



Department of Energy

Washington, DC 20585

November 20, 2020

Mr. Fred Hughes
Program Manager
Fluor Idaho, LLC
1580 Sawtelle St.
Idaho Falls, Idaho 83402

NEA-2020-02

Dear Mr. Hughes:

This letter refers to the U.S. Department of Energy (DOE) Office of Enterprise Assessments' Office of Enforcement investigation into the facts and circumstances associated with the drum overpressurization event that occurred on April 11, 2018, at the Accelerated Retrieval Project (ARP) V facility (WMF-1617). The Office of Enforcement provided the results of the investigation to Fluor Idaho, LLC (Fluor Idaho) in an investigation report dated February 28, 2020. An enforcement conference was convened on April 2, 2020, with you and members of your staff to discuss the report's findings and Fluor Idaho's response. A summary of the enforcement conference and list of attendees is enclosed.

On April 11, 2018, Fluor Idaho was conducting reprocessing of drums filled with radioactive sludge that had been recovered from subsurface disposal. This activity involved opening, visually inspecting, and repackaging of the contents of these drums into new "daughter" drums. After workers left for the day, four of these daughter drums overpressurized, ejecting their lids and releasing radioactive material into an uncontaminated work area normally occupied by workers during the day. Fluor Idaho reported that there was no detected release to the environment because the space was actively ventilated and exhausted through high-efficiency particulate air filters.

Although worker radiological intakes as a result of this event were minor and no consequences to the public or the environment occurred, DOE considers this event and the factors that led to it to be of high safety significance. Fluor Idaho had inadequate controls to prevent the event from occurring either while workers were inside the facility or afterward when (as originally planned) the drums were moved outside the facility. As a result, the Office of Enforcement considers this event to have had both a high potential for significant worker exposure to airborne radioactive material and the release of radioactive material to the environment. The investigation of this event revealed deficiencies in (1) hazard identification and analysis, (2) hazard controls, (3) training, and (4) quality improvement.



Based on an evaluation of the evidence in this matter, including information presented at the enforcement conference, DOE concludes that Fluor Idaho violated requirements enforceable under 10 C.F.R. Part 820, *Procedural Rules for DOE Nuclear Activities*. Nuclear safety requirements that are enforceable under 10 C.F.R. Part 820 requirements include 10 C.F.R. Part 830, *Nuclear Safety Management*, Subpart A, *Quality Assurance Requirements*; 10 C.F.R. Part 830, Subpart B, *Safety Basis Requirements*; and 10 C.F.R. Part 835, *Occupational Radiation Protection*. Accordingly, DOE hereby issues the enclosed Preliminary Notice of Violation (PNOV), which cites four Severity Level I violations, one Severity Level II violation, and one Severity Level III violation.

DOE's statutory authority permits it to cite violations on a per day basis. DOE determined that two of the Severity Level I violations had been present for an extended period of time and that Fluor Idaho had sufficient prior notice to have identified and corrected the violations before the drum overpressurization event. After consideration of these exacerbating factors, the PNOV cites Fluor Idaho for one additional day for one of the hazard identification and analysis violations and one of the quality improvement violations, resulting in a total proposed base civil penalty, before application of mitigating factors and enforcement discretion, of \$1,412,400.

Fluor Idaho did not identify these deficiencies through rigorous and routine self-assessment activities, but instead they were revealed by the event and subsequent extent-of-condition reviews. DOE therefore considers these deficiencies to be self-disclosing and grants no mitigation for timely self-identification, consistent with DOE's nuclear safety and worker safety and health enforcement policies.

