through the Commission's administrative process. The Attorney General has the exclusive power to compromise, mitigate or remit civil penalties which have been referred to him for action.

- 5.d. Who in the agency has authority initially to assess a penalty?
The Nuclear Regulatory Commission, the Executive Director for Operations, the Director of Nuclear Reactor Regulation, the Director of Nuclear Materials Safety and Safeguards, and the Director of Inspection and Enforcement have authority to impose civil monetary penalties.
- 5.e. Does your agency give the alleged violator a written statement of reasons for the assessment determination?
The letter which transmits the notice of violation and the notice of proposed imposition of civil penalty also sets out the reasons for imposing the civil penalty.
- 5.f. Are written reasons or summaries of assessment decisions prepared and retained by your agency? Are they used as precedents for subsequent decisions? Are they available to the public?
The reasons for the imposition of a civil penalty are set out in the letter to the licensee which transmits the Notice of Proposed Imposition of Civil Penalty. Records are kept of these actions, the amount of penalty imposed for each item of noncompliance and any remittance or mitigation. Uniformity is generally retained by the guidance, procedures and tables used in determining the amount of civil penalty. However, all mitigating circumstances are considered.

Civil penalties imposed on a certain type or class of licensees are reviewed as precedents for subsequent decisions in the interest of uniformity. However, all mitigating circumstances are considered in each case. The letters to licensees which set out the reasons for civil penalties are in the Public Document Room.

- 5.g. What form of administrative appeal from an initial assessment decision is provided to an alleged violator, and to whom?
The appeal process is explained in Item 5.c. above.
6. Describe the procedure used by your agency for the mitigation of civil penalties. In your description, please address at least the following aspects of the process:
- 6.a. How is the process initiated?
The mitigating process is initiated in considering the size of the licensee, the significance of the item of noncompliance, the nature and number of items of noncompliance, the licensee's past performance, the frequency of noncompliance, the length of time noncompliance has existed, whether items of noncompliance are repetitive of the same or similar requirements, the steps taken to correct the items of noncompliance, the licensee's stated intentions or performance in correcting them promptly, and such other items of context that may be presented in the particular circumstances of each individual case.
- 6.b. How is the alleged violation investigated, and by what unit and level of agency staff?
Items of noncompliance or alleged items of noncompliance are investigated by inspectors and investigators from the five regional offices of NRC. These individuals have been trained in inspection and investigative techniques and in the technical aspects of the nuclear industry. Investigations of alleged noncompliance with regulatory requirements or of apparent health, safety, or safeguards matters are conducted, interviewing the principals which may have knowledge of such matters, reviewing records of operations, and by direct observations and physical examinations.
- 6.c. What opportunity is afforded the alleged violator to present information or arguments to the agency, and at what stage?
When items of noncompliance are identified, a notice of violation is prepared and dispatched to the licensee, setting out the apparent items of noncompliance. If the case fits the criteria for civil penalty, a Notice of Proposed Imposition of Civil Penalty may also be sent to the licensee at the same time. The licensee generally has 20 days to respond and (1) admit or deny the items of noncompliance, (2) explain why the items occurred, (3) indicate what corrective measures have been taken, (4) indicate what additional corrective measures will be taken, and (5) when all measures will be completed to correct all items of noncompliance and to assure that such noncompliance does not occur in the future. At the same time the licensee is given an opportunity to explain why the proposed penalty should be withdrawn, remitted, or mitigated. After careful consideration of the licensee's response, an order to pay civil penalties will be issued unless there was sufficient reason to withdraw or remit the penalty. Penalties may be mitigated if just reasons are established. Further opportunity

to present information or arguments may be submitted during the hearing process or in court as explained in Item 5 above.

