

No. 92-77
Tel. 301/504-2240

FOR IMMEDIATE RELEASE
(Wednesday, May 13, 1992)

NRC AMENDS REGULATIONS DEALING
WITH CHALLENGES TO ORDERS

The Nuclear Regulatory Commission is amending its regulations to provide a procedure for early challenges to the immediate effectiveness aspect of immediately effective orders and for expedited resolution of such challenges.

These amendments are part of a broader Commission effort to clarify and improve its regulatory enforcement mechanism. Earlier amendments, published in August 1991, made clear the distinction between orders (direction to take or desist from taking certain actions) and demands for information and clarified the Commission's authority to take enforcement action against any person, not only licensees, for certain violations.

The new amendments establish a procedure under which a licensee or other person subject to an immediately effective order may, at the outset of a proceeding challenging the order, move to set aside immediate effectiveness on the ground that the order, including the need for immediate effectiveness, is not based on adequate evidence but mere suspicion, unfounded allegations or error.

Such a motion is required to be heard expeditiously by the presiding officer before any other matter. The hearing on the merits of the order is also required to be conducted on an expedited basis. Delay in the proceeding on the merits is permitted only upon a showing of good cause.

The amendments to Part 2 of the Commission's regulations will become effective on June 11, 1992.

#