Following the event, Fluor Idaho fully recognized the safety significance of the multiple deficiencies that contributed to the event, and therefore implemented immediate corrective action. Because Fluor Idaho's response was thorough and robust, DOE has granted partial mitigation of 50 percent of the proposed civil penalties for the corrective actions addressing the first hazard identification and analysis violation and the hazard controls, training, and emergency response violations. These corrective actions, if effectively completed and maintained, should ensure that process changes that impact waste characterization and processing are adequately identified, evaluated, implemented, and verified, thereby minimizing the chance of recurrence of these violations. DOE has granted partial mitigation of 25 percent of the proposed civil penalty for the corrective actions addressing the second hazard identification and analysis violation. As part of the compensatory measures in response to the event, Fluor Idaho identified a technical safety requirement that required them to thermally monitor waste containing reactive or potentially pyrophoric metals after being sorted. Fluor Idaho implemented this technical safety requirement by using software to process and display the thermal imaging information but did not adequately control this software as required by their procedures for safety software. For the quality improvement violation, historically DOE has not granted mitigation for corrective actions taken for these deficiencies. The investigation also revealed weaknesses in the coordination of emergency response actions by Fluor Idaho with the site fire department and in the selection of employee personal protective equipment for use when entering a space where the employer cannot reasonably estimate an employee's exposures (e.g., during emergency response situations). Collectively,

these deficiencies have the potential to adversely impact nuclear and worker safety at the ARP facilities.

In consideration of the mitigating factors, DOE calculated a proposed mitigated civil penalty (prior to adjustment for fee reduction) of \$1,080,700. However, in response to the violations associated with this event, DOE permanently withheld \$300,000 of contract fee from Fluor Idaho in fiscal year 2019, and permanently withheld an additional \$200,000 under this same fee action in fiscal year 2020. Consequently, DOE elects to exercise enforcement discretion and proposes a reduction of the civil penalty for the violations cited in this PNOV by \$500,000 applied pro rata in recognition of the fee previously withheld.

In consideration of all these factors, DOE imposes a total proposed civil penalty of \$580,700.

Pursuant to 10 C.F.R. § 820.24, *Preliminary Notice of Violation*, you are obligated to file a written reply within 30 calendar days after the date of filing of the enclosed PNOV and to follow the instructions specified in the PNOV when preparing your response. If you fail to submit a reply within the 30 calendar days after the filing of this PNOV, then in accordance with 10 C.F.R. § 820.33, *Default order*, subsection (a), DOE may pursue a Default Order.

After reviewing your reply to the PNOV, including any proposed additional corrective actions entered into DOE's Noncompliance Tracking System, DOE will determine whether any further activity is necessary to ensure compliance with DOE nuclear safety requirements. DOE will continue to monitor the completion of corrective actions until this matter is fully resolved.

Sincerely,



Kevin L. Dressman
Director
Office of Enforcement
Office of Enterprise Assessments

Enclosures: Preliminary Notice of Violation (NEA-2020-02)
Enforcement Conference Summary
Enforcement Conference Attendance Roster

cc: Connie Flohr, DOE-ID
Lee Fife, Fluor Idaho

Preliminary Notice of Violation

Fluor Idaho, LLC
Idaho Cleanup Project Radioactive Waste Management Complex

NEA-2020-02

A U.S. Department of Energy (DOE) investigation into the facts and circumstances associated with a drum overpressurization event at the Accelerated Retrieval Project (ARP) V facility (WMF-1617) revealed multiple violations of DOE nuclear safety requirements by Fluor Idaho, LLC (Fluor Idaho). On April 11, 2018, four drums of repackaged sludge overpressurized, ejecting the drum lids and releasing radioactive material into an uncontaminated work area normally occupied by workers during the day. Fluor Idaho reported that there was no detected release to the environment because the space was actively ventilated and exhausted through high-efficiency particulate air filters.

DOE conducted an investigation; provided Fluor Idaho with an investigation report dated February 28, 2020; and convened an enforcement conference with Fluor Idaho representatives on April 2, 2020, to discuss the report's findings and Fluor Idaho's response. A summary of the conference and list of attendees is enclosed.