- 6.d. Who in the agency has authority to mitigate a penalty?
The office which issues the Notice of Proposed Imposition of Civil Penalty has the authority to mitigate the penalty. Also, the penalty may be mitigated by the Hearing authority, the Appeals Board, or the Commission, if the case reaches these levels.
- 6.e. Does your agency give the alleged violator a written statement of reasons for its mitigation decision?
The NRC informs licensees in writing of the reasons for withdrawing, remitting, or mitigating proposed civil penalties.
- 6.f. Are written reasons or summaries of mitigation decisions prepared.
This question was answered in Item 5 above.
- 6.g. The appeal process is explained in Item 5.c.
7. To the extent your agency has discretion in setting the amount of the penalty to be assessed, what are your criteria? What are the criteria used by your agency for determining whether, and by what amount, to mitigate a civil penalty? If the mitigation criteria differ from the assessment criteria, please explain why.
The criteria and guidance for setting the amount of penalty is set out in MC 0800 and generally involves consideration of the type of licensee, the significance of the item of noncompliance, and the licensee's history of repetitive or chronic noncompliance. In determining whether to mitigate a civil penalty, the NRC will remit the penalty if the licensee can provide information to show that the finding of noncompliance was in error. Other mitigations from the proposed penalty are made as a matter of judgment of such factors as those mentioned in Item 6.a. Reasons to mitigate the penalty proposed for an item of noncompliance are frequently associated with factors which mitigate the potential safety consequences that appear to result from an item of noncompliance. It may then be said that the assessment criteria does differ from the mitigation criteria in that in the proposed assessment process NRC considers the type of licensee, the safety significance of the item of noncompliance, and the licensee's performance history. The mitigation criteria on the otherhand should show that there were sound mitigating circumstances and/or that safety was not compromised.

8. To what extent are the assessment and mitigation procedures (questions 5 and 6) and criteria (question 7) used by your agency: The enabling legislation Section 234 of the Act provides only the areas for which civil penalties may be imposed and the limits of \$5,000 per item of noncompliance for each day that the noncompliance exists and a limit of \$25,000 for all items of noncompliance which occur in any 30 day period. The rule in 10 CFR 2.205 sets out the types of situations that will be considered for civil penalty. "The Criteria for Determining Enforcement Actions" was published to all NRC licensees and noticed in the Federal Register. NRC Inspection and Enforcement Manual Chapter 0800 contains the guidance for such assessments and mitigations and is a matter of public record - in the Public Document Room.
11. Does your agency regularly compile statistics on the volume (caseload and/or dollar volume) of its civil penalty assessment, mitigation or collection activities?
Yes, such a compilation is attached as Appendix E. The first civil penalty action was proposed on October 29, 1971, and the most recent action was proposed on January 31, 1978. Of the 70 cases listed, two are still pending receipt of response from the licensee as a result of the proposed action. Another case was issued an Order Imposing Civil Penalties on February 7, 1978. There are three cases on the list where the licensees have requested hearings and these matters are presently pending before the Administrative Law Judge.
12. Provide the following information about each mitigation request process to completion.
To consider the most recent fifty civil penalties cases, we would begin with Item 21 on Page 3 of the enclosed Appendix E. Of these cases, fourteen licensees have chosen to pay the full penalties on receipt of the Notice of Proposed Imposition of Civil Penalties and these cases are designated by the entry "Paid Without Imposition Order" under the "Imposed Amount" column. Where licensees have requested mitigation or remission of the penalties after the 20 day limit from the receipt of the Notice of Proposed Imposition of Civil Penalties, various reasons have been given by the licensees for these requests, such as, (1) prompt corrective action was taken by the licensee concerning the items of noncompliance, (2) the licensee management was not involved nor responsible for the items of noncompliance, (3) inability of the licensee to pay the penalties, (4) the past good record of the licensee for compliance with the regulations and the license conditions, and (5) questions concerning the authenticity of the citation of noncompliance against the licensee. A difference in the imposed amount from the proposed amount denotes those cases where valid reasons have been given for the remission or mitigation of the penalties. Generally, penalties

were remitted if the licensee provided additional facts to substantiate compliance and remittances were made in those cases where the licensee demonstrated that health, safety or safeguards was not compromised to a lesser degree by existing circumstances or operating procedures.

