Fiscal Year 2021 Enforcement Activities Overview

Report to Congress
January 2022
Message from the Secretary

The Department of Energy (DOE) is committed to protecting the national security assets entrusted to DOE and the health and safety of DOE employees and the public. DOE, as a self-regulating agency, has implemented a system of checks and balances and continuous performance monitoring to verify that the work performed by DOE’s contractors is accomplished safely and securely. As part of this performance assurance framework, DOE is obligated by the Atomic Energy Act (AEA) to implement an enforcement program that can hold its contractors accountable for violating certain safety and security requirements. The DOE Office of Enterprise Assessments administers this enforcement program, in accordance with the AEA, in the areas of nuclear safety, worker safety and health, classified information security, and unclassified controlled nuclear information.

This report provides information about the DOE enforcement outcomes issued in Fiscal Year (FY) 2021, including whether any penalties were imposed, a description of such penalties, and the entities against which the penalties were imposed, as required by Public Law 115-232, the John S. McCain National Defense Authorization Act for FY 2019.¹

This report is being provided to the following Members of Congress:

- **The Honorable Rosa L. DeLauro**
  Chair, House Committee on Appropriations

- **The Honorable Kay Granger**
  Ranking Member, House Committee on Appropriations

- **The Honorable Adam Smith**
  Chairman, House Armed Services Committee

- **The Honorable Mike Rogers**
  Ranking Member, House Armed Services Committee

- **The Honorable Frank Pallone, Jr.**
  Chairman, House Energy and Commerce Committee

¹ The enforcement program uses a variety of mechanisms, which are discussed further in this report, to communicate with DOE contractors about regulatory and compliance issues. These mechanisms include Notices of Violation, Consent Orders, Settlement Agreements, Compliance Orders, Special Report Orders, and Enforcement Letters. Not all enforcement outcomes result in the imposition of penalties pursuant to the AEA. For purposes of completeness, DOE has included discussion of other enforcement activities conducted during the fiscal year.
• **The Honorable Cathy McMorris Rodgers**
  Ranking Member, House Energy and Commerce Committee

• **The Honorable Patrick Leahy**
  Chairman, Senate Committee on Appropriations

• **The Honorable Richard Shelby**
  Vice Chairman, Senate Committee on Appropriations

• **The Honorable Jack Reed**
  Chairman, Senate Armed Services Committee

• **The Honorable James Inhofe**
  Ranking Member, Senate Armed Services Committee

• **The Honorable Joe Manchin**
  Chairman, Senate Energy and Natural Resources Committee

• **The Honorable John Barrasso**
  Ranking Member, Senate Energy and Natural Resources Committee

Should you have any questions or need additional information concerning this matter, please have your staff contact Mr. Ali Nouri, Assistant Secretary for Congressional and Intergovernmental Affairs, or Ms. Elizabeth Noll, Deputy Assistant Secretary for House Affairs, Office of Congressional and Intergovernmental Affairs, at (202) 586-5450; or Ms. Katie Donley, Deputy Director for External Coordination, Office of the Chief Financial Officer, at (202) 586-0176.

Sincerely,

Jennifer Granholm
Executive Summary

The Atomic Energy Act of 1954, as amended (AEA), authorizes the Secretary of Energy to establish rules, regulations, or orders necessary or desirable to promote the common defense and security or to protect health or minimize danger to life or property associated with Department of Energy (DOE), including the National Nuclear Security Administration (NNSA), operations. The AEA also authorizes the Secretary of Energy to impose civil monetary penalties on DOE contractors indemnified under the AEA for violating certain rules, regulations, or orders. DOE has established the following regulations in Title 10 of the Code of Federal Regulations to implement this enforcement authority: Part 820, Procedural Rules for DOE Nuclear Activities; Part 824, Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations; Part 851, Worker Safety and Health Program; and Part 1017, Identification and Protection of Unclassified Controlled Nuclear Information.