Pursuant to Section 234A of the Atomic Energy Act of 1954, as amended, and DOE regulations set forth at 10 C.F.R. Part 820 (Part 820), *Procedural Rules for DOE Nuclear Activities*, DOE hereby issues this Preliminary Notice of Violation (PNOV) to Fluor Idaho. The violations include deficiencies in: (1) hazard identification and analysis, (2) hazard controls, (3) training, and (4) quality improvement. DOE has grouped and categorized the violations as four Severity Level I violations, one Severity Level II violation, and one Severity Level III violation. DOE determined that two of the Severity Level I violations had been present for an extended period of time and that Fluor Idaho had sufficient prior notice to have identified and corrected the violations before the drum overpressurization. As a result, this PNOV cites Fluor Idaho for one additional day for one of the hazard identification and analysis violations and one of the quality improvement violations. Accordingly, the base civil penalty for these violations is \$1,412,400.

Severity Levels for violations of nuclear safety requirements are explained in Part 820, Appendix A, *General Statement of Enforcement Policy*. Paragraph VI(b) states that: "Severity Level I is reserved for violations of DOE Nuclear Safety Requirements which involve actual or high potential for adverse impact on the safety of the public or workers at DOE facilities."

Paragraph VI(b) also states that "Severity Level II violations represent a significant lack of attention or carelessness toward responsibilities of DOE contractors for the protection

of public or worker safety which could, if uncorrected, potentially lead to an adverse impact on public or worker safety at DOE facilities.”

Additionally, Paragraph VI(b) states that “Severity Level III violations are less serious but are of more than minor concern: i.e., if left uncorrected, they could lead to a more serious concern.”

In consideration of the mitigating factors, DOE calculated a mitigated civil penalty (prior to adjustment for contract fee reduction) of \$1,080,700. However, in response to the violations associated with this event, DOE permanently withheld \$300,000 of contract fee from Fluor Idaho in fiscal year 2019, and permanently withheld an additional \$200,000 under this same fee action in fiscal year 2020. Consequently, DOE elects to exercise enforcement discretion and proposes a reduction of the civil penalty for the violations cited in this PNOV by \$500,000 applied pro rata in recognition of the fee previously withheld.

In consideration of these factors, DOE imposes a total proposed civil penalty of \$580,700.

As required by 10 C.F.R. § 820.24(a), and consistent with Part 820, Appendix A, the violations are listed below. Citations specifically referencing the quality assurance criteria of 10 C.F.R. § 830.122 constitute a violation of § 830.121(a), which requires compliance with those quality assurance criteria.

I. VIOLATIONS

A. Hazard Identification and Analysis

Title 10 C.F.R. § 830.202, *Safety Basis*, states that “(a) [t]he contractor responsible for a hazard category 1, 2, or 3 DOE nuclear facility must establish and maintain the safety basis for the facility[;] (b) [i]n establishing the safety basis for a hazard category 1, 2, or 3 DOE nuclear facility, the contractor responsible for the facility must:… (2) [i]dentify and analyze the hazards associated with work.”

Safety Analysis Report (SAR)-100, *ICP [Idaho Cleanup Project] Standardized Safety Analysis Report*, Revision 17, dated October 17, 2017, Chapter 9, *Radioactive and Hazardous Waste Management*, states: “[w]aste management for ICP Core facilities and activities employs a cradle-to-grave strategy. The overall process is similar for the major types of waste, [such as low-level, hazardous, and mixed low-level waste], as summarized below:… [e]nsure proper characterization of the waste using process knowledge and, if needed, sampling and analysis; [t]reat the waste, as appropriate; [i]dentify the proper disposal location, ensure compliance with the waste acceptance criteria of the Treatment, Storage, and Disposal Facility (TSDF)…”

MCP-4015, *Preparation of Chemical Compatibility Evaluation and Basis of Knowledge Assessment*, Revision 2, dated August 6, 2017, documents the process that Fluor Idaho uses to perform a chemical compatibility evaluation of the range of possible chemical combinations that could occur in each waste stream. Section 1.1,

Purpose, states that “it is necessary to consider the range of possible chemical combinations that could occur in each waste stream. Potential adverse chemical reactions (for example, generation of fire, explosion, heat, or fumes) that stem from combining chemicals need to be considered to support safe and compliant waste management.”

