

July 8, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-99-146 -INTERIM
ENFORCEMENT POLICY FOR USE DURING THE NRC
POWER REACTOR OVERSIGHT PROCESS PILOT PLANT
STUDY

The Commission has approved publication of the proposed changes to NUREG-1600, Rev 1, "General Statement of Policy and Procedures for NRC Enforcement Actions" in the Federal Register subject to incorporation of the comments and changes provided in the attachment. These changes are interim changes to be used during the pilot plant study of the new power reactor oversight process.

(EDO)

(SECY Suspense:

7/30/99)

Attachment: Changes and Comments on Proposed Changes to Enforcement Policy

cc: Chairman Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
DCS

Changes and Comments on Proposed Changes to Enforcement Policy

1. The Commission has disapproved the use of a separate category for “Particularly Significant Violations.” Section I.C of the FRN should be deleted. (Pages 7 and 11)
2. On page 3, 1st full paragraph, revise the sentence in lines 7 through 9 to read ‘However, ~~an opportunity to better integrate the enforcement policy and the reactor oversight process exists due to~~ **because of** the new oversight process, a greater agency focus on risk and performance, and the overall improved industry performance, **an opportunity now exists to better integrate the enforcement policy and the reactor oversight process.**
3. On page 4, 1st full paragraph (after the bullets), revise line 1 to read ‘ ... the two programs, the ~~goal was not to continue~~ **Commission seeks to discontinue** having two ...’
4. On page 5, delete the 1st sentence (To ensure a ... involving violations.)
5. On page 5, in line 3 from the top, replace ‘(SPD)’ with ‘(SDP).’
6. On page 7, line 2, add the following to the end of the paragraph: ‘The Commission reserves the use of discretion for particularly significant violations (e.g., an accidental criticality) to assess civil penalties in accordance with Section 234 of the Atomic Energy Act of 1954, as amended.’
7. On page 8, 2nd full paragraph, delete the 1st two sentences.
8. On page 11, paragraph B., add the following to the end of the paragraph: ‘The Commission reserves the use of discretion for particularly