DOE regulations: (1) require DOE contractors to establish procedures for workers to report workplace-related safety concerns; (2) establish DOE contractor workers’ right to report such concerns without reprisal; and (3) set forth provisions for DOE to take enforcement actions against contractors that retaliate against employees who express concerns related to nuclear safety or worker safety and health. An act of retaliation taken by a DOE contractor against an employee for expressing a worker safety and health or nuclear safety concern is considered a violation of a safety requirement, and DOE can impose a civil or contract penalty on the contractor for such a violation.

Section 3134 of Public Law (P.L.) 115-232, the John S. McCain National Defense Authorization Act for Fiscal Year (FY) 2019, requires the Secretary to notify Congress regarding whether any penalties were imposed pursuant to section 234A of the AEA (42 U.S.C. 2282a) during the preceding year, including a description of such penalties and the entities against which the penalties were imposed. In accordance with this requirement, this report is being provided to the congressional defense committees, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate.

In FY 2021, DOE issued 13 enforcement outcomes to contractor entities performing work for DOE, which consisted of 5 Notices of Violation (NOV), 3 Consent Orders/Settlement Agreements, and 5 Enforcement Letters. Two of the NOVs were issued pursuant to section 234A of the AEA, which pertains to the imposition of penalties for violations of DOE nuclear safety requirements. One imposed a civil penalty in addition to contract fee that was withheld from the contractor. The other did not impose a civil penalty after considering the amount of contract fee withheld from the contractor. None of the outcomes involved employee retaliation.

This report contains a summary of the enforcement program administered by the DOE Office of Enterprise Assessments, a description of the enforcement outcomes issued in FY 2021, and a list of FY 2021 enforcement outcome documents that are available on DOE’s website.
DEPARTMENT OF ENERGY
FISCAL YEAR 2021
ENFORCEMENT ACTIVITIES OVERVIEW

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I. Legislative Language

This report fulfills a requirement of section 3134 of P.L. 115-232, the John S. McCain National Defense Authorization Act for FY 2019, which states:

Not later than February 1, 2019, and annually thereafter through 2021, the Secretary shall submit to the appropriate congressional committees a notification of whether any penalties were imposed pursuant to section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) during the year preceding the submission of the report, including a description of such penalties and the entities against which the penalties were imposed.

II. Enforcement Program

The AEA authorizes the Secretary of Energy to establish rules, regulations, or orders necessary or desirable to promote the common defense and security or to protect health or minimize danger to life or property associated with DOE, including NNSA, operations. The AEA also authorizes the Secretary to assess civil monetary penalties against DOE contractors indemnified under the AEA for violations of certain rules, regulations, or orders. DOE has established the following regulations in Title 10 of the Code of Federal Regulations (10 C.F.R.) to implement this enforcement authority: Part 820, Procedural Rules for DOE Nuclear Activities; Part 824, Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations; Part 851, Worker Safety and Health Program; and Part 1017, Identification and Protection of Unclassified Controlled Nuclear Information. As described in enforcement policy statements appended to the regulations, the DOE goal in the compliance arena is to enhance and protect the common defense and security at DOE facilities, including nuclear safety for the public and workers (Part 820), security of classified information (Part 824), and the safety and health of workers (Part 851), “by fostering a culture among both the DOE line organizations and the contractors that actively seeks to attain and sustain compliance” with the regulations and requirements.

The Secretary has designated the Director, Office of Enterprise Assessments (EA), to implement the investigation and enforcement provisions of 10 C.F.R. Parts 820, 824, 851, and 1017 for the Department. EA implements these functions for all non-NNSA DOE contractors and individuals. Through a Memorandum of Understanding (MOU) with NNSA, EA performs investigations of NNSA-covered contractors and individuals and makes recommendations to the NNSA Administrator on proposed enforcement outcomes, some of which must be issued by the NNSA Administrator.

