



NRC NEWS

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NRC REVISES ITS ENFORCEMENT POLICY TO ADDRESS THE REVISED REACTOR OVERSIGHT PROCESS

The Nuclear Regulatory Commission is revising the agency's enforcement policy to support the initial implementation of its revised reactor oversight process for all 103 commercial nuclear power plants.

It is the fourth major revision of NRC's enforcement policy since 1995, continuing the agency's efforts to use enforcement as a means of focusing licensee attention on identifying and correcting plant problems that are the most safety significant.

The agency published its interim enforcement policy last August as part of the six-month pilot plant study at 13 reactors at nine sites. The policy was developed as an integral part of the reactor oversight process and is intended to provide a unified agency approach for determining and responding to plant performance issues that: maintains a focus on safety and compliance; demonstrates more consistency with predictable results; increases effectiveness and efficiency; is easily understandable; and decreases unnecessary regulatory burden.

Based on the successful implementation of the pilot plant study, this policy revision incorporates the interim policy into the permanent one and makes it applicable to all currently operating commercial nuclear power plants. As described in the interim policy, the new assessment process uses a risk-informed method to evaluate the significance of inspection findings. If violations are involved, they are documented and may or may not be cited in a Notice of Violation, depending on the significance of the inspection finding.

If inspection findings cannot be evaluated by this method, an enforcement approach would be used where violations are assigned severity levels and are subject to civil penalties. Examples where this approach would be used include: willful violations; discrimination against workers for raising safety issues; actions that may adversely affect the NRC's ability to monitor utility activities, including failure to provide the NRC complete and accurate information; and incidents that involve actual consequences such as radiation over-exposures above NRC limits.

In developing this policy revision, the NRC considered the comments of various internal and external stakeholders submitted in response to SECY-99-007, "Recommendations for Reactor

Oversight,” the announcement of the interim enforcement policy last August, last July’s *Federal Register* notice that requested public comment on the pilot program for the new regulatory oversight program, and information provided during numerous meetings with representatives of the nuclear industry and public interest groups as part of the revised reactor oversight process pilot program.

The new oversight process relies on the submittal of performance data in conjunction with NRC inspections to measure nuclear plant performance. Because the submission and review of such data is a new process, this policy revision includes a provision under which the NRC will refrain from taking enforcement action for non-willful failures to provide complete and accurate performance indicator data until January 31, 2001.

The revised policy will become effective upon publication in an upcoming edition of the *Federal Register*. Comments will be accepted 30 days after publication and will be considered prior to the next revision to the policy. Pertinent documents on this matter will be available shortly on NRC’s web site and in the Agencywide Documents Access and Management System (ADAMS).

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