Contrary to the requirements identified above, Fluor Idaho failed to identify and analyze the hazards associated with work activities involving waste with an item description code (IDC) of SD-176, described below.

1. In RPT-TRUW-91, *Acceptable Knowledge Document for Pre-1980 INL-Exhumed SDA Waste*, Revision 2, dated February 5, 2014, Section 5.1, *Waste Description*, SD-176 waste is described as primarily homogenous solid waste that was exhumed from burial at the Idaho National Laboratory (INL) and that may include waste from different generator sites. Fluor Idaho processed SD-176 waste without fully considering the chemical compatibility of the range of possible chemical combinations that could occur among these different waste generators.

Contrary to the safety basis and procedures identified above, Fluor Idaho failed to identify and analyze all the hazards of processing SD-176 waste, thus processing the waste without ensuring that effective hazard controls were in place for the range of possible chemical combinations that could occur in that waste stream per MCP-4015.

This nuclear safety noncompliance constitutes a Severity Level I violation.
Base Civil Penalty – \$428,000 (\$214,000 per day for 2 days – one day for the underlying violation and an additional day for the extended duration of the violation)

Mitigated Civil Penalty (prior to adjustment for fee reduction) - \$214,000

Proposed Civil Penalty (as adjusted) – \$114,990

2. Drum 10595963 (the parent drum for the event drums) was initially assigned an IDC of RF-751 before it was reassigned to SD-176 after evaluation of real time radiography (RTR), non-destructive assay (NDA), and acceptable knowledge data. The individual performing the RTR identified that the waste appeared to be floor sweepings, metal scrap, and filings generated at Rocky Flats, Building 444 (which was known to process depleted uranium, beryllium, and other materials associated with weapon parts). The NDA indicated that the drum contained 11.9 kilograms of depleted uranium. Fluor Idaho’s subsequent analysis of the acceptable knowledge data did not consider the potential reactivity hazard posed by the presence of the heterogeneous pieces of depleted uranium identified during RTR and NDA, and Fluor Idaho assigned the drum an IDC of SD-176, corresponding to greater than 50 percent homogeneous solids.

Contrary to the requirements identified above, Fluor Idaho failed to identify and analyze the hazards associated with the reactivity of depleted uranium present in

the parent drum to ensure adequate worker protection before transferring and processing the parent drum at the ARP V facility. Consequently, the depleted uranium metal in the daughter drums oxidized, supporting a subsequent chemical reaction that overpressurized the drums, ejected the drum lids, and released radioactive material. This release resulted in airborne radioactivity escaping to an uncontaminated area normally occupied by workers.

This nuclear safety noncompliance constitutes a Severity Level I violation.
 Base Civil Penalty – \$214,000
 Mitigated Civil Penalty (prior to adjustment for fee reduction) - \$160,500
 Proposed Civil Penalty (as adjusted) – \$86,240

B. Hazard Controls

Title 10 C.F.R. § 830.202, *Safety Basis*, states that “(a) [t]he contractor responsible for a hazard category 1, 2, or 3 DOE nuclear facility must establish and maintain the safety basis for the facility. (b) [i]n establishing the safety basis for a hazard category 1, 2, or 3 DOE nuclear facility, the contractor responsible for the facility must:… (5) [e]stablish the hazard controls upon which the contractor will rely to ensure adequate protection of workers, the public, and the environment.”