To accomplish the enforcement program’s goals effectively, the Office of Enforcement works closely with DOE program and field element managers to ensure that enforcement decisions fully consider the operational context within which an event or issue occurs, the safety or security significance of any potential regulatory violations, and contractor performance trends.
However, the Office of Enforcement ultimately exercises independence in applying the enforcement provisions to promote consistent use of the sanctions available in accordance with the enforcement policies and commensurate with the gravity of the issues at hand. Through this approach, DOE has established an impartial and transparent process that demonstrates to Congress, the public, and the workforce that DOE contractor organizations will be held accountable for violations of regulatory requirements pertaining to safety and information security.

The enforcement regulations provide the Director of Enforcement latitude and discretion in investigating noncompliances, considering mitigating and aggravating factors, and determining the appropriate outcome for an enforcement proceeding based on the relevant facts and circumstances. The Office of Enforcement maintains an Enforcement Process Overview document that provides background information, identifies roles and responsibilities, and describes the process used by EA to implement the Secretary’s enforcement authorities. The Overview is available on DOE’s website.² The general enforcement process is depicted in the following graphic:

The Office of Enforcement reviews and analyzes information from a variety of sources to identify potential regulatory noncompliances. These include DOE safety and security data management systems; other DOE offices such as the Office of Inspector General and the Office of Hearings and Appeals; internal assessment and performance reports; external organizations such as Congress and the Defense Nuclear Facilities Safety Board; and information communicated directly to the Office of Enforcement by contractor employees, DOE workers, or union officials. The decision to conduct an enforcement investigation is based on an evaluation of the safety or security significance associated with a particular potentially noncompliant condition or event. For acts of retaliation or willful noncompliances, the Office of Enforcement evaluates both the retaliatory or willful aspect of a potential violation and the associated safety or security issue involved.

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The enforcement regulations establish provisions for the Department to take enforcement actions against contractors who retaliate against employees for expressing concerns related to nuclear safety or worker safety and health. The Office of Enforcement monitors claims of safety-related retaliation filed with the administrative bodies that adjudicate whistleblower claims, including the DOE Office of Hearings and Appeals, the DOE Office of Inspector General, the U.S. Department of Labor’s (DOL) Office of Whistleblower Protection Programs, and the Federal and state judiciary system. In general, the Office of Enforcement delays acting on a retaliation matter until DOE, DOL, or the judicial body has completed its process and ruled that retaliation occurred, and all appeals have been exhausted. The decision to initiate an enforcement proceeding for retaliation does not depend on whether the reported safety concern is affirmed by the administrative body. The act of retaliation is, in itself, a safety concern because it deters employees from identifying and promptly reporting safety concerns. The Office of Enforcement considers several factors when evaluating retaliation cases, such as the level of contractor management involved, contractor management’s adherence to employee concerns program requirements, and contractor management’s response when retaliation is alleged. The Office of Enforcement may issue a Notice of Violation (NOV) and impose a civil penalty on a contractor for retaliation, but cannot order restitution for the affected employee.

Once the circumstances surrounding a noncompliance and its safety or security significance are understood and any enforcement conference and preliminary deliberations are complete, the Office of Enforcement prepares an appropriate enforcement outcome document. The Office of Enforcement is authorized to issue NOVs, Consent Orders, and Settlement Agreements to non-NNSA contractors. The NNSA Administrator issues NOVs for NNSA contractors. Pursuant to the MOU between NNSA and EA, Consent Orders and Settlement Agreements for NNSA contractors are issued jointly by NNSA and the Office of Enforcement. Compliance Orders must be executed by the Secretary of Energy. When the facts and circumstances associated with a safety or security issue indicate that enforcement discretion is warranted, the Office of Enforcement can issue an Enforcement Letter to a DOE or NNSA contractor to draw management attention to a problem area and/or provide feedback on the contractor’s response to a safety or security issue. These outcomes are described in more detail in the Enforcement Process Overview.

