



FY 2014

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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 2014 (reference SRM COMJC-89-8, dated June 30, 1989). This is the 26th OI Annual Report.

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FISCAL YEAR 2014 HIGHLIGHTS

During fiscal year (FY) 2014, the Office of Investigations (OI) of the U.S. Nuclear Regulatory Commission (NRC) 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 staffed with experienced Federal criminal investigators and professional support staff who continually 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.

The following are significant highlights achieved and strategies implemented during FY 2014:

- OI closed 121 investigations, 93 percent (113 investigations) of which developed sufficient information to reach a conclusion on allegations of willful wrongdoing (substantiated or unsubstantiated). This exceeded OI's performance measure of 90 percent.
- Of the above 113 investigations, OI closed 87 percent in 12 months or less. This exceeded OI's performance measures for both reactor and materials investigations.
- Of the 33 closed Assists to Staff, 97 percent were closed within 90 days, which exceeded OI's performance measure of 90 percent.
- OI processed 61 Freedom of Information Act (FOIA) requests in a timely manner.
- OI referred 100 percent of its substantiated wrongdoing investigations to the U.S. Department of Justice (DOJ) for prosecution consideration.
- OI continued to enhance its Case Management Web-based System to increase program efficiency and effectiveness.
- OI conducted a Special Agents Training Seminar in May 2014, which provided specialized training to experienced Federal criminal investigators recently hired by OI.
- OI reemployed an annuitant with 26 years of Federal law enforcement experience (18 years with OI) to transfer critical, historical, operational, and procedural investigative knowledge.
- OI continues its active partnership with the U.S. Department of Homeland Security (DHS), National Intellectual Property Rights Coordination Center, in all matters within NRC jurisdiction.
- OI's Lead Criminal Investigator and Program Manager for Counterfeit, Fraudulent and Suspect Items (CFSI) managed the investigative and support activities associated with the NRC CFSI initiatives by monitoring, evaluating, and coordinating investigative leads. The OI CFSI Program Manager continued to foster mutually supportive relationships with all relevant internal and external CFSI stakeholders.

- OI continued an operational liaison with Federal, State, and local law enforcement officials throughout the United States in support of the NRC Federal Security Coordinator Program, as required by the Energy Policy Act of 2005.
- OI participated in the Federal Law Enforcement Forum hosted in the DOJ's U.S. Attorney's Office.
- OI assisted DHS investigations officials with law enforcement critical infrastructure protection efforts.
- OI regularly participated in DOJ Anti-Terrorism Advisory Council meetings.

INTRODUCTION AND OVERVIEW

History, Authority, and Mission

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 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 the "new Office of Investigations" to "improve NRC's capability to perform credible, thorough, timely and objective investigations." OI was accorded the responsibility to conduct independent investigations either at the request of specified NRC officials or on its own initiative. OI subsequently hired and continues to maintain a staff of experienced Federal criminal investigators who conduct investigations of alleged wrongdoing in accordance with DOJ guidelines and the 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). The 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 as may have committed violations of the Atomic Energy Act; the Energy Reorganization Act; and rules, orders, and license conditions issued by the Commission.

Additionally, during the course of investigations, OI may uncover potentially safety-significant issues that may, or may not, be related to wrongdoing. In these instances, OI provides this information to the technical staff in a timely manner 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 (FY) 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.

THE OFFICE OF INVESTIGATIONS

The Director of OI reports to the Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs while supporting 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 (SAICs), who report directly to OI senior executives located at OI Headquarters. OI field and headquarters offices are staffed by Federal criminal investigators (Special Agents (GG-1811)) and professional support staff.

All NRC OI special agents have extensive backgrounds and experience in Federal criminal investigations. During FY 2014, 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 such as the Bureau of Alcohol, Tobacco, Firearms and Explosives; U.S. Department of Energy; Naval Criminal Investigative Service; U.S. Department of Labor; U.S. Air Force Office of Special Investigations; Federal Bureau of Investigation; U.S. Secret Service; U.S. Drug Enforcement Administration; and various offices of Inspectors General.