Title 10 C.F.R. § 830.3, *Definitions*, states that “[h]azard controls means measures to eliminate, limit, or mitigate hazards to workers, the public, or the environment, including: (1) [p]hysical, design, structural, and engineering features; (2) [s]afety structures, systems, and components; (3) [s]afety management programs; (4) [t]echnical safety requirements; and (5) [o]ther controls necessary to provide adequate protection from hazards.”

Title 10 C.F.R. § 835.101, *Radiation protection programs*, states that “[a] DOE activity shall be conducted in compliance with a documented radiation protection program (RPP) as approved by the DOE.”

PDD-1004, *Idaho Cleanup Project Core Integrated Safety Management System*, Revision 21, dated February 21, 2017, states that “[a]fter the associated hazards are identified and before work is performed, various forms of hazard analysis are used to develop appropriate controls. Developing and implementing hazard controls include … identifying appropriate controls to prevent or mitigate the hazards… and implementing and maintaining configuration of controls.”

PRD-183, *Radiological Control Manual*, Revision 26, dated August 29, 2017, Article 555, *Airborne Radioactivity Monitoring*, Revision 26, states that “[c]ontinuous (or real-time) air monitors are used to provide early warning to individuals of events that could lead to substantial unplanned exposures to airborne radioactivity. Such exposures could result from a breakdown of engineered controls or improper establishment of boundaries during work that creates airborne radioactivity. Real-time air monitoring shall be performed as necessary to detect and provide warning of

airborne radioactivity concentrations that warrant immediate action to terminate inhalation of airborne radioactive material.”

Chapter 7, *Radiation Protection*, of SAR-4, Revision 27, which identifies the “Facility-specific considerations of the Radiation Protection Program,” states that “[a]irborne contamination and radiation levels are monitored by CAMs [continuous air monitors], fixed air heads, and RAMs [radiation area monitors].”

Contrary to the requirements identified above, Fluor Idaho failed to establish hazard controls to ensure adequate protection of the workers and emergency responders from airborne radiation hazards. None of the hazard controls in the ARP V facility were adequate to notify workers and emergency responders of abnormal radiological conditions within the airlock prior to entry (i.e., airborne radioactive contamination), resulting in radioactive material intake and associated dose to three workers. One of the hazard controls that emergency workers relied on, the ARP V facility CAMs, alarmed during the onset of the event but stopped alarming after entering a trouble (i.e., “poor curve fit”) mode, and were not alarming upon emergency worker entry into the airlock.

This nuclear safety noncompliance constitutes a Severity Level II violation.

Base Civil Penalty – \$107,000

Mitigated Civil Penalty (prior to adjustment for fee reduction) - \$53,500

Proposed Civil Penalty (as adjusted) – \$28,750

C. Training

Title 10 C.F.R. § 830.122 (b), *Management/Personnel Training and Qualification*, requires contractors to “(1) [t]rain and qualify personnel to be capable of performing their assigned work and (2) [p]rovide continuing training to personnel to maintain their job proficiency.”

Title 10 C.F.R. § 835.101, *Radiation protection programs*, states that “[a] DOE activity shall be conducted in compliance with a documented radiation protection program (RPP) as approved by the DOE.”

Title 10 C.F.R. § 835.901, *Radiation safety training*, states that “(a) [e]ach individual [conducting DOE activities] shall complete radiation safety training on the topics established at § 835.901(c) commensurate with the hazards in the area and the required controls:...(b) [e]ach individual shall demonstrate knowledge of the radiation safety training topics established at § 835.901(c), commensurate with the hazards in the area and required controls, by successful completion of an examination and performance demonstrations:...(c) [r]adiation safety training shall include the following topics, to the extent appropriate to each individual’s prior training, work assignments, and degree of exposure to potential radiological hazards:...(3) [p]hysical design features, administrative controls, limits, policies, procedures, alarms, and other measures implemented at the facility to manage doses and maintain doses ALARA [as low as is reasonably achievable], including both routine and emergency actions.”