DOE is authorized to impose civil penalties on indemnified DOE contractors that violate DOE’s worker safety and health or nuclear safety regulations, and all DOE contractors with contract clauses invoking DOE directives on safeguarding classified information or that violate DOE’s classified information security or unclassified controlled nuclear information regulations. Civil penalties are imposed through the issuance of an NOV and are determined by statutory limits and the severity level assigned to the violation(s) based on safety or security significance. A penalty may be escalated or mitigated by applying discretionary adjustment factors that are

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3 The number and definition of severity levels vary by regulation. Severity Level I is the most serious and has the highest base civil penalty.
described in the enforcement policies. DOE imposes civil penalties to emphasize the need for lasting remedial action, deter future violations, and underscore the importance of contractor self-identification, reporting, and correction of noncompliances.

For violations of worker safety and health requirements, DOE is authorized to reduce contract fees or other payments, provided that DOE may pursue either civil penalties or a contract fee reduction, but not both, for the same violation. NOVs will identify whether a fee/payment reduction has been levied instead of a civil penalty, and typically identify the amount of any such reduction.

The nuclear safety, classified information security, and unclassified controlled nuclear information enforcement regulations do not specifically permit or prohibit levying both a contract fee reduction and civil penalty for the same violation. However, for consistency in the overall enforcement program, DOE considers the basis and amount of a contract fee action when determining whether a civil penalty should be imposed for an event, condition, or violation that has already been subject to a fee reduction.

DOE may elect to settle a noncompliance matter with a contractor if the facts and circumstances of the case do not otherwise warrant issuance of an NOV. Consent Orders and Settlement Agreements do not include a civil penalty but may require payment of a monetary remedy. These orders and agreements may also require that specified corrective actions be completed.

To promote transparency and share lessons learned across the DOE complex, the Office of Enforcement posts all enforcement outcome documents that do not contain classified or controlled unclassified information (CUI) on an EA page of DOE’s website. In FY 2021, EA also engaged in multiple outreach activities to DOE program and field offices, contractor organizations, and other internal and external groups to convey information about the Department’s safety and security compliance and performance trends, and enable operating units to safely and securely execute their responsibilities in achieving DOE’s missions.

III. Enforcement Outcomes

This section contains information about the 13 enforcement outcomes issued in FY 2021, including whether any penalties were imposed, a description of such penalties, and the entities against which the penalties were imposed. None of the outcomes involved employee retaliation.

Section A provides information about enforcement actions taken for violations of DOE nuclear safety requirements pursuant to section 234A of the AEA. Sections B and C provide information about FY 2021 enforcement activities pertaining to contractor compliance with worker safety

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4 https://www.energy.gov/ea/information-center/enforcement-infocenter
and health requirements and information security requirements, respectively. All Preliminary
Notices of Violation (PNOV) issued became Final Orders because the contractors did not
contest the PNOVs. Additional information is available at

A. Nuclear Safety Enforcement

1. Preliminary Notice of Violation, Fluor Idaho, LLC

On November 20, 2020, DOE issued a PNOV (NEA-2020-02) to Fluor Idaho, LLC, an
environmental cleanup contractor for DOE’s Idaho Cleanup Project (ICP), for violations of 10
C.F.R. Part 830, Nuclear Safety Management, and Part 835, Occupational Radiation
Protection, related to a radioactive waste drum overpressurization event that occurred in
2018 at the ICP’s Accelerated Retrieval Project V facility. The event caused the lids of four
drums to be ejected and released radioactive material into an uncontaminated work area
normally occupied by workers during the day.

The PNOV cites four Severity Level I violations, one Severity Level II violation, and one
Severity Level III violation for deficiencies in hazard identification and analysis, hazard
controls, worker training, and quality improvement. DOE escalated the base civil penalty
for two of the Severity Level I violations by one extra day (double the base penalty) due to
the extended duration of the violations. DOE imposed a total civil penalty of $580,700 for
the violations, which was in addition to $500,000 of contract fee that was permanently
withheld from the contractor partly in response to the nuclear safety violations associated
with the event.

2. Preliminary Notice of Violation, Fluor-BWXT Portsmouth LLC

On January 13, 2021, DOE issued a PNOV (NEA-2021-01) to Fluor-BWXT Portsmouth LLC
(FBP), a decontamination and decommissioning contractor, for violations of 10 C.F.R. Part
830 related to implementing a radiation protection program and performing software
quality assurance at DOE’s Portsmouth site. As a result of the violations, FBP failed to
perform required internal exposure monitoring on 193 employees in 2018 and incorrectly
reported radiological environmental data for 8 years.

