

No. 95-55  
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FOR IMMEDIATE RELEASE  
(Monday, May 1, 1995)

ASSESSMENT OF NUCLEAR REGULATORY COMMISSION  
ENFORCEMENT PROGRAM COMPLETED

A review team, established by the Nuclear Regulatory Commission's Executive Director for Operations, has completed a 10-month assessment of the agency's enforcement program and has made a number of recommendations to the Commission for improvements.

The enforcement program is the process under which the NRC staff imposes sanctions on licensees for violations of agency requirements. These sanctions range from simple notices of violations to fines and possible suspension or revocation of licenses.

The team, headed by James Lieberman, Director of the Office of Enforcement, specifically was charged with determining: if the purposes of the program, as currently defined, are appropriate and if enforcement practices and procedures are consistent with those purposes.

The team concluded that the existing enforcement program is appropriately directed toward supporting the NRC's mission of protecting the public health and safety, the environment and workers. However, it believes that mixed signals, at times, are sent to licensees and that room for improvement exists in both the enforcement policy and its implementation.

Specifically, the team believes that the overall program focus should be clarified by: (a) emphasizing the importance of licensees identifying problems before they occur and taking prompt, comprehensive corrective actions when problems are identified; (b) directing agency attention to licensees with multiple enforcement actions in a relatively short time frame; and (c) focusing attention on the current performance of licensees.

Other significant recommendations contained in the group's report are:

-- Clarify the purpose of the enforcement program which is to supplement the NRC's safety mission to protect the public, workers and the environment. This should be done by emphasizing the importance of compliance with requirements and encouraging the prompt identification and prompt, comprehensive correction of violations.

-- Continue the use of a graduated system of enforcement actions in a manner that reflects the varying safety significance of different violations and that can be adjusted based on the circumstances of the violation.

-- Design the Enforcement Policy to convey clear regulatory messages and to minimize the number and complexity of decision points while recognizing that there will always be a need for judgement and discretion in its implementation.

-- Emphasize the status of "enforcement conferences" as part of the deliberative process by renaming them "predecisional enforcement conferences". These conferences should normally be open to public observation and should be held when there is a reasonable expectation that an escalated enforcement action will result, when additional information is needed to make an enforcement decision or when requested by a licensee.

-- With few exceptions, maintain the existing base civil penalty amounts but revise the process for assessing civil penalties. This should increase the incentives for strong self-monitoring and corrective action programs on the part of licensees.

-- Focus the attention of the Office of Enforcement on enforcement strategy, severity levels, violations and enforcement policy rather than on actual enforcement correspondence; give the staff more flexibility in determining which cases require consultation with the Commission; and, to reinforce the longstanding Commission position that the Enforcement Policy is a statement of general application rather than a binding regulation, remove it from the Code of Federal Regulations.

In conducting its review, the team considered the views of other members of the NRC staff as well as those of representatives of other federal agencies, NRC licensees and other nuclear industry representatives and concerned members of the public.

Copies of the report "Assessment of the NRC Enforcement Program" (NUREG-1525) can be purchased from the Government Printing Office, P. O. Box 37082, Washington, D. C. 20402-9528; telephone: 202/512-1800.

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