PRD-183, *Radiological Control Manual*, incorporates the requirements from 10 C.F.R. Part 835 in part through the following articles. Article 632, *Radiological Worker I*, requires that radiological workers be trained in the “proper response to alarm situations.” Article 633, *Radiological Worker II*, requires that radiological workers be trained in the “proper response to...abnormal situations [and] proper response to...alarms or faulty radiological control equipment.” Article 612, *Standardization*, states that “[t]raining will address both normal and abnormal situations in radiological control. At sites with multiple facilities, the training may be facility-specific if personnel access is limited to those facilities for which training has been completed.” Article 555, *Airborne Radioactivity Monitoring*, states that “continuous (or real-time) air monitors are used to provide early warning to individuals of events that could lead to substantial unplanned exposures to airborne radioactivity.”

MCP-124, *Response to Abnormal Radiological Situations*, Revision 2, dated March 19, 2018, Section 4.7, *Respond to Fires*, states that “RCTs [radiological control technicians] [p]rovide support by establishing barriers, air monitoring/sampling, and surveys of personnel, material, and equipment...Provide assistance to the fire response personnel by ensuring response personnel are aware of radiological conditions at the fire location.”

Contrary to the requirements identified above, Fluor Idaho failed to provide RCTs and INL site emergency responders with radiation safety training adequate to support performance of their assigned work related to radiological alarms during routine and emergency actions commensurate with the hazards in the area and the required controls. Specifically, Fluor Idaho did not train the INL site emergency responders and RCTs in the proper response to alarm situations and faulty radiological control equipment in the ARP V facility as required by PRD-183. The personnel initially supporting and responding to the event incorrectly concluded that no airborne contamination was present because the continuous air monitors did not have a visible alarm.

This nuclear safety noncompliance constitutes a Severity Level III violation.

Base Civil Penalty – \$21,400

Mitigated Civil Penalty (prior to adjustment for fee reduction) - \$10,700

Proposed Civil Penalty (as adjusted) – \$5,750

D. Quality Improvement

Title 10 C.F.R. § 830.122(c), *Criterion 3-Management/Quality Improvement*, requires contractors to “(1) [e]stablish and implement processes to detect and prevent quality problems[;] (2) [i]dentify, control, and correct items, services, and processes that do not meet established requirements[;] (3) [i]dentify the causes of problems and work to prevent recurrence as part of correcting the problem [; and] (4) [r]eview item

characteristics, process implementation, and other quality-related information to identify items, services, and processes needing improvement.”

Fluor Idaho implements the requirements of 10 C.F.R. § 830.122(c)(2) in part through MCP-598, *Corrective Action System*, Revision 35, Section 4.6, *Analysis and Correction of Significant Deficiencies*. Specifically, Section 4.6.2 states that the responsible manager is to “perform an extent of conditions evaluation using Appendix D, ‘*Guidance for Extent of Conditions Evaluation*’.”

Contrary to the requirements identified above, Fluor Idaho failed to adequately detect and prevent quality problems or identify the causes of problems and thereby prevent recurrence as part of correcting the problem, as evidenced by:

1. Fluor Idaho had several indications that Drum 10595963 (the parent drum for the event drums) was an outlier – i.e., dissimilar – to the other drums that Fluor Idaho was processing as part of SD-176. These indications included: (1) the RTR results for the event drum identified that the event drum appeared to contain heterogeneous particles originating in Rocky Flats Building 444 and recommended reclassifying the drum as heterogeneous waste, and (2) the acceptable knowledge personnel questioned the classification of the parent drum based on the presence of floor sweepings from Rocky Flats, Building 444.

Contrary to the quality improvement requirements identified above, Fluor Idaho failed to effectively determine whether these issues indicated a potential outlier in the existing process and, therefore, did not adequately take the actions warranted to prevent the event.