The PNOV cites two Severity Level I violations, two Severity Level II violations, and one
Severity Level III violation for deficiencies in implementing quality assurance requirements
related to work processes, personnel training and qualification, quality improvement, and
documents and records. A potential civil penalty of $963,000 included escalation of one
Severity Level I violation for two extra days (triple the base penalty) due to its duration. The
civil penalty was not imposed because DOE withheld all of the available environment,
safety, health, and quality and regulatory contract award fee of approximately $2.6M from
FBP in fiscal year 2019 partly in response to the violations associated with these issues.
3. **Consent Order, UT-Battelle, LLC**

   On March 30, 2021, DOE entered into a negotiated Consent Order (NCO-2021-01) with UT-Battelle, LLC, the management and operating contractor for DOE’s Oak Ridge National Laboratory, to resolve issues associated with a fuel element failure that occurred at the High Flux Isotope Reactor in November 2018.

   The Consent Order describes actions taken by reactor operators after observing abnormal reactor indicator readings and discovering fission products in primary coolant water samples. It also describes UT-Battelle’s efforts to review plant conditions and the fuel element manufacturing process and perform a causal analysis of the event. The reviews identified manufacturing errors that resulted in incorrect machining of the fuel element’s outer side plate, which ultimately caused several fuel plates in the outer fuel element to deform. DOE elected to settle this matter with the contractor based on the comprehensiveness of the contractor’s investigation into the event and the development of appropriate corrective actions to improve UT-Battelle’s oversight of the fuel element manufacturing process and independent assessment of the organizations tasked with ensuring that oversight is performed adequately.

   UT-Battelle agreed to a monetary remedy of $170,000 in addition to completing planned corrective actions and performing an effectiveness review of those actions and the corrective actions implemented by the fuel manufacturer.

4. **Enforcement Letter, UChicago Argonne, LLC**

   On July 12, 2021, DOE issued an Enforcement Letter (NEL-2021-01) to UChicago Argonne, LLC, the management and operating contractor for DOE’s Argonne National Laboratory, related to a December 2020 event in which a subcontractor employee entered an area designated as a Very High Radiation Area (VHRA). Although an interlock shut down the source and prevented exposure to the employee, additional controls should have prevented entry into the area.

   The letter expresses concerns about weaknesses in the contractor’s procedures and work planning documents to evaluate and select adequate controls to prevent entry into a VHRA, and failure to identify these weaknesses in the causal analysis for the event, thereby resulting in inadequacies in the associated corrective actions.

5. **Enforcement Letter, Consolidated Nuclear Security, LLC**

   On July 12, 2021, DOE issued an Enforcement Letter (NEL-2021-02) to Consolidated Nuclear Security, LLC (CNS), the management and operating contractor for the Pantex Plant, related to a January 2021 event in which an employee’s dosimeter indicated exposure to a radiation dose in excess of regulatory limits. The letter identifies concerns with CNS’s response to a lost dosimeter and its subsequent recovery, a delay in restricting the
employee’s entry into radiological areas after identifying a potentially high dose, and weaknesses in CNS’s processes governing these actions.

B. Worker Safety and Health Enforcement

1. Enforcement Letter, Consolidated Nuclear Security, LLC

On October 9, 2020, DOE issued an Enforcement Letter (WEL-2020-04) to Consolidated Nuclear Security, LLC (CNS), the management and operating contractor for the Y-12 National Security Complex, related to a March 2019 event in which an employee evaluating a malfunctioning lathe sustained injuries to his hand that included a partial finger amputation. The injury occurred when the worker touched the limit switch plate on the lathe and it moved in the opposite direction, pinching the worker’s fingers against the machine structure. The letter expresses concerns with CNS’s implementation of 10 C.F.R. Part 851 requirements in the areas of hazard identification, assessment, prevention, and abatement, and training and information as they pertain to machine guarding and hazardous energy control.

