



NUREG-1830  
Volume 20

# Office of Investigations Annual Report Fiscal Year 2023

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# **Office of Investigations Annual Report Fiscal Year 2023**

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## **ABSTRACT**

This report provides the U.S. Nuclear Regulatory Commission with an overview of the activities, mission, and purpose of the Office of Investigations (OI). The information that follows also details the case inventory, priorities, and highlights of significant cases that OI completed during fiscal year 2023 (see staff requirements memorandum COMJC-89-8 "Reports on the Results of OI Investigations", dated June 30, 1989). This is the 35th OI annual report.



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## DIRECTOR'S MESSAGE

It is my great pleasure to share and celebrate the major accomplishments of 2023 for the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI). During this reporting period, OI has achieved tremendous success amid a variety of changes that brought us together to successfully advance high-impact investigations and other critical activities supporting the NRC's mission as a modern, risk-informed regulator. Additionally, we focused on OI staff and supervisors. To advance this interest, we prioritized the need to create opportunities for professional growth and development with the intent to promote a work environment that fosters motivation, peak performance, and job satisfaction. I am excited to lead this office and admire Team OI's commitment to the NRC's very important safety and security mission.



Having joined OI as acting director in March 2023, followed by my appointment to director in August 2023, this is my first annual report to the NRC. While challenging, this period of transition has also been marked by a supportive working relationship with my OI team, agency leadership, and external law enforcement counterparts. In this process, we sought to employ work models prioritizing and empowering people to best serve the NRC and the public. For these reasons, I want to thank the Chair, the Commission, and the Office of the Executive Director for Operations for allowing me to represent the NRC within the Federal law enforcement community. I also want to thank the entire OI team for producing the positive results shown in this year's annual report.

From October 1, 2022, through September 30, 2023, OI concluded 38 investigations and 34 assists to staff. The investigations described in this report are a direct reflection of OI's dedication to and resilient interest in advancing the NRC's mission with an unwavering commitment to protect public health and safety, promote the common defense and security, and protect the environment. The results achieved during this reporting period exemplify the success of our team of professionals responsible for conducting independent, thorough, and timely investigative activities. These actions are the foundation of OI's responses to allegations of wrongdoing and criminal misconduct by NRC licensees, applicants, contractors, and vendors. Building on the foregoing, OI also increased its active presence within the law enforcement community. To this end, OI focused on forging relationships with key counterparts, such as the U.S. Department of Justice (DOJ), the Federal Bureau of Investigation, the U.S. Department of Homeland Security, and the NRC's Office of Inspector General (OIG). In addition, OI strengthened its intra-agency relationships, with increased interfacing sessions and new cooperative agreements supporting the office's operational needs. These activities also include the successful development of a strategic partnership with the Federal Law Enforcement Training Centers. Accomplishing this long-standing goal offers the OI team new opportunities to access training resources designed to expand our professional competencies and capabilities to effectively address the demands of a dynamic, rapidly changing world.

During this year, OI maintained operational compliance and met reporting duties under Executive Order 14074, "Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety," dated May 25, 2022. Additionally, OI continued to work with NRC counterparts to develop and implement the modernization of a case management system that better supports OI's emerging needs. This new software platform, named the Allegations Resolution Investigations and Enforcement System (ARIES), represents a common operating approach that the NRC will use to unify efforts across agency offices when processing allegations of wrongdoing, regulatory violations, criminal violations, and enforcement actions. ARIES represents a cradle-to-grave approach that will eliminate inefficiencies, remove bottlenecks in communication, and allow the NRC to have a one-stop shop for upholding

regulatory requirements and keeping all stakeholders fully informed while still maintaining strict control of sensitive information.

Finally, I would be remiss if I did not recognize the vital contributions OI makes to the NRC with a balanced force of criminal investigative experts and a team of professional support specialists. Together, we will continue in our journey toward improving our organizational culture, operational agility, and strategic responses to the demands of the post pandemic era.



