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### NRC REVISES ENFORCEMENT POLICY

The Nuclear Regulatory is revising its Enforcement Policy to describe more fully the circumstances under which its staff may exercise its enforcement discretion in cases where a violation of a license technical specification or other license condition is involved.

On occasion, circumstances may arise where a licensee's compliance with a technical specification, limiting condition for operation or other license condition could lead to an unnecessary plant transient, or performance of testing, inspection or system realignment that is inappropriate with the specific plant conditions, or unnecessary delays in plant startup without a corresponding health and safety benefit.

In those circumstances, the NRC staff may choose not to enforce the applicable technical specification or other license condition. However, this enforcement discretion will only be exercised if the staff is clearly satisfied that the action is consistent with the public health and safety.

A licensee seeking the exercise of this enforcement discretion must provide a written justification or, in other circumstances where good cause is shown, oral justification followed as soon as possible by written justification documenting the safety basis for the request and providing whatever other information the staff deems necessary in making a decision on whether or not to exercise enforcement discretion.

A decision to exercise enforcement discretion does not change the fact that a violation will occur nor does it imply that enforcement discretion is being exercised for any violation that may have led to the violations at issue. In each case where the staff has chosen to exercise enforcement discretion, enforcement action normally will be taken for the root causes, if violations were involved.

In addition, the revisions to the Enforcement Policy make clear that actions taken by licensee employees pursuant to an

exercise of enforcement discretion by the NRC staff will not result in enforcement action against the individuals involved.

Finally, it is expected that the NRC staff will exercise enforcement discretion in this area infrequently and only if the staff is clearly satisfied that such action is warranted from a public health and safety perspective.

The revisions to Appendix C of Part 2 of the Commission's regulations became effective on March 17.

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