2. Preliminary Notice of Violation, Triad National Security, LLC

On November 6, 2020, the NNSA issued a PNOV (WEA-2020-01) to Triad National Security, LLC (Triad), the management and operating contractor for the Los Alamos National Laboratory, for violations of 10 C.F.R. Part 851 related to a December 2018 material-handling activity that resulted in serious injury to a subcontractor worker. The injury occurred when the worker was struck by a lifting hook attachment that had detached from a skid-steer loader. The PNOV also considered corrective actions for a July 2018 material-handling event in which a worker of the same subcontractor suffered a concussion from being struck by an angle iron weighing more than 100 pounds. The PNOV cites three Severity level I violations in the areas of hazard identification, assessment, prevention, and abatement, occupational medicine, and management responsibilities implementation. A potential civil penalty of $173,250 was not imposed for the violations because NNSA withheld $1.725M in contract award fee from Triad for safety and health-related deficiencies, including those associated with the December 2018 event.

3. Preliminary Notice of Violation, Cross Connection, Inc.

On November 6, 2020, the NNSA issued a PNOV (WEA-2020-02) to Cross Connection Inc., a subcontractor to Triad at the Los Alamos National Laboratory, for violations of 10 C.F.R. Part 851 related to the two material-handling events described in item B.2., above. The PNOV cites one Severity level I violation covering hazard identification, assessment, prevention, and abatement, management responsibilities implementation, and training and information. The civil penalty of $9,900 that was imposed included an adjustment for the small size of the company.
4. **Preliminary Notice of Violation, Jefferson Science Associates, LLC**

On March 12, 2021, DOE issued a PNOV (WEA-2021-01) to Jefferson Science Associates, LLC, the management and operating contractor for DOE’s Thomas Jefferson National Accelerator Facility, for violations of 10 C.F.R. Part 851 associated with three hazardous energy control-related events that occurred between April and July 2019. Two of the events resulted in an employee receiving an electric shock, one from high voltage, and the third event involved a near miss to a potentially serious laser exposure to the eye.

The PNOV cites three Severity Level I and three Severity Level II violations for deficiencies in hazard identification, assessment, prevention, and abatement, electrical safety, laser safety, training and information, emergency response, and management responsibilities implementation. A potential civil penalty of $222,750 was not imposed because DOE withheld more than $330,000 in conditional payment of fee from the contractor in fiscal year 2019 for safety and health-related deficiencies, including those associated with the three events cited in the PNOV.

5. **Enforcement Letter, Brookhaven Science Associates, LLC**

On June 8, 2021, DOE issued Enforcement Letter (WEL-2021-01) to Brookhaven Science Associates, LLC (BSA), the management and operating contractor for DOE’s Brookhaven National Laboratory, related to an event in which a subcontractor worker fell through a skylight at the laboratory in July 2020. Although the worker’s fall was arrested by his protective equipment, the letter expresses concerns with BSA’s hazard identification and assessment process for walking/working surfaces, oversight of subcontractor activities involving the use of personal fall arrest systems (PFAS), and event causal analysis and corrective actions regarding PFAS planning, selection, and utilization.

6. **Consent Order, Triad National Security, LLC**

On June 10, 2021, DOE and NNSA entered into a negotiated settlement by Consent Order (WCO-2021-01) with Triad to resolve worker safety and health issues associated with two 2019 events in which workers entered rooms while low oxygen monitors were activated at the Los Alamos National Laboratory.

The Consent Order describes in both events, workers entered areas on multiple occasions where alarms were indicating an oxygen-deficient atmosphere to troubleshoot the alarm condition without protective gear or air monitoring devices. The Order also refers to a similar 2017 event for which the previous laboratory contractor received a PNOV. DOE and NNSA elected to settle this matter with the contractor based on the comprehensiveness of Triad’s response, investigation, and corrective actions to improve conditions and controls laboratory-wide related to these events and to prevent their recurrence. The Consent Order did not include a monetary remedy but requires the timely completion of all
identified corrective actions and a review of their effectiveness after implementation.