OI plans and conducts investigations of allegations of wrongdoing to determine 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 the Council of Inspectors General on Integrity and Efficiency and the U.S. Department of Justice. Additionally, OI maintains proactive investigative partnerships with other Federal, State, and local law enforcement officials.

DIRECTOR AND FIELD OFFICE REVIEW VISITS

The OI Director or Deputy Director annually visits each of the OI field offices, which are co-located in the four NRC regional offices. During these visits, OI senior executives place particular emphasis on enhancing 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 effectively 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 the office's field office personnel, as well as between OI and regional senior management.

Field Office Review Visits (FORVs) are annual self-assessments of OI's national investigations program. FORVs are conducted at each OI field office to support the goal of continuous improvement and assess three major focus areas: operations, management, and administration.

FORVs 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 FORV team meets with internal stakeholders, including the regional and deputy regional administrator, regional counsel, enforcement coordinator, allegation coordinator, and other regional staff, as appropriate.

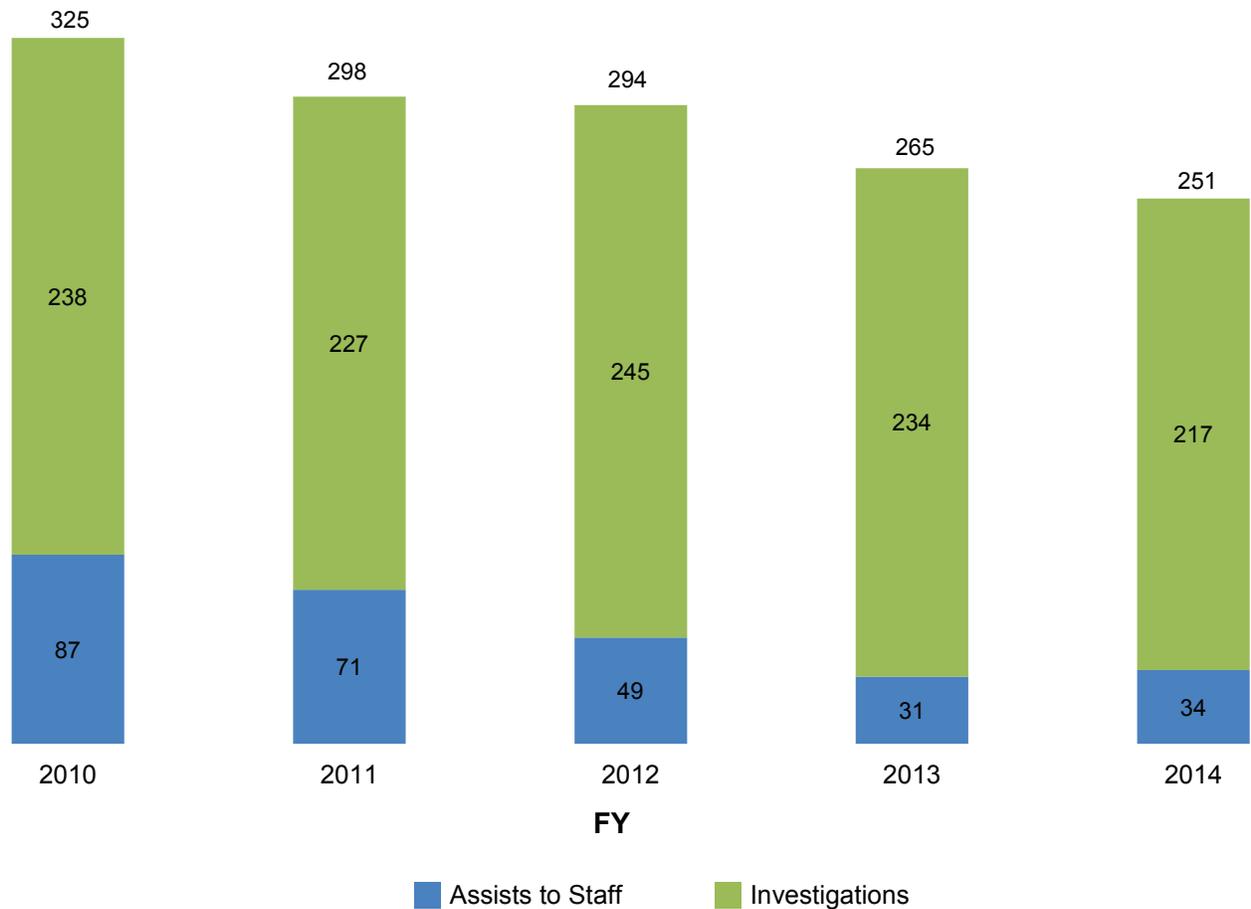
At the conclusion of the FORVs, the FORV team conducts an exit briefing with the OI field office personnel to discuss its findings and recommendations. A final OI senior management and OI headquarters' review of the FORV team's findings is conducted to identify and implement best practices with a view toward continuous program improvement and investigative excellence.