This nuclear safety noncompliance constitutes a Severity Level I violation.
Base Civil Penalty – \$428,000 (\$214,000 per day for 2 days – one day for each instance Fluor Idaho had documented notice of the problem but failed to correct it)

Mitigated Civil Penalty (prior to adjustment for fee reduction) - \$428,000

Proposed Civil Penalty (as adjusted) – \$229,980

2. Fluor Idaho attributed a December 2017 fire in the north box line at the Advanced Mixed Waste Treatment Project to the presence of heterogeneous metallic uranium in the waste that reacted upon exposure to air. In the response to the north box line fire, Fluor Idaho conducted an extent-of-condition review that flagged Drum 10595963 as a potential problem because of the large quantity of uranium it contained. Fluor Idaho took no additional action because the drum had an IDC of SD-176, which is nominally homogeneous waste. However, SD-176 is not only a generic IDC applied to wastes for which the generator is unknown but also is defined only as being mostly homogenous (i.e., >50 percent as determined by RTR). Emails from subject matter experts and recorded RTR comments indicated that Drum 10595963 contained a significant quantity of heterogeneous materials, as discussed above. As a result, and contrary to the quality improvement requirements identified above, Fluor Idaho failed to adequately

prevent recurrence of the same issues that led to the 2017 fire event and for which Fluor Idaho should have implemented corrective actions.

This nuclear safety noncompliance constitutes a Severity Level I violation.

Base Civil Penalty – \$214,000

Mitigated Civil Penalty (prior to adjustment for fee reduction) - \$214,000

Proposed Civil Penalty (as adjusted) – \$114,990

II. REPLY

Pursuant to 10 C.F.R. § 820.24(b), Fluor Idaho is hereby obligated to submit a written reply within 30 calendar days after the date of filing of this PNOV. The reply should be clearly marked as a “Reply to the Preliminary Notice of Violation” and must be signed by the person filing it.

If Fluor Idaho chooses not to contest the violations set forth in this PNOV and the proposed remedy, then the reply should state that Fluor Idaho waives the right to contest any aspect of this PNOV and the proposed remedy. In such case, this PNOV shall be deemed a Final Order and the total proposed civil penalty of \$580,700 must be remitted by check, draft, or money order payable to the Treasurer of the United States (Account 891099) and mailed to the address provided below. To remit the civil penalty by electronic funds transfer (EFT), please have your accounting department contact the Office of Enforcement’s Docket Clerk at (301) 903-2493 for EFT wiring instructions.

If Fluor Idaho disagrees with any aspect of this PNOV, including the proposed civil penalty, then as applicable and in accordance with 10 C.F.R. § 820.24(c), the reply must: (1) state any facts, explanations, and arguments that support a denial of an alleged violation; (2) demonstrate any extenuating circumstances or other reason why the civil penalty should not be imposed or should be further mitigated; and (3) discuss the relevant authorities that support the position asserted, including rulings, regulations, interpretations, and previous decisions issued by DOE. In addition, 10 C.F.R. § 820.24(c) requires that the reply include copies of all relevant documents.

Please send the appropriate reply by overnight carrier to the following address:

Director, Office of Enforcement
Attention: Office of the Docketing Clerk, EA-10
U.S. Department of Energy
19901 Germantown Road
Germantown, MD 20874-1290

A copy of the reply should also be sent to the Manager of the DOE Idaho Operations Office.

Pursuant to 10 C.F.R. § 820.33, *Default order*, subsection (a), if Fluor Idaho fails to submit a written reply within 30 calendar days after the date of filing of this PNOV, the Director of the Office of Enforcement may pursue a Default Order.

III. CORRECTIVE ACTIONS

Corrective actions that have been or will be taken to avoid further violations should be delineated, with target and completion dates, in DOE's Noncompliance Tracking System.

A handwritten signature in black ink, reading "Kevin L. Dressman". The signature is written in a cursive style with a long, sweeping horizontal line at the end.

Kevin L. Dressman
Director
Office of Enforcement
Office of Enterprise Assessments

Washington D.C.
This 20th day of November 2020