- a) The statutory authority under which the penalties were assessed is in all cases Section 234 of the Atomic Energy Act of 1954, as amended, which was enacted in 1969.
- b) The amount of the penalties initially proposed for each case is listed under the column "Proposed Amount" and the date of the action is in parentheses under the amount proposed.
- c) The amount of the penalties finally assessed is indicated in the column designated "Imposed Amount" and the date of the action is in the column "Order of Imposition."
- d) The amount of civil penalties finally collected is indicated in the column entitled "Payment Date." If a date is inserted the penalty was paid in full as imposed.
- e) Of the 50 cases, thirty-nine have paid the imposed penalties by check in full on the payment date indicated. The two most recent cases are still pending receipt of response to the Notice of Proposed Imposition of Civil Penalties. Case 68, which was issued an Order Imposing Civil Penalties on February 7, 1978, has 20 days from receipt of the Order to pay the penalties or request a hearing. Case 31 paid \$1,150 in settlement of the imposed \$1,950 amount after a preliminary proceeding but prior to a formal hearing. Case 52, 53 and 58 were permitted, due the financial condition of the licensee, to pay the imposed penalties in twelve consecutive equal monthly installments, and Case 66, as a result of a requested hearing agreed to withdraw the hearing request and pay the penalties in 24 equal monthly installments. Cases 56, 57 and 59 have requested hearings in the civil penalties matters and these cases are presently pending before the Administrative Law Judge.

13. Does your agency have a quality control system whereby civil penalty assessment and/or mitigation decisions are checked for accuracy, consistency and conformity to agency policy? If so, please describe. If possible, please provide an example of how the system has been used to improve your agency's civil penalty administration.
The proposed civil penalty action is not only reviewed by the Regional Branch Chief after it is written by the inspector but there is a very comprehensive review program and quality control system at the Headquarters level. All proposed civil penalty actions are reviewed by the appropriate Division Office at Headquarters to determine that all items of noncompliance are technically correct and that they are properly substantiated. The Executive Legal Director makes a review to determine whether the case is legally correct. The Executive Officer for Operations Support makes a review to determine that the proposed action meets with the policy of the Office of Inspection and Enforcement.

that the amount of civil penalty imposed is correct, that the classification of items of noncompliance is correct and that the sanction meets the established criteria. The reviews and concurrences have been somewhat time consuming but the thoroughness of this process has resulted in only one Hearing to date with two additional such cases pending. Consequently, it may be argued that such careful reviews may in the long run save time but in order to expedite our enforcement actions, we are now making reviews and changes in committee meetings where all groups are represented.

15. Please give the name and telephone number of the person to be contacted with any follow-up questions.
W. P. Ellis, Office of Inspection and Enforcement -- 492-7246
J. Lieberman, Office of the Executive Legal Director -- 492-7991