CASES

Case Inventory

Figure 1 shows the OI case inventory, which includes all investigations and assists to staff conducted from FY 2010 through FY 2014. The total case inventory in FY 2014 was 251. This total includes 217 investigations, 111 of which were carried over from FY 2013. Also included are 34 assists to staff, 5 of which were carried over from FY 2013.

Figure 1 Case Inventory



Note: Cases carried over from previous year, combined with cases opened in current year

The total number of cases in the OI inventory during FY 2014 was 251, which was a 5 percent decrease from 265 in FY 2013.

CASES OPENED

Table 1 shows the number of cases opened by category from FY 2010 through FY 2014. In FY 2014, there was a 9 percent decrease from FY 2013 in total cases opened. There was an increase of 75 percent in the number of investigations of suspected material false statements and a 27 percent decrease in violations of other NRC regulatory requirements. In FY 2014, the number of discrimination investigations decreased by 34 percent and the number of assists to staff increased by 7 percent. OI opened 135 cases in FY 2014 in the categories listed below:

Table 1 Cases Opened by Category

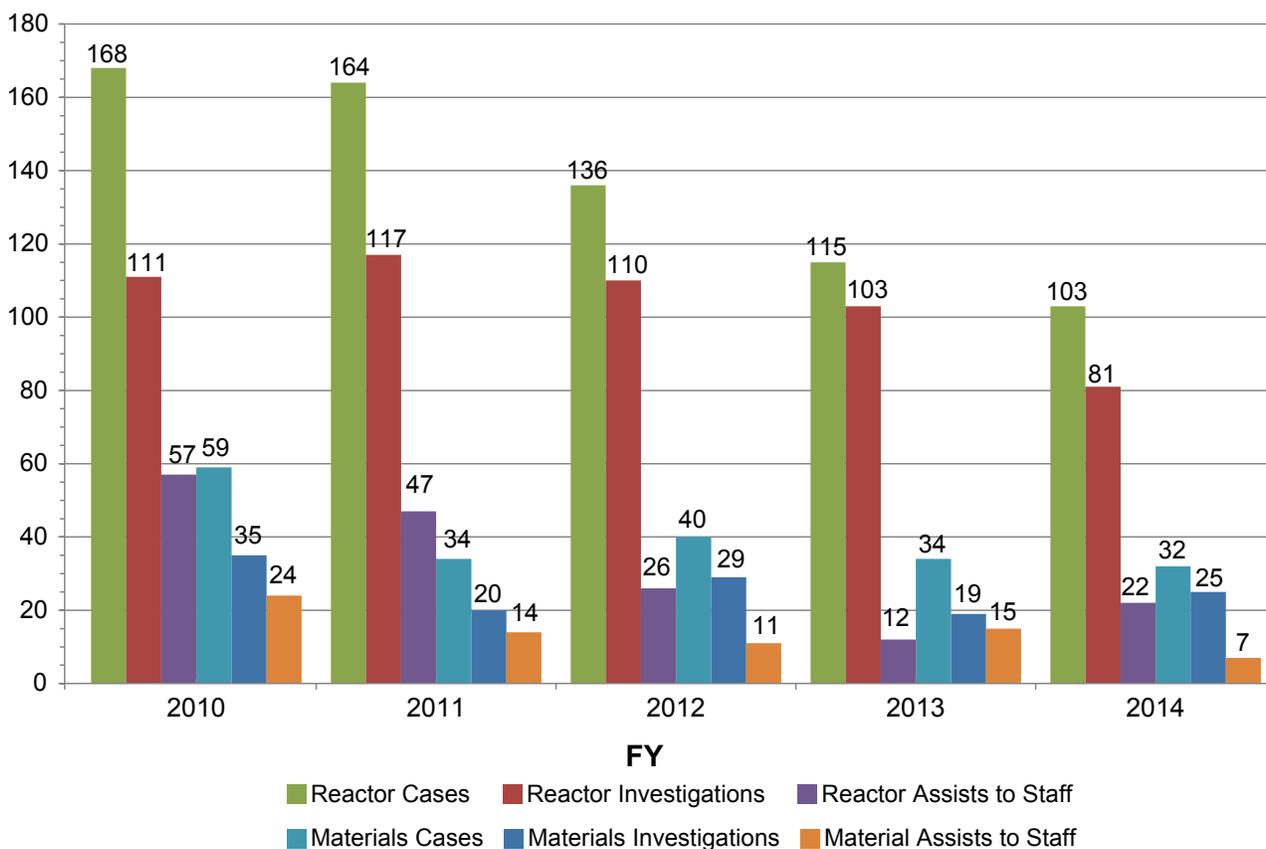
Category	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Total	228	199	176	149	135
Material False Statements	21	15	18	20	35
Violations of Other NRC Regulatory Requirements	79	69	73	52	38
Discrimination	46	53	48	50	33
Assists to Staff	82	62	37	27	29