C. **Classified Information Security and Unclassified Controlled Nuclear Information Enforcement**

1. **Enforcement Letter, Consolidated Nuclear Security, LLC**

   On May 5, 2021, DOE issued an Enforcement Letter (SEL-2021-01) to Consolidated Nuclear Security, LLC (CNS), the management and operating contractor for the Pantex Plant, related to classified information protection issues that were uncovered following the discovery of an unattended, unclassified government-furnished laptop in March 2019. The letter identifies that three CNS inspections conducted in the wake of the laptop incident revealed that: (1) multiple unauthorized connections had been made to a classified standalone computer; (2) classified information was stored on an unclassified networked computer; and, (3) classified information had been improperly transmitted outside the Pantex firewall. The letter expresses DOE’s further concerns with CNS’s protection of classified information and cyber security assets, incident reporting, and oversight of security operations within its communications center, as well as coordination among personnel from multiple Pantex organizations on security inquiry activities and incident reporting.

2. **Settlement Agreement, National Technology and Engineering Solutions of Sandia, LLC**

   On May 21, 2021, DOE and NNSA entered into a Settlement Agreement (SSA-2021-01) with National Technology and Engineering Solutions of Sandia, LLC (NTESS), the management and operating contractor for the Sandia National Laboratories, to resolve issues associated with a May 2018 security event involving the introduction of classified information into unapproved information systems and the potential unauthorized disclosure of classified information. The event involved unmarked classified information residing on unclassified information systems and improperly stored classified information in hard copy form, which made classified information accessible to unauthorized individuals for an extended period.

   DOE and NNSA elected to settle the matter with NTESS because of the contractor’s thorough and credible event inquiry, effective causal analysis, broad and comprehensive corrective actions, and prompt and transparent security incident reporting history. NTESS agreed to a monetary remedy of $152,000 in addition to completing planned corrective actions and performing an effectiveness review of those actions. The Settlement Agreement is not available to the public because it contains CUI.

IV. **Enforcement Documents List**

This section provides a list of enforcement documents issued in FY 2021 in chronological order by enforcement area. The documents listed, except for item C.2 because it contains CUI, are available on DOE’s website at [https://www.energy.gov/ea/information-center/enforcement-](https://www.energy.gov/ea/information-center/enforcement-).
infocenter along with all prior year enforcement outcome documents.

A. Nuclear Safety Enforcement

1. Preliminary Notice of Violation, Fluor Idaho, LLC
2. Preliminary Notice of Violation, Fluor-BWXT Portsmouth LLC
3. Consent Order, UT-Battelle, LLC
4. Enforcement Letter, UChicago Argonne, LLC
5. Enforcement Letter, Consolidated Nuclear Security, LLC

B. Worker Safety and Health Enforcement

1. Enforcement Letter, Consolidated Nuclear Security, LLC
2. Preliminary Notice of Violation, Triad National Security, LLC
3. Preliminary Notice of Violation, Cross Connection, Inc.
5. Enforcement Letter, Brookhaven Science Associates, LLC
6. Consent Order, Triad National Security, LLC

C. Classified Information Security and Unclassified Controlled Nuclear Information Enforcement

1. Enforcement Letter, Consolidated Nuclear Security, LLC
2. Settlement Agreement, National Technology and Engineering Solutions of Sandia, LLC

V. Summary

In FY 2021, DOE issued 13 enforcement outcomes to contractor organizations performing work for DOE, which consisted of 5 NOVs, 3 Consent Orders/Settlement Agreements, and 5 Enforcement Letters. Two NOVs were issued pursuant to section 234A of the AEA, which pertains to the imposition of penalties for violations of DOE nuclear safety requirements. One imposed a civil penalty in addition to contract fee that was withheld from the contractor. The other did not impose a civil penalty after considering the amount of contract fee withheld from the contractor. None of the outcomes involved employee retaliation.