

October 7, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-219

TITLE: PROPOSED REVISION OF THE ENFORCEMENT POLICY TO ADDRESS THE PROCESS FOR ASSESSING THE SIGNIFICANCE OF VIOLATIONS

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of October 7, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of October 7, 1999.

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Annette Vietti-Cook  
Secretary of the Commission

Attachments: 1. Voting Summary  
2. Commissioner Vote Sheets  
3. Final SRM

cc: Chairman Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR  
DCS

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VOTING SUMMARY - SECY-99-219

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
COMR. DICUS	X				X	9/19/99
COMR. DIAZ	X				X	9/22/99
COMR. MCGAFFIGAN	X				X	9/28/99
COMR. MERRIFIELD	X				X	9/17/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on October 7, 1999.

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Commissioner Comments on SECY-99-219

Chairman Dicus

I approve the publication of the revised NRC Enforcement Policy in the *Federal Register*.

The NRC Enforcement Policy will continue to evolve, and although additional changes to the enforcement policy are anticipated (after more fully considering the implementation of the revised reactor oversight process and use of risk in our material's oversight processes), this timely revision to the Enforcement Policy will provide consolidated guidance and capture those important changes that we have already made to our enforcement processes. The staff should ensure that the next revision to the Enforcement Policy is fully integrated with the revised reactor oversight process and completed on a schedule that supports the implementation of a revised reactor oversight process at all operating reactors.

The staff should review the discussion related to announcing public meetings contained in the FRN. While this information is currently accurate, some ongoing initiatives may soon cause this information to be outdated (e.g., electronic bulletin board may be eliminated). It appears appropriate for the staff to consider this in the FRN and provide the public with guidance (e.g., webpage) for where additional information on revisions to process for noticing public meetings, if approved, could be found.

In the Enforcement Policy, under Section VI. Enforcement Actions, the staff should delete the sentence that states "For the vast majority of violations, a Notice of Violation or a Notice of Nonconformance is the normal action."

#### Commissioner Diaz

I approve the publication of the revised Enforcement Policy. The staff is to be commended for its sound follow-through in implementing the Commission's directions and its intent to build on the lessons-learned from the reactor oversight policy program. I believe that these revisions to the Enforcement Policy, such as the replacement of highly subjective considerations with a clearer focus on the actual violation and its significance, constitute major improvements that will yield broad public benefit. The active Commission oversight, substantial stakeholder attention and staff efforts in this area should clearly continue, particularly in conjunction with the initiatives to strengthen reactor and material oversight processes and reduce unnecessary burden.

#### Commissioner McGaffigan

I approve the publication of the revised Enforcement Policy and commend the staff for their efforts in developing and implementing the changes this revision contains. I concur in the comments and edits of Chairman Dicus and attach a couple other minor edits.

#### Commissioner Merrifield

I approve publication of the revised Enforcement Policy and commend the staff for their efforts in carrying out the direction provided by the Commission in its June 15, 1999 SRM ([SECY-99-087](#)). I believe the changes to the policy should enhance both regulatory consistency and discipline.

Clearly, as the staff continues its ongoing efforts to improve the reactor oversight process, it should seek internal and external stakeholder insights regarding how to further improve the NRC Enforcement Policy and its implementation. The staff should be particularly receptive to insights from stakeholders regarding process improvements in the area of enforcement which further enhance regulatory consistency and discipline, and reduce unnecessary burden not only on our licensees, but also on our inspectors and regional staff responsible for carrying out this policy.