Note: Out of the 135 cases opened in FY 2014, 26 percent involved allegations of Material False Statements, 28 percent were violations of Other NRC Regulatory Requirements, 24 percent were for Discrimination, and 21 percent were Assists to Staff.

The graph in Figure 2 shows the distribution of cases opened from FY 2010 through FY 2014 for the reactor and materials programs. From FY 2013 to FY 2014, the overall number of reactor cases decreased by 10 percent. Of the reactor cases, there was a 21 percent decrease in reactor investigations and an 83 percent increase in reactor-related assists to staff.

The overall number of materials cases decreased by 6 percent. Of the materials cases, there was a 32 percent increase in materials investigations and a 53 percent decrease in materials related assists to staff.

Figure 2 Cases Opened by Reactor / Materials



Note: Cases (Investigations combined with Assists to Staff)

Reactor Cases-103

Reactor Investigations-81

Reactor Assists to Staff-22

Materials Cases-32

Materials Investigations-25

Materials Assists to Staff-7

CASES CLOSED

Table 2 shows the number of cases closed by category from FY 2010 through FY 2014. The total cases closed during FY 2014 represent a 3 percent increase from the number closed in FY 2013. There was a 21 percent decrease in investigations of material false statements and a 7 percent decrease in those involving violations of other NRC regulatory requirements. Discrimination investigations increased by 16 percent and assists to staff increased by 27 percent. OI closed 154 cases in FY 2014 in the categories listed below:

Table 2 Cases Closed by Category

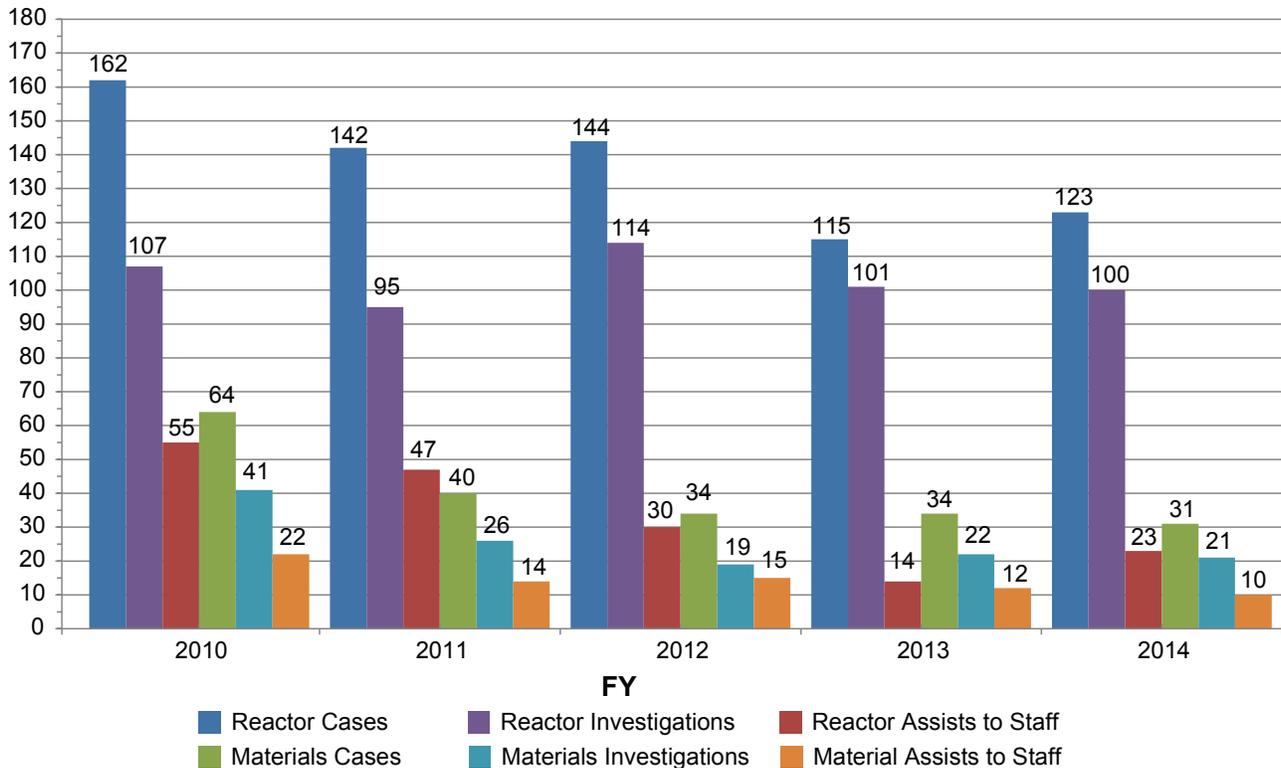
Category	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Total	226	180	178	149	154
Material False Statements	21	12	14	24	19
Violations of Other NRC Regulatory Requirements	85	76	63	54	50
Discrimination	42	33	56	45	52
Assists to Staff	78	59	45	26	33

Note: Out of the 154 cases closed in FY 2014, 12 percent involved allegations of Material False Statements, 32 percent were violations of Other NRC Regulatory Requirements, 34 percent were for Discrimination, and 21 percent were Assists to Staff.

The graph in Figure 3 shows the cases closed from FY 2010 through FY 2014 for the reactor and materials programs. From FY 2013 to FY 2014, the overall number of reactor cases increased by 7 percent. Of the reactor cases, there was a 1 percent decrease in reactor investigations and a 64 percent increase in reactor-related assists to staff.

The overall number of materials cases decreased by 9 percent, with a 5 percent decrease in materials investigations and a 17 percent decrease in materials-related assists to staff.

Figure 3 Cases Closed by Reactor / Materials



Note: Cases (Investigations combined with Assists to Staff)

Reactor Cases-123

Materials Cases-31

Reactor Investigations-100

Materials Investigations-21

Reactor Assists to Staff-23

Materials Assists to Staff-10

Of the 154 cases closed in FY 2014:

- 36 investigations were closed after OI substantiated willfulness on one or more of the allegations of wrongdoing,
- 77 investigations were closed after OI investigations did not substantiate willful wrongdoing,
- 8 investigations were administratively closed, and
- 33 of the total number of cases closed were assists to staff.