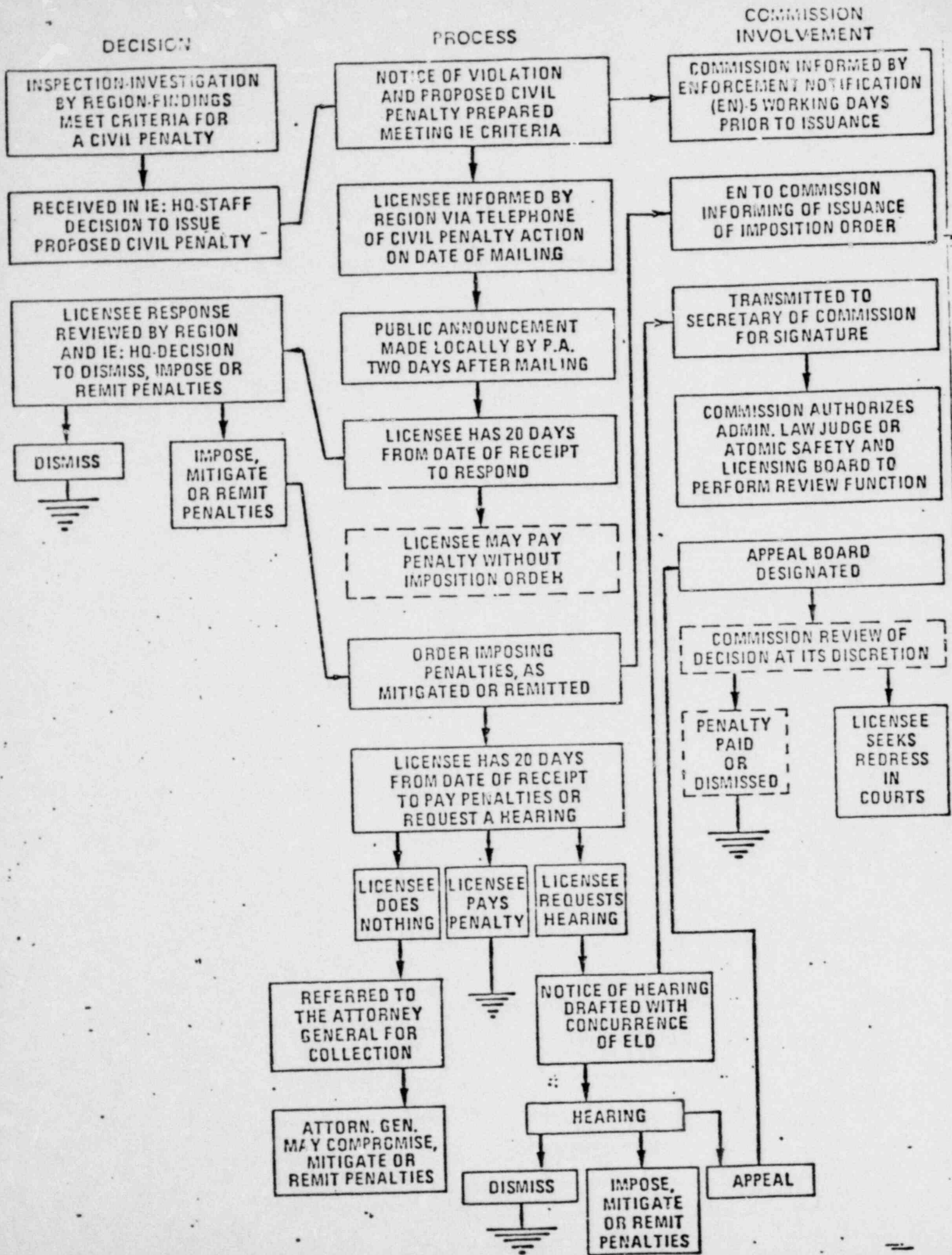
LEGISLATIVE HISTORY OF SECTION 234 OF
THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Section 234 of the Atomic Energy Act of 1954, as amended, (Act), is the Commission authority for imposing civil penalties. Prior to the enactment in 1969 of section 234 of the Act, the Commission's enforcement authority was limited to notices of violation and orders to cease and desist and to modify, suspend or revoke licenses.

The legislative history of section 234 of the Act indicates that the Joint Committee on Atomic Energy was concerned that revocation or suspension of a license in some instances "may be too harsh a penalty" and "may penalize the licensee's employees through loss of income without having any significant impact on the licensee itself." S. Report 91-553, H. Report 91-691, at 9, 10. Civil penalties could be imposed "without depriving a licensee of his means of livelihood or without requiring the cessation of an authorized activity which might be of material benefit to the public." id at 10.

The Joint Committee emphasized that civil penalties would not be appropriate for all violations. For example, "where the violation is one that seriously threatens the health or safety of an employee or a member of the public" a civil penalty should not be used. id at 10. However, penalties could be imposed in cases where license suspension or revocation is not in the public interest, but in which the importance of full adherence to regulatory requirements should be emphasized by more than a notice of violation or a cease and desist order. Hearings before JCAE, AEC Omnibus Legislation - 1969, 91st Cong., 1st sess., 28 (September 12, 1969).

The purpose of the grant of authority to impose civil penalties is to provide the Commission with enforcement flexibility to deal with items of noncompliance of varying severity thereby "materially assist[ing] the Commission in carrying out its program to protect public health and safety and assure the common defense and security." S. Rept. 91-553, at 10. It should be noted that the Joint Committee stated that "the penalties authorized are civil only and are remedial in nature as opposed to punitive." id at 16. This statement is somewhat enigmatic since civil penalties inevitably have punitive aspects.



