

United States Nuclear Regulatory Commission
Office of Public Affairs
Washington, DC 20555
Phone 301-415-8200 Fax 301-415-2234
Internet:opa@nrc.gov

No. 99-20

FOR IMMEDIATE RELEASE
(Thursday, February 4, 1999)

NRC AMENDS ENFORCEMENT POLICY TO EXPAND USE OF NON-CITED VIOLATIONS AT NUCLEAR POWER PLANTS

The Nuclear Regulatory Commission is amending its enforcement policy to revise the treatment of most low-level violations at nuclear power plants.

Under the new policy, most instances of non-compliance with NRC requirements which would have been treated as what are known as Severity level IV violations will instead be treated as non-cited violations provided the licensee places the non-compliance into its corrective action program. In addition, under most circumstances, the new policy will permit closure of the matter when the non-cited violation is issued based on the understanding that the licensee will take corrective action. NRC plans to increase its focus on the effectiveness of licensee corrective action programs.

Severity Level IV violations are defined as violations of more than minor concern, which if left uncorrected, could lead to a more serious problem. These are the least significant of four severity levels established in the NRC enforcement policy. Severity Level IV violations are infractions of NRC requirements that do not involve significant risk.

The new policy also eliminates the requirement that, in most instances, licensees cited for such low-level violations respond to NRC in writing within 30 days. At present, such a response must describe the reason the violation occurred or provide a basis for disputing the violation; outline corrective steps that have been taken and results achieved; describe corrective steps that will be taken to avoid further violations; and state the date when full compliance with NRC requirements will be achieved.

The number of Severity Level IV violations issued by NRC inspectors rose from approximately 770 in fiscal year 1996 to 1,300 in fiscal year 1998. Because this record markedly contrasted with substantial performance improvements of operating power reactors during the past two decades, it prompted NRC to review its enforcement policy. Expanding the use of non-cited violations will permit NRC to continue to identify licensee problems in a timely manner and require licensee attention commensurate with their significance. This will better allow licensees to focus their attention on issues of safety significance.

Enforcement action may be taken for low-level violations if:

- 1) The licensee fails to restore compliance within a reasonable time period after a violation is identified.

2) The licensee did not place the violation into a corrective action program to address recurrence.

3) The violation is repetitive as a result of inadequate corrective action, and was identified by the NRC.

4) the violation was willful and is not subject to discretion pursuant to the NRC enforcement policy.

This action will become effective 30 days after publication in an upcoming issue of the Federal Register.

The NRC intends to hold a public meetings with stakeholders after six months of implementation to determine if further changes in this area are warranted

##