SIGNIFICANT INVESTIGATIONS

INDIAN POINT

This OI investigation, which was reported in the FY 2013 Annual Report, substantiated an allegation that, in February 2012, an Indian Point Energy Center (IPEC) chemistry manager deliberately falsified the sample test results for diesel generator fuel oil.

In July 2013, OI and DOJ special agents arrested the chemistry manager, who was subsequently charged with one count of Title 42 U.S.C. 2273, "Violations of Sections Generally," and one count of 18 U.S.C. 1001, "False Statements." On October 16, 2013, the chemistry manager pleaded guilty to a one-count Information charging him with deliberate misconduct in connection with a matter regulated by the NRC, in violation of 42 U.S.C. 2273. In January 2014, the former chemistry manager was sentenced in U.S. Federal District Court, Southern District of New York, to 18 months' probation and a monetary fine.

Additionally, the NRC issued a Severity Level III Notice of Violation and an Order prohibiting the chemistry manager from participating in NRC activities for 1 year. The chemistry manager is required to notify the NRC before seeking employment involving activities licensed by the agency. In addition, the NRC issued the licensee, Entergy, which owns and operates IPEC, a Severity Level III Notice of Violation after identifying two related violations by the company.

GEISSER ENGINEERING CORPORATION

An OI investigation substantiated an allegation that the owner of Geisser Engineering Corporation (GEC) deliberately failed to file for reciprocity on 22 occasions between October 21, 2009, and June 23, 2011, before using portable gauges containing licensed material within NRC's jurisdiction in the State of Connecticut, and at the Newport Naval Station, Rhode Island. Based upon the OI investigation, on July 31, 2014, the NRC issued a Severity Level II Notice of Violation to GEC and a civil penalty in the amount of \$8,400.

In addition to the enforcement action issued to GEC, on March 20, 2014, the NRC issued a Severity Level II Notice of Violation and Order Prohibiting Involvement in NRC-Licensed Activities, for a period of 3 years, to the president of GEC for a violation of 10 CFR 30.10, "Deliberate Misconduct," with respect to failure to file for reciprocity.

SALEM

An OI investigation substantiated an allegation that, on two occasions in 2014, a licensed senior reactor operator (SRO) at Public Service Enterprise Group's (PSEG's) Salem Nuclear Generating Station (Salem) engaged in deliberate misconduct by having used an illegal substance and performing duties authorized under the SRO's NRC license at Salem while under the influence of an illegal substance. These duties included serving as the Salem shift manager. Based on the SRO's misconduct, the licensee, PSEG, terminated the SRO's NRC license. On July 9, 2014, based, in part, on the OI investigation, the NRC issued a Severity Level III Notice of Violation to the SRO.

FOSS THERAPY SERVICES

An OI investigation substantiated an allegation that on or about April 13, 2012, the President and Owner of Foss Therapy Services willfully violated the conditions of a 2008 NRC order, in careless disregard of its requirements. Specifically, the President and Owner willfully failed to notify a customer of the 2008 order issued to him and willfully failed to make the order available to a customer before performing work, as required in the 2008 order. Based upon the OI investigation, the NRC issued the President and Owner a Severity Level III Notice of Violation on December 20, 2013, for violating NRC Order IA-08-014 and imposed a new 3 year Order with additional requirements.

BRADLEY BASTOW, D.O.

An OI investigation substantiated an allegation that a physician, who was also a Radiation Safety Officer (RSO), contracted with—and delegated RSO duties to—contract consultants, University Nuclear and Diagnostics (UND), which failed to properly conduct required quarterly tests and calibrations for the medical facility. The physician and RSO were responsible for all NRC-regulated work performed by UND.

