

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

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

**ANSWER.**

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

Enclosure

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

**ANSWER.**

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

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

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

**ANSWER.**

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

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

**ANSWER.**

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

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

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

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

**ANSWER.**

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

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

ANSWER.

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