

United States Nuclear Regulatory Commission
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NRC OPENS MOST ENFORCEMENT CONFERENCES TO PUBLIC OBSERVATION

The Nuclear Regulatory Commission has decided to open most NRC predecisional enforcement conferences to public observation.

The Commission acted after evaluating the agency's experience during a four-year trial period in which about 25 percent of such conferences were open. This new policy is in effect for enforcement conferences announced after today.

The NRC staff holds predecisional enforcement conferences with licensees when it is considering escalated enforcement action, such as fines or other sanctions. The purpose is to discuss apparent violations, their causes and safety significance; to provide the licensee an opportunity to point out any errors that may have been made in NRC's inspection report; and to enable the licensee to outline proposed corrective actions. Such conferences are normally held in NRC regional offices.

Historically, predecisional enforcement conferences have been closed. But in 1992, the Commission authorized a trial program which opened about one-fourth of them to public observation. The trial program was extended in 1994 while an NRC team completed a broad review of the agency's enforcement program.

In deciding to open most enforcement conferences, the Commission evaluated the benefit to the public as well as the impact on (1) the NRC's ability to exercise its regulatory and safety responsibilities; (2) the candor and openness of communications during the sessions; and (3) NRC resources. The Commission has found that discussions during open enforcement conferences were essentially as frank and open as during closed sessions. And the agency was not prevented from obtaining information required to implement its enforcement program in public conferences.

The NRC retains the discretion to close a conference under special circumstances with the approval of the Executive Director for Operations, the agency's chief staff executive. The revised enforcement policy provides that conferences will not normally be open if enforcement action being contemplated:

- * Would be taken against an individual, or if the action, though not taken against an individual, turns on whether an individual has committed wrongdoing.

- * Involves significant personnel failures where the NRC has requested that the individual or individuals involved be present at the conference.

- * Is based on findings of an NRC Office of Investigations report that has not been publicly disclosed.

- * Involves safeguards information, Privacy Act information, or information which could be considered proprietary.

In addition, conferences will not normally be open if (1) they cannot be conducted without disclosing the name of an individual subjected to a medical misadministration or overexposure; or (2) the conference will be conducted by telephone or will be held at a relatively small licensee's facility.

The new guidelines on open enforcement conferences are discussed in more detail in an amendment to the NRC's General Statement of Policy and Procedure for Enforcement Actions published for public comment in the December 10 edition of the Federal Register. Written comments on the changes should be received by January 10, and addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

Recorded information on forthcoming predecisional enforcement conferences is available by calling 1-800-952-9674.

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