Specifically, OI substantiated the allegation that UND: (1) willfully failed to perform dose calibrator linearity tests, (2) willfully failed to record information for the dose calibrator linearity test, (3) deliberately failed to perform the annual as-low-as-reasonably-achievable (ALARA) review, (4) deliberately failed to maintain an accurate annual record, (5) deliberately failed to perform the survey meter calibration, (6) deliberately failed to maintain accurate annual survey instrument calibration records, (7) deliberately failed to perform area surveys and sealed-source area surveys, (8) deliberately failed to maintain accurate records for area surveys, (9) deliberately failed to perform the package receipt surveys, and (10) deliberately failed to maintain accurate package receipt survey records.

Following a pre-decisional enforcement conference (PEC) held on June 20, 2013, additional information was provided indicating that the licensee may have provided inaccurate information to the NRC during the PEC. OI conducted an additional investigation and determined that the information provided during the PEC was accurate.

As a result of an alternative dispute resolution mediation session conducted to address a number of apparent violations, the NRC issued a Confirmatory Order, a Notice of Violation, and a civil penalty in the amount of \$1,000 on September 3, 2013, to the physician and RSO. On May 13, 2014, the NRC issued UND a Severity Level III Notice of Violation based on OI's determination that employees of UND caused the physician and RSO to be in violation of NRC requirements. Additionally, on May 13, 2014, the NRC issued an Order Prohibiting Involvement in NRC-licensed Activities to the President, Chief Technical Officer, and co-owner of UND, prohibiting him from any involvement in NRC-licensed activities for a period of 3 years, as well as requiring notification to the NRC of his first employment in NRC-licensed activities for a period of 1 year following the prohibition period.

PALISADES

An OI investigation substantiated an allegation that a security supervisor performed the duties of an armed responder at Entergy's Palisades Nuclear Facility with the knowledge of the security manager, who knew that the security supervisor was not qualified to perform those duties. The security supervisor had not completed the required armed responder training in accordance with the licensee's training and qualification plan and informed the security manager when assigned. OI determined that the security supervisor acted with careless disregard when he failed to follow security plan procedures while performing as an armed responder. Additionally, the security manager acted with careless disregard when he (1) failed to follow security plan procedures in assigning the security supervisor to perform as an armed responder when unqualified and (2) failed to provide complete and accurate information to the NRC regarding the security supervisor's qualifications.

On July 21, 2014, the NRC issued a Confirmatory Order, with commitments, to Entergy as a result of an alternative dispute resolution mediation session.

METRO CARDIOVASCULAR

An OI investigation substantiated an allegation that Metro Cardiovascular and its RSO willfully violated a number of NRC regulations, including failure to: (1) calibrate the survey meter, (2) verify the linearity of the dose calibrator, (3) verify the efficiency of the well counter, (4) perform sealed source leak tests, (5) perform sealed-source physical inventories, (6) maintain records of hazardous material (hazmat) training, (7) perform an annual audit, and (8) implement the radiation safety program. The OI investigation determined that the Metro Cardiovascular staff informed the RSO that the equipment on site was out of calibration, but the RSO failed to correct the matter. As a result of the equipment being out of calibration, additional required documentation was not in compliance with NRC regulations for 2012. The NRC issued Metro Cardiovascular a Severity Level III Notice of Violation and a civil penalty in the amount of \$3,500.

RIVER BEND STATION

An OI investigation substantiated an allegation that a security officer at Entergy's River Bend Station (RBS) deliberately falsified training records on October 6, 2013, by taking an RBS test required for maintaining access authorization for her son, who was a contract carpenter at RBS for Chicago Bridge & Iron. OI determined that the son secretly obtained the proctor's testing information, without the proctor's knowledge or consent, and provided that information to his mother, a security officer, who in turn used the proctor's information to complete the test for her son. OI determined that both the former security officer and her son deliberately falsified training records to facilitate the completion of the access authorization test. Entergy terminated the security officer's employment.

OI referred this investigation to the DOJ for prosecution consideration and to the NRC for regulatory review.

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11. ABSTRACT (200 words or less)

This report describes Office of Investigations case activities during FY 2014.

12. KEY WORDS/DESCRIPTORS (List words or phrases that will assist researchers in locating the report.)

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