<u>Licensee</u>	<u>Proposed Amount</u>	<u>Imposed Amount</u>	<u>Order of Imposition</u>	<u>Payment Date</u>
1. Universal Testing Company Salt Lake City, Utah License No. 43-11213-01	\$ 1,000 (10-29-71)	\$ 1,000	11-30-71	2- 4-72
2. Pittsburgh Testing Laboratory Pittsburgh, Pennsylvania License No. 37-276-25	2,500 (1-28-72)	Paid without Imposition Order		2-10-72
3. New England Nuclear Boston, Massachusetts License Nos. 20-320-9;-13 20-11868-01	2,000 (4- 6-72)	1,700	6- 1-72	6-23-72
4. Interstate Laundry & Decontam- ination Service Sante Fe, New Mexico License No. 30-7655-1	5,000 (11-10-72)	5,000	12-26-72	1-11-73
5. Virginia Electric and Power (Surry 1 and 2) Richmond, Virginia DPR-32, DPR-37	40,000 (5-15-73)	38,000	6-26-73	7-12-73
6. X-Ray Engineering Company San Mateo, California License No. 04-616-04	5,750 (6-11-73)	5,750	8-23-73	9-23-75 (Paid \$2,875. as compromised with the U. S. Attorney's Office in No. Calif.)
7. T. R. Schwalm, Inc. Lancaster, Pennsylvania License No. 37-09385-01	1,250 (9-6-73)	1,250	10-12-73	11- 1-73
8. Vermont Yankee Nuclear Power Co. (Vermont Yankee) Rutland, Vermont DPR-28	15,000 (12-27-73)	15,000	2- 1-74	2- 5-74
9. Green Bay X-Ray Services, Inc Green Bay, Wisconsin License No. 48-12397-01	5,500 (12-26-73)	5,000	2-19-74	9- 3-74 (\$1,000) 9-25-74 (\$1,000) 12- 2-74 (\$2,000) 12-31-74 (\$1,000)
10. Value Engineering Company Alexandria, Virginia License No. 45-10927-02	8,000 (5-29-74)	8,000	6-25-74	7-15-74

CIVIL PENALTIES - Page 2

<u>Licensee</u>	<u>Proposed Amount</u>	<u>Imposed Amount</u>	<u>Order of Imposition</u>	<u>Payment Date</u>
11. Nuclear Materials and Equipment Corporation Apollo, Pennsylvania License Nos. SNM-145 & SNM-414	\$13,720 (6-5-74)	\$12,170	8-12-74	8-12-74
12. Eastern Testing and Inspection, Inc. Pennsauken, New Jersey License No. 29-09814-01	2,600 (6-25-74)	2,300	8-12-74	9-10-74 (insufficient funds) 10-29-74 (replacement check)
13. Consumers Power Company (Palisades) Jackson, Michigan License No. DPR-20	19,000 (8-13-74)	Paid without Imposition Order		9- 3-74
14. Niagara Mohawk Power Corp. (Nine Mile Point 1) Syracuse, New York License No. DPR-17	8,000 (9-13-74)	Paid without Imposition Order		9-23-74
15. Tennessee Valley Authority (Browns Ferry 1) Chattanooga, Tennessee License No. DPR-33	4,000 (9-13-74)	W I T H D R A W N		
16. University of Illinois at the Medical Center Chicago, Illinois License No. 12-00088-06	2,000 (10-4-74)	2,000	11-20-74	12-11-74
17. Isomedix, Inc., Parsippany, New Jersey License No. 29-15364-01	2,050 (9-23-74)	Paid without Imposition Order		10-15-74
18. Metropolitan Edison Company (Three Mile Island 1) Reading, Pennsylvania License No. DPR-50	4,000 (9-23-74)	3,500	11-19-74	12-17-74