Thomas G. Ashley Jr.  
Director

## FOCUSING ON OUR MISSION

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

Since 1982, OI has investigated a broad range of violations. OI continues to focus on 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, such as the following:

- criminal violations that pose a particularly significant risk of harm to public health and safety
- criminal conduct, including making material false statements to the NRC during the regulatory process, affecting proper regulatory actions by the NRC
- 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, or suspect items into the nuclear supply chain
- proactive investigative partnerships with other Federal, State, local, and international law enforcement agencies



## FISCAL YEAR 2023 HIGHLIGHTS

During fiscal year (FY) 2023, the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) maintained a mission-driven, high-performing workforce. As part of the process, OI continued its commitment to investigative independence, excellence, and adherence to established quality standards. OI personnel include both criminal investigators, who bring a wide range of experience from across the Federal enterprise, and professional support staff, who continuously work to exceed the expectations of internal and external stakeholders.

The majority of investigations OI closed in FY 2023 involved operating reactors, closely followed by closed investigations related to materials. The overall number of closed investigations increased from that in 2022. This report discusses the specific numbers in detail and notes the following 2023 highlights:

- OI contributed to the NRC’s safety strategic goals by conducting effective and efficient investigations to ensure that licensees meet the agency’s regulatory requirements. In FY 2023, OI conducted 119 high-quality, thorough, and timely cases:
  - OI closed 38 investigations during this reporting period, of which 100 percent developed sufficient information to substantiate or not substantiate allegations of willful wrongdoing.
  - 100 percent of these findings were reached in 12 months or less, exceeding OI’s performance for the reactor and materials investigations standard of 90 percent.
- Of the 34 assists to staff closed, 100 percent were closed within 90 days, exceeding OI’s performance measure of 90 percent.
- OI processed 19 actions resulting from Freedom of Information Act requests during FY 2023, a 37 percent decrease from the FY 2022 total of 30.
- OI conducted and completed 100 percent of annual field office and OI headquarters assessments and internal reviews to comply with requirements for organizational effectiveness, and further ensured that OI adhered to all applicable U.S. Department of Justice (DOJ) policies and Council of the Inspectors General on Integrity and Efficiency guidelines.
- OI implemented and trained 100 percent of its special agents on the revised use-of-force policy to align with DOJ requirements and Executive Order 14074, “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety,” dated May 25, 2022.
- OI continued outreach efforts to other law enforcement agencies. Whether this was formalizing long-standing relationships through written agreements with the NRC OIG, or sending staff to attend interagency working groups at the National Counterterrorism Training Center for the first time, OI worked tirelessly this year to expand awareness of the agency’s mission to State, local, and other Federal law enforcement and intelligence agencies.

- OI initiated the partner organization process with the Federal Law Enforcement Training Centers (FLETCs) to formalize and enhance professional relationships. This improved relationship enables OI to quadruple the current number of training and professional development opportunities offered. OI is committed to formalizing this status and will begin regularly enrolling OI staff through the FLETCs. By completing this initiative, OI will be able to further access world-class and formally accredited professional training on topics as diverse as crime scene photography, digital evidence discovery, advanced interviewing techniques, and criminal intelligence analysis.
- As part of an agencywide hiring initiative, OI continues to undertake recruitment, hiring, and retention efforts. These activities also include staff rotations and promotion opportunities supporting professional growth, skill development, and knowledge management exchanges throughout the headquarters and regional offices.

# 1 INTRODUCTION AND OVERVIEW

## HISTORY

In 1982, with the support of the U.S. Department of Justice (DOJ) and the U.S. Congress, the U.S. Nuclear Regulatory Commission (NRC) established the Office of Investigations (OI) as part of its effort to improve the quality of its investigative work and to support the agency's overall mission. The Commission announced the formation of OI on April 20, 1982, to improve the NRC's capability "to perform credible, thorough, timely and objective investigations."<sup>1</sup> OI is responsible for conducting 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 probe alleged wrongdoing in accordance with DOJ guidelines and the Quality Standards for Investigations established by the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

