




Union of  
Concerned  
Scientists



**RIC 2001**  
**Allegation Process**  
**Session W5**  
**“Mrs. Gail C. VanCleave”**

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# Who is Gail C. VanCleave?

**According to the NRC:**

**“[T]he public health, safety and interest require that Gail C. VanCleave be prohibited from any involvement in NRC-licensed activities for a period of three years from the date of this Order.” November 6, 2000**



# What Did Mrs. VanCleave Do?

**According to the NRC:**

**Mrs. VanCleave used a false social security number to hide the fact that she had a misdemeanor conviction and gain employment as a clerk at the D C Cook nuclear plant between September 17, 1999, and November 18, 1999.**



# Why Did Mrs. VanCleave Get Banned for 3 Years?

**According to the NRC's Enforcement Manual:**

**“In determining the significance of a violation involving willfulness, consideration will be given to such factors as the position and responsibilities of the person involved in the violation (e.g., a licensee official or non-supervisory employee), the significance of any underlying violation, the intent of the violator (i.e., careless disregard or deliberateness), and the economic or other advantage, if any, gained as a result of the violation.”**



# What was the Significance of Mrs. VanCleave's Violation?

**Among 23 enforcement actions taken by NRC  
against individuals in past 2 years:**

- **Mrs. VanCleave was the lowest ranking individual among the 23 cases studied**
- **Mrs. VanCleave's violation had the least actual and potential risk**
- **Mrs. VanCleave was cited for willful violation or deliberate misconduct, as were ALL other 22 individuals**
- **Mrs. VanCleave gained employment as a clerk through her actions**



# Why Did Mrs. VanCleave Really Get Banned for 3 Years?

**According to the NRC:**

**“[Y]ou made a statement to an NRC investigator that you would repeat the deliberate acts of falsification again should you find yourself in a similar financial situation. Such a statement provides us no assurance that should you be employed in the nuclear industry, you could be trusted to comply with NRC requirements.”**



# Who is Gail C. VanCleave?

**Mrs. VanCleave is the face on the example demonstrating that the NRC's Enforcement Policy, as implemented by the staff, is broken.**



# Questions

- **Why did Mrs. VanCleave get a 3-year ban for the exact same offense that a male engineer received a 1-year ban?**
- **Why did Mrs. VanCleave get banned when supervisory individuals adulterating their fitness-for-duty samples only received Notices of Violation?**
- **Why did Mrs. VanCleave get banned when a licensed control room operator admitting to cocaine usage only received a warning letter from the NRC?**





# More Questions

- **Why did Mrs. VanCleave get banned when an individual failing to perform inspections of fire protection equipment, and falsifying records, only received a Notice of Violation?**
- **Why did Mrs. VanCleave get banned when two supervisory individuals who deliberately circumvented the for-cause testing requirement of the fitness-for-duty rule only received a Notice of Violation from the NRC?**



# Still More Questions

- **Why did Mrs. VanCleave get banned when 8 individuals who discriminated against workers raising safety concerns only received—at most—a Notice of Violation?**
- **Why did Mrs. VanCleave get banned when a senior HP tech who ordered workers into contaminated areas without protective gear only received a Notice of Violation from the NRC?**



# Even More Questions

- **Why did Mrs. VanCleave get banned when a licensed control room operator testing positive for the illegal substance THC only received a warning letter from the NRC?**
- **Why did Mrs. VanCleave get banned when a Shift Operations Supervisor who discriminated against a licensed-SRO for raising a safety concern only received a Notice of Violation?**



# Final Questions

- **Why did Mrs. VanCleave get banned when four nuclear plant supervisors testing positive for drug or alcohol use during fitness-for-duty screens received NO sanctions from the NRC?**
- **Why did Mrs. VanCleave get banned when a worker carrying a handgun into a nuclear plant and trying to bribe security to overlook the infraction only received a Notice of Violation?**



# Conclusions

- **NRC sanctions for individuals are NOT meeting the objective from NUREG-1649:**
  - “Responding to violations of regulations in a predictable and consistent manner that reflects the potential safety impact of the violations”
- **NRC must stop giving special treatment to managers and supervisors who violate federal safety regulations.**