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<u>Licensee</u>	<u>Proposed Amount</u>	<u>Imposed Amount</u>	<u>Order of Imposition</u>	<u>Payment Date</u>
19. Brigham Young University Provo, Utah License No. 43-09234-13	\$1,000 (10-24-74)	Paid without Imposition Order		11- 1-74
20. Nuclear Fuel Services, Inc. West Valley, New York License No. CSF-1	4,000 (10-30-74)	Paid without Imposition Order		11-15-74
21. General Electric Company (Midwest Fuel Recovery Plant- Morris, Illinois) San Jose, California License Nos. SNM-1265; CSF-2	5,000 (10-25-74)	5,000	12-26-74	1- 8-75
22. General Electric Company (Vallecitos) San Jose, California License No. SNM-960	7,500 (10-30-74)	6,000	12-13-74	12-30-74
23. Dayton X-Ray Company Dayton, Ohio License No. 34-0694-01	2,350 (11-27-74)	2,350	2- 6-75	3- 3-75
24. Texas Instruments, Inc. Attleboro, Massachusetts License No. SNM-23	2,000 (12-9-74)	Paid without Imposition Order		12-19-74
25. Commonwealth Edison Company (Dresden 1, 2, 3) Chicago, Illinois License Nos. DPR-2;-19;-25	25,500 (12-11-74)	Paid without Imposition Order		12-20-74
26. Transnuclear, Inc. White Plains, New York License Nos. XSNM-578 et al	2,100 (12-17-74)	2,100	2- 6-75	2-21-75
27. CIS Radiopharmaceuticals Bedford, Massachusetts License No. 20-13695-01	3,400 (12-19-74)	Paid without Imposition Order		1-10-75

CIVIL PENALTIES - Page 4

<u>Licensee</u>	<u>Proposed Amount</u>	<u>Imposed Amount</u>	<u>Order of Imposition</u>	<u>Payment Date</u>
28. Walworth Company Bala-Cynwyd, Pennsylvania License No. 37-02445-01	\$2,500 (1-2-75)	\$2,500	3- 5-75	3-25-75
29. Maine Yankee Atomic Power Co. (Maine Yankee) Augusta, Maine License No. DPR-36	7,250 (1-18-75)	4,000	3-20-75	4-15-75
30. Virginia Electric & Power Co. (Surry 1 and 2) Richmond, Virginia License Nos. DPR-32; -37	12,000 (1-18-75)	10,000	3-19-75	4- 8-75
31. Gladstone Laboratories, Inc. Cincinnati, Ohio License No. 34-01764-02	1,950 (2-27-75)	1,950	4-24-75	12-19-75 (Paid \$1,150., as mitigated by NRC Order Accepting Stipulation and Terminating Proceeding dated 11-6-75.)
32. General Electric Company (Vallecitos) San Jose, California License Nos. R-33; TR-1	6,500 (3-14-75)	6,500	5-10-75	2-20-76
33. X-Ray Industries Detroit, Michigan License No. 21-05472-01	1,800 (3-31-75)	1,800	5- 9-75	5-16-75
34. Northeast Nuclear Energy Co. (Millstone Point) Hartford, Connecticut License No. DPR-21	11,500 (4-10-75)	7,500	7-18-75	8-11-75
35. Boston Edison Company (Pilgrim 1) Boston, Massachusetts License No. DPR-35	12,000 (5-20-75)	12,000	7-23-75	8- 4-75
36. Cleveland X-Ray Production Inc. Cleveland, Okla License No. 35-1 -01	1,300 (6-25-75)	Paid without Imposition Order		7-14-75

<u>Licensee</u>	<u>Proposed Amount</u>	<u>Imposed Amount</u>	<u>Order of Imposition</u>	<u>Payment Date</u>
37. Darrill Industries, Inc. Springfield, New Jersey (formerly licensed under License No. 12-14918-01)	\$2,500 (7-30-75)	\$1,800	9-23-75	10-22-75
38. International Testing Labs. Inc. Newark, New Jersey License No. 29-14027-01	4,050 (8-6-75)	2,250	10-22-75	11-13-75
39. Rochester Gas & Electric Corp. (R. E. Ginna, Unit 1) Rochester, New York (Lic. DPR-18)	10,000 (8-23-75)	Paid without Imposition Order		9-24-75
40. Commonwealth Edison Company (Quad Cities, Units 1 & 2) Chicago, Illinois License Nos. DPR-29; DPR-30	25,000 (8-28-75)	Paid without Imposition Order		10- 8-75
41. United States Testing Company, Inc. Hoboken, New Jersey License No. 20-02477-03	3,550 (8-29-75)	Paid without Imposition Order		9-18-75
42. Carolina Power & Light Company (Brunswick, Unit 2) Raleigh, North Carolina License No. DPR-62	7,000 (9-23-75)	5,000	2-18-76	3- 5-76
43. Associated Piping and Engineering Company Clearfield, Utah License No. 43-15119-01	6,500 (3-10-76)	Paid without Imposition Order		4- 2-76
44. Metropolitan Edison Company (Three Mile Island, Unit 1) Reading, Pennsylvania Docket 50-289, License DPR-50	8,000 (3-15-76)	8,000	4-23-76	5-24-76
45. Babcock and Wilcox Company Nuclear Materials Division Lynchburg, Virginia (Apollo and Leechburg, Pa.) License Nos. SNM-145 and SNM-414	26,500 (4-14-76)	19,000	7-23-76	8-12-76

<u>Licensee</u>	<u>Proposed Amount</u>	<u>Imposed Amount</u>	<u>Order of Imposition</u>	<u>Payment Date</u>
46. Commonwealth Edison Company Chicago, Illinois (Zion Nuclear Plant, Unit 1) Docket No. 50-295 License No. DPR-39	\$13,000 (5-20-76)	Paid without Imposition Order		6-14-76
47. Exam Company Tulsa, Oklahoma License No. 35-16191-01	7,800 (6-8-76)	7,800	8-11-76	8-26-76
48. Consolidated Edison Co. of N. Y. New York, N. Y. (Indian Point Station, Units 1 and 2) Docket Nos. 50-3 & 50-247 License Nos. DPR-5 & DPR-26	23,000 (6-21-76)	20,850	8-23-76	9-13-76
49. Jersey Central Power and Light Company Morristown, New Jersey (Oyster Creek Nuclear Generating Station) Docket No. 50-219 License No. DPR-16	8,000 (6-28-76)	Paid without Imposition Order		7-14-76
50. Niagara Mohawk Power Corporation Syracuse, New York (FitzPatrick Nuclear Power Plant) Docket No. 50-333 License No. DPR-59	21,000 (7-16-76)	18,000	8-31-76	9-21-76
51. Nuclear Energy Services, Inc. Conam Inspection Division Danbury, Connecticut License No. 42-16559-01	11,300 (8-23-76)	11,300	10-20-76	11-12-76
52. Astrotech, Incorporated Harrisburg, Pennsylvania License No. 37-09928-01	6,600 (11-8-76)	6,600	12-20-76	1-4-77 (\$550) 9-6-77(\$550) 2-10-77 (\$550) 10-17-77(\$550) 3-8-77 (\$550) 11-23-77(\$550) 4-5-77 (\$550) 12-6-77(\$550) 5-2-77 (\$550) 6-6-77 (\$550) 7-1-77 (\$550) 8-8-77 (\$550)