## 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 (Title 42 of the United States Code (42 U.S.C.) section 2201(c)), and section 206 of the Energy Reorganization Act of 1974 (42 U.S.C. section 5846)). OI jurisdiction extends to the investigation of alleged wrongdoing by licensees, certificate holders, permittees, and applicants; by contractors, subcontractors, and vendors of such entities; and by management, supervisors, and other personnel employed by such entities who may have violated the Atomic Energy Act, the Energy Reorganization Act, or rules, orders, or 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. OI promptly delivers such information to the NRC 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 Fiscal Years 2022–2026,<sup>2</sup> the agency's mission is to license and regulate the Nation's civilian use of radioactive materials, to provide reasonable assurance of adequate protection of public health and safety, to promote the common defense and security, and to protect the environment. The strategic plan defines the strategic goals to ensure the safe and secure use of radioactive materials, to continue to foster a healthy organization, and to inspire stakeholder confidence in the NRC. The plan also provides an overview of the NRC's responsibilities and lays out how the agency uses data and evidence to inform decision-making to accomplish objectives and strategies to achieve its goals.

OI fully aligns with the agency's regulatory programs and strategic values and goals to provide for the safe civilian use of radioactive materials and nuclear power. OI's national investigations program consistently operates under the agency's Principles of Good Regulation to support regulatory actions that are effective, realistic, and timely.

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<sup>1</sup> NRC Announcement No. 38, "Formation of the New Office of Investigations," dated April 20, 1982.

<sup>2</sup> NUREG-1614, Volume 8, "Strategic Plan: Fiscal Years 2022–2026," issued April 2022.





## **2 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 that consists of four regionally co-located field offices led by special agents in charge who directly support the regional administrators and report directly to OI headquarters senior staff. The main body of OI personnel consists of Federal criminal investigators and special agents (GG-1811s) as well as professional support and technical staff located in both OI field and headquarters offices.

All NRC OI special agents have extensive backgrounds and experience in Federal criminal investigations. During FY 2023, the professional cadre of OI special agents had an average of 19 years of Federal law enforcement experience. OI special agents have previously served in law enforcement roles at other Federal agencies, including the U.S. Secret Service; U.S. Department of Energy; Naval Criminal Investigative Service; U.S. Department of Labor; Air Force Office of Special Investigations; Federal Bureau of Investigation; Bureau of Alcohol, Tobacco, Firearms and Explosives; Coast Guard Investigative Service; Army Criminal Investigative Division; Diplomatic Security Service; and various offices of the Inspector 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 DOJ guidelines and the CIGIE Quality Standards for Investigations. Additionally, OI maintains proactive investigative partnerships with other Federal, State, and local law enforcement agencies.



### 3 QUALITY ASSURANCE REVIEWS

OI quality assurance reviews (QARs) are annual self-assessments of OI's national investigations program. Each year, OI selects a team of senior personnel to conduct the QAR of each OI office (i.e., headquarters and field offices). The QARs aim to support the goal of continuous improvement and to assess three major focus areas: operations, management, and administration.

The 2023 QAR reviews were performed in person—only the second time conducting them in this manner since the onset of the Coronavirus Disease 2019 (COVID-19) pandemic. The 2023 QAR addressed the following items, including:

- internal NRC office stakeholder meetings/interviews
- random selection of case samples for quality overview
- inventory verification of sensitive equipment
- program quality checks
- OI data system review

During the review, the QAR teams reviewed a random selection of 20 closed cases. The case reviews resulted in no significant findings. A review of OI operational programs found that OI was generally in compliance with all pertinent governing policies and procedures.

The OI programmatic review also included formal meetings held with NRC officials that included the Office of the Executive Director for Operations staff, Regional Administrators, the Office of the General Counsel, and allegations and enforcement personnel. The discussions with senior staff provided feedback on the OI headquarters and regions' overall performance, collaboration, and input on the delivery of OI work products. The stakeholders reported overall satisfaction with the OI program and provided positive feedback on their interactions with the OI staff. They also offered valuable recommendations and suggestions on OI investigative work products.

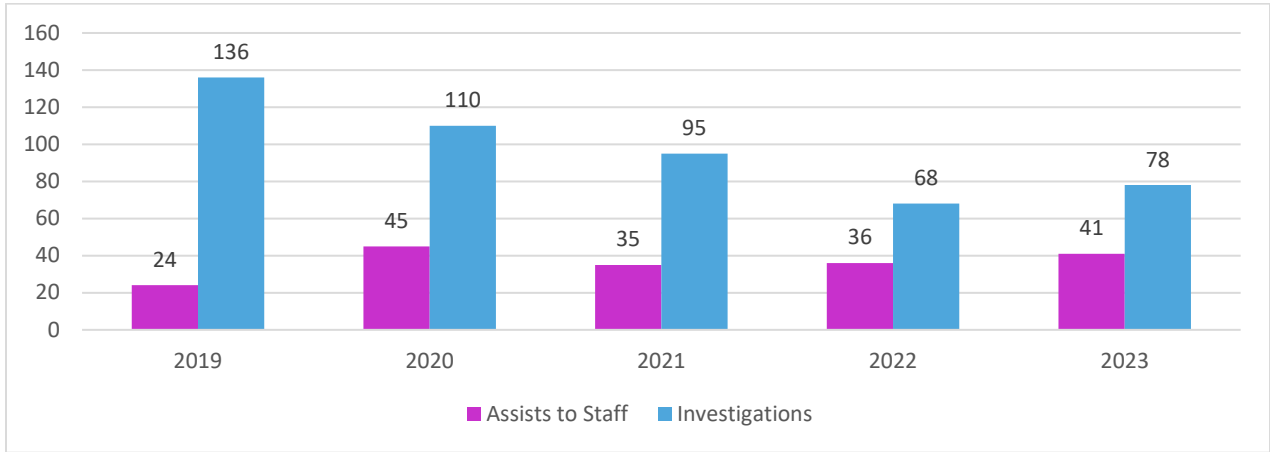
At the conclusion of each QAR, the teams conducted exit briefings with each Regional Administrator and OI leadership to confirm and address the noted findings and recommendations. This final step included an emphasis on validating data supporting OI's continued adherence to professional standards, as well as internal and agency policies and procedures.



## 4 CASES

Figure 1 shows the OI case inventory, which includes all investigations<sup>3</sup> and assists to staff<sup>4</sup> conducted from FY 2019 through FY 2023. The total case inventory in FY 2023 was 119, a 14 percent increase from 104 in FY 2022.

This total of 119 cases includes 46 investigations from FY 2023, 32 investigations from FY 2022, 36 assists-to-staff from FY 2023, and 5 assists-to-staff from FY 2022.



**Figure 1 Case Inventory By Fiscal Year**

<sup>3</sup> An investigation is the detailed and systematic collection, development, and examination of evidence and other relevant information to uncover the facts and circumstances or to establish the truth concerning potential wrongdoing within the jurisdiction of the NRC.

<sup>4</sup> Assists to staff are cases that are brief and focused inquiries not involving a specific allegation of wrongdoing. OI does not evaluate the concerns addressed in assists to staff for substantiation. Assists to staff serve to provide the NRC staff with clarifying information about concerns to better inform the decision-making process, allowing the agency to pursue the most appropriate course of action.

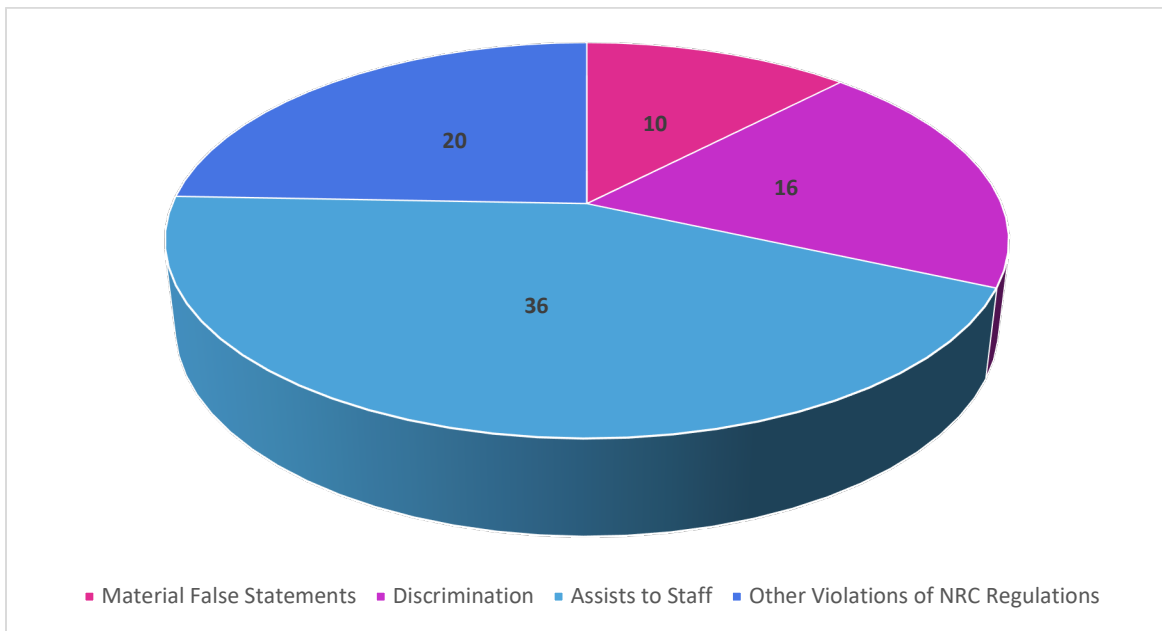


## 5 CASES OPENED

Table 1 shows the number of cases opened by category from FY 2019 through FY 2023. OI opened 82 cases in FY 2023 in the categories listed below; this represents a 17 percent increase from the total cases opened in FY 2022. The number of investigations of suspected material false statements decreased by 23 percent, and violations of other NRC regulatory requirements increased by 5 percent. In FY 2023, the number of discrimination investigations increased by 60 percent, and the number of assists to staff increased by 29 percent.

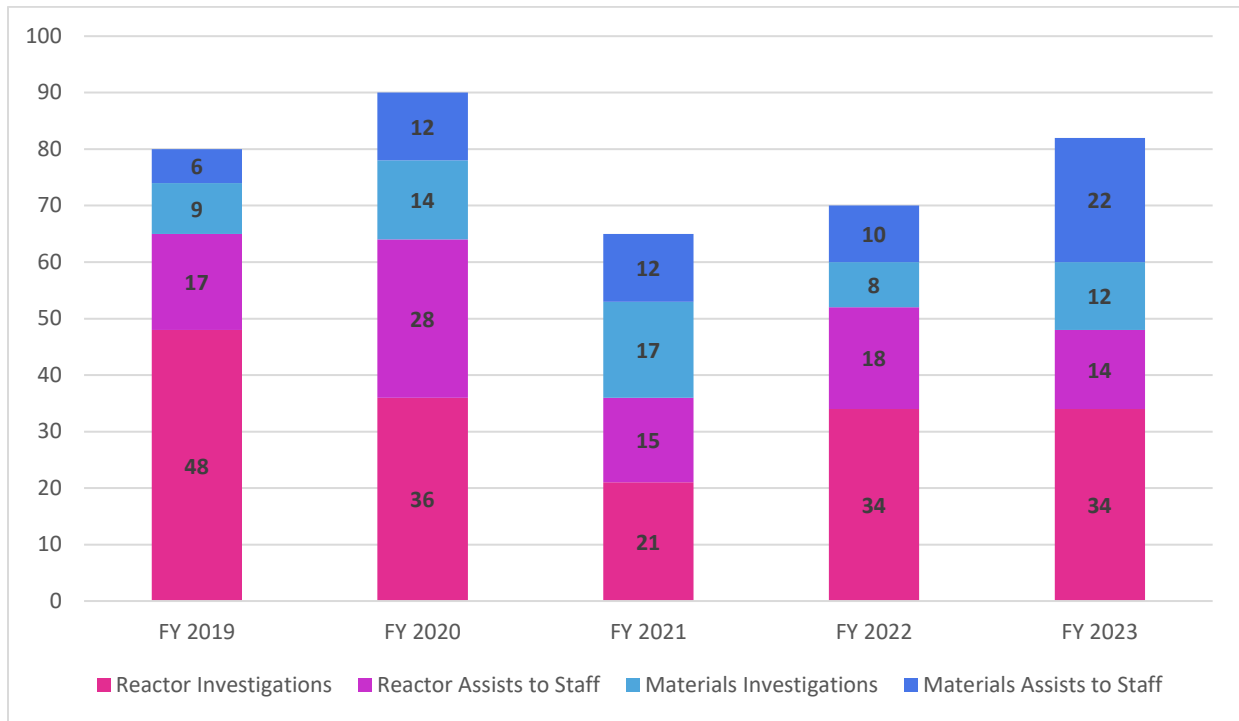
**Table 1 Cases Opened by Category**

Category	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Total	80	90	65	70	82
Material False Statements	15	18	6	13	10
Violations of Other NRC Regulatory Requirements	20	22	21	19	20
Discrimination	22	10	11	10	16
Assists to Staff	23	40	27	28	36



**Figure 2 Cases Opened In FY 2023 By Category Of Alleged Violation**

Figure 3 shows the distribution of cases opened during FY 2019 through FY 2023 for the reactor and materials programs. From FY 2022 to FY 2023, the overall number of reactor cases decreased by 8 percent. Reactor investigations remained the same, and reactor-related assists to staff decreased by 22 percent. The number of materials cases increased by 89 percent: there was a 50 percent increase in the number of materials investigations and a 120 percent increase in the number of materials-related assists to staff.



**Figure 3 Reactors And Materials Cases Opened From FY 2019 Through FY 2023**

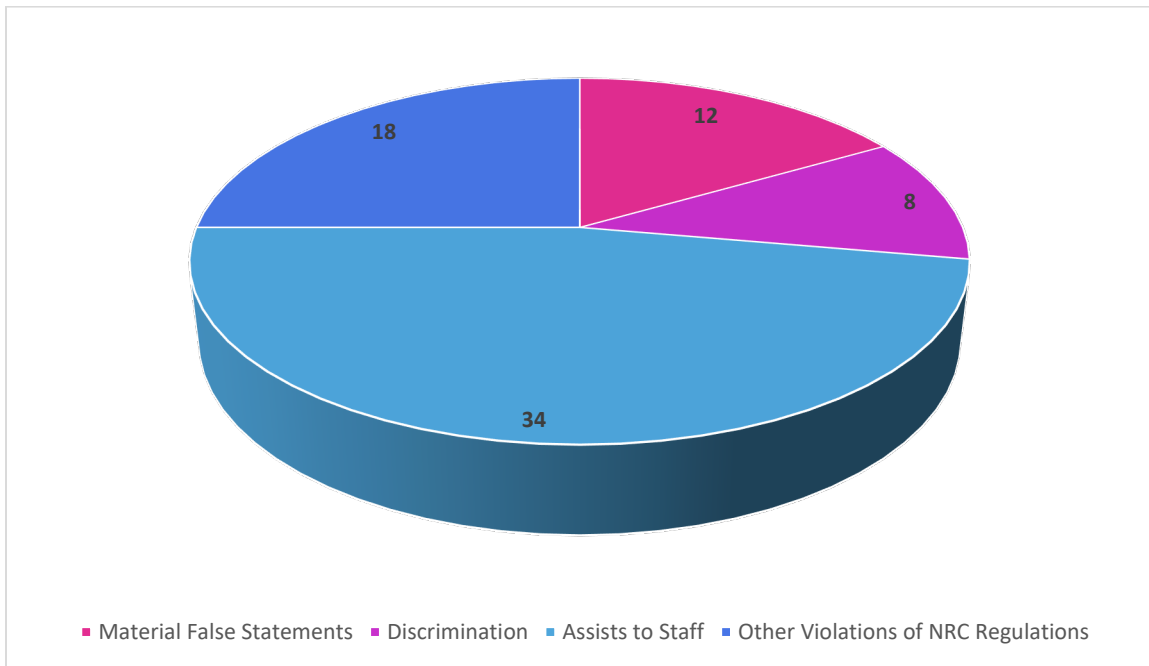


## 6 CASES CLOSED

Table 2 shows the number of cases closed by category from FY 2019 through FY 2023. OI closed 72 cases in FY 2023 in the categories listed below, representing a 7 percent increase from the number closed in FY 2022. Investigations of material false statements increased by 400 percent, while investigations involving violations of other NRC regulatory requirements decreased by 14 percent. Discrimination investigations decreased by 33 percent and assists to staff increased by 10 percent.

**Table 2 Cases Closed by Category**

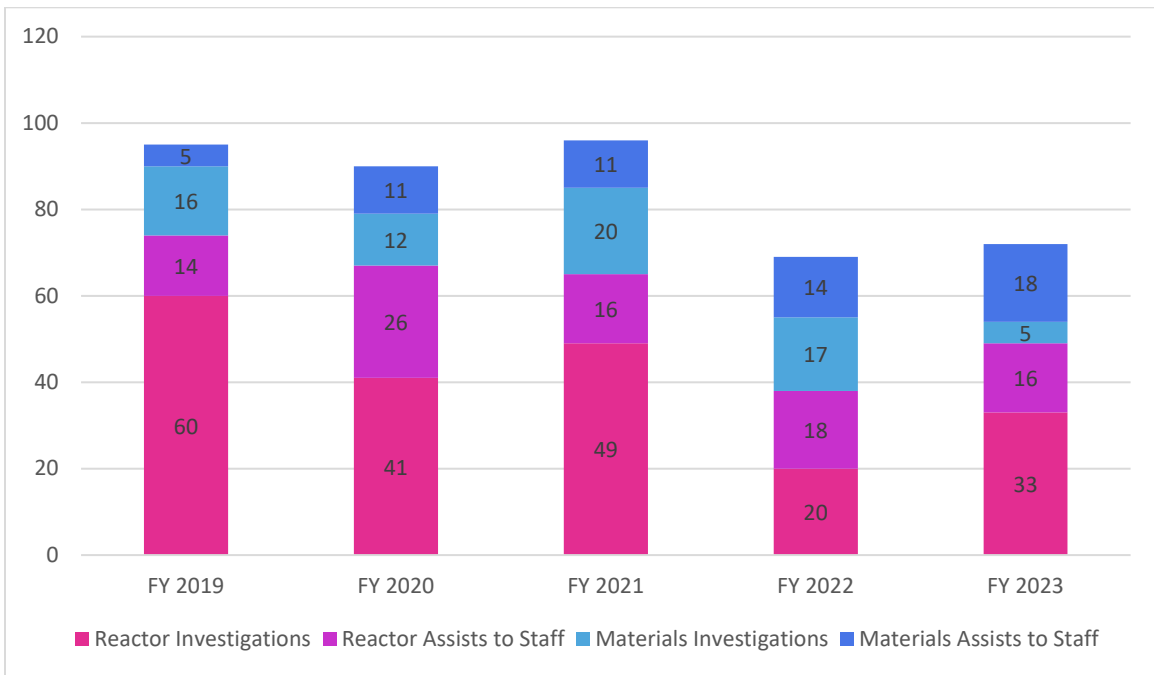
Category	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Total	95	90	96	67	72
Material False Statements	18	12	15	3	12
Violations of Other NRC Regulatory Requirements	28	18	38	21	18
Discrimination	30	23	16	12	8
Assists to Staff	19	37	27	31	34



**Figure 4 Cases Closed In FY 2023 By Category Of Alleged Violation**

Figure 5 shows the cases closed from FY 2019 through FY 2023 for the reactor and materials programs. OI closed 72 cases in FY 2023, which included 38 investigations and 34 assists to staff. From FY 2022 to FY 2023, the overall number of reactor cases increased by 29 percent. Reactor investigations increased by 65 percent, and reactor-related assists to staff decreased by 11 percent.

The overall number of materials cases decreased by 21 percent for the same period. Materials investigations decreased by 69 percent, and the number of materials-related assists to staff increased by 38 percent.



**Figure 5 Cases Closed By Reactors/Materials Type From FY 2019 Through FY 2023**

## **7 SIGNIFICANT INVESTIGATIONS**

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

### **APINDE**

This OI investigation substantiated an allegation of a licensee providing materially false statements in its materials license application. Upon partial completion of the OI investigation, the NRC staff determined that it had issued a license to APINDE based on inaccurate, false information regarding the qualifications of the Radiation Safety Officer (RSO), and that APINDE lacked a qualified RSO. Thus, on August 22, 2019, the NRC staff issued an order to APINDE suspending its license due to the loss of reasonable assurance that APINDE would conduct activities authorized under its license in compliance with NRC regulations to ensure the adequate protection of public health and safety. Subsequently, on May 11, 2023, the NRC staff issued an order to APINDE revoking its NRC license. This case was accepted by the DOJ for criminal prosecution. On November 4, 2021, the subject was indicted in the U.S. District of Hawaii and charged with making a false statement (18 U.S.C. §1001: False Statement, 18 U.S.C. §1505: Obstruction of a Proceeding), violations of the Atomic Energy Act (42 U.S.C. §2273(a)), and bank fraud (18 U.S.C. §1344: Bank Fraud). A trial is scheduled for April 2024.

### **MISTRAS**

This OI investigation substantiated an allegation of a licensee contractor's employees falsifying testing equipment calibration records. Subsequent to negotiations by the DOJ, in October 2023, the subjects pled guilty to knowingly and willfully falsifying testing equipment calibration records, in violation of 18 U.S.C. §1001(a)(3), within the jurisdiction of the NRC. The sentencing hearing for the subjects is scheduled for January 2024.

### **VOGTLE ELECTRIC GENERATING PLANT**

This OI investigation substantiated an allegation that a licensee supervisor deliberately failed to abide by a radiation work permit. On September 5, 2023, the NRC issued a notice of violation for a Severity Level III violation at Vogtle. The Severity Level III violation involved the licensee's failure to follow a radiation work permit as required by licensee technical specifications.



## **8 FUTURE INITIATIVES**

In 2023, OI continued to implement and fulfill prior Future Initiatives, including the implementation of Executive orders on police accountability, enhancing institutional knowledge of the nuclear industry, and engaging with a broader audience for hiring and retention efforts.

Looking to the future, OI's strategic plan will prioritize the three key areas outlined below.

### **TECHNOLOGICAL MODERNIZATION**

Working with its NRC counterparts, OI will complete and implement the first iteration of the Allegations Resolution Investigation Enforcement System (ARIES) case management system. This will allow OI—and indeed all of the NRC—to take advantage of new investigative tools and infrastructure. ARIES will enable next-generation deep data analytics, provide a truly collaborative and centralized platform for communications, and streamline the sharing of information and reports for unprecedented accuracy and efficiency for NRC decision-makers.

### **TRAINING AND PROFESSIONAL EDUCATION**

OI will take full advantage of a new formal relationship with the FLETC and other centers of academic excellence to invest in continuous learning. OI is excited to identify what training programs can be used to address the evolving needs of investigators, including advanced forensics, cybercrime investigations, and modern interview techniques. Additionally, OI will bolster internal knowledge-sharing to maximize the benefits of this training through peer-to-peer training exchanges and best practice dissemination across the organization. Lastly, OI has successfully posted continuous open solicitations to hire criminal investigators on USAJobs.gov. These efforts are intended to advance OI's interest in recruiting new talent to the OI team nationwide. These recruitment initiatives are expected to enrich OI's professional experience with a diversified talent pool of investigative experts who have a track record of success.

### **SPREADING AWARENESS**

OI will launch targeted awareness campaigns within the nuclear industry and law enforcement community to educate stakeholders about the office's mission, values, and impact through engaging online content, social media outreach, and industry events. By developing informative materials such as brochures and partnering with industry conferences, OI will help the NRC educate the public about the nuclear industry and the Commission's role in ensuring public health and safety.

By focusing on these three pillars, OI will (1) strengthen its investigative capabilities and remain at the forefront of the nuclear security landscape, (2) empower its workforce with the knowledge and skills to navigate complex investigations and emerging threats, and (3) build trust and understanding with the public through increased transparency and engagement.

This plan is the roadmap for OI's future, emphasizing its commitment to innovation, professional development, and public engagement.



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10. SUPPLEMENTARY NOTES

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This report describes Office of Investigations case activities during fiscal year 2023.

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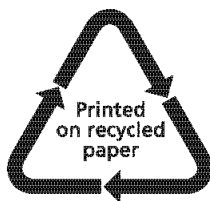
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