Licensee	Proposed Amount	Imposed Amount	Order of Imposition	Payment Date	12-6-77(\$700)
53. Globe X-Ray Services, Inc. Tulsa, Oklahoma License No. 35-15194-01	\$ 8,400 (12-1-76)	\$ 8,400	1-5-77	3-1-77(\$700) 3-8-77 (\$700) 4-29-77 (\$700) 5-29-77 (\$700)	7-1-77(\$700) 8-10-77(\$700) 9-1-77(\$700) 10-1-77(\$700) 11-1-77(\$700)
54. Virginia Electric & Power Co. Richmond, Virginia Docket Nos. 50-338 & 50-339 License Nos. CPPR-77 & CPPR-78 (North Anna, Units 1 & 2)	\$31,900 (12-6-76)	\$31,900	2-4-77	2-23-77	
55. Northeast Nuclear Energy Company Hartford, Connecticut Docket No. 50-245 License No. DPR-21 (Millstone, Unit No. 1)	\$15,000 (12-20-76)	\$15,000	1-21-77	2-2-77	
56. Pittsburgh-Des Moines Steel Co. Pittsburgh, Pennsylvania License No. 37-02607-02	\$ 2,000 (1-5-77)	\$ 2,000	2-25-77		Hearing requested by ltr dtd 3-11-77
57. Radiation Technology, Inc. Rockaway, New Jersey License No. 29-13613-02	\$ 4,800 (1-5-77)	\$ 4,800	3-14-77		Hearing requested by ltr dtd 4-6-77
58. Arnold Greene Testing Labs. Inc. Natick, Massachusetts License No. 20-01074-02	\$ 4,500 (2-2-77)	\$ 4,500	3-28-77	4-19-77(\$375) 5-16-77(\$375) 6-17-77(\$375) 7-18-77(\$375)	1-16-78(\$375) 8-25-77(\$375) 9-22-77(\$375) 10-26-77(\$375) 11-28-77(\$375) 12-16-77(\$375)
59. Atlantic Research Corporation Alexandria, Virginia License No. 45-G2808-04	\$ 8,900 (2-14-77)	\$ 8,600	3-28-77		Hearing requested by ltr dtd 4-4-77
60. Luminous Processes, Inc. New York, N. Y. (Ottawa, Ill.) License No. 12-03231-03	\$ 3,250 (3-7-77)	\$ 3,250	5-12-77	5-24-77	
61. Duke Power Company Charlotte, North Carolina Docket Nos. 50-269;50-270;50-287 (Lic. Nos. DPR-38;DPR-47;DPR-55) (Oconee Nos. 1, 2 and 3)	\$21,500 (3-30-77)	\$16,000	6-13-77	6-21-77	

<u>Licensee</u>	<u>Proposed Amount</u>	<u>Imposed Amount</u>	<u>Order of Imposition</u>	<u>Payment Date</u>
62. Nuclear Fuel Services, Inc. Erwin, Tennessee Docket No. 70-143 License No. SNM-124	\$53,000 (4-12-77)	\$53,000	8-11-77	8-29-77
63. Pittsburgh Testing Laboratory Pittsburgh, Pennsylvania License No. 37-00276-25	\$ 2,000 (4-25-77)	Paid without Imposition Order		5-10-77
64. Public Service Co. of Colorado Denver, Colorado Docket No. 50-267 License No. DPR-34 (Ft. St. Vrain)	\$ 8,000 (5-11-77)	Paid without Imposition Order		5-27-77
65. Pacific Gas and Electric Co. San Francisco, California Docket No. 50-133 License No. DPR-7 (Humboldt Bay Unit No. 3)	\$ 7,500 (5-17-77)	Paid without Imposition Order		5-26-77
66. J. G. Sylvester Associates, Inc. Rockland, Massachusetts License No. 20-00302-02	\$ 6,000 (8-11-77)	\$ 6,000	10-17-77	Hearing requested by ltr dtd 10-28-77*
67. Commonwealth Edison Company Chicago, Illinois Docket Nos. 50-295; 50-304 License Nos. DPR-39; DPR-48 (Zion, Units 1 & 2)	\$21,000 (9-30-77)	Paid without Imposition Order		10-17-77
68. CERAC, Incorporated Milwaukee, Wisconsin License No. STB-1027	\$ 3,750 (10-3-77)	\$ 3,750	2-7-78	
69. Dayton X-Ray Company Dayton, Ohio License No. 34-06943-01	\$ 6,100 (1-3-78)			

*Order Accepting Stipulation and Terminating Proceeding issued 1-19-78. Licensee agreed to pay the penalties in 24 equal monthly installments, commencing 2-1-78.,

CIVIL PENALTIES - Page 9

<u>Licensee</u>	<u>Proposed Amount</u>	<u>Imposed Amount</u>	<u>Order of Imposition</u>	<u>Payment Date</u>
70. Pittsburgh - Des Moines Steel Pittsburgh, Pennsylvania License No. 37-02607-02	\$ 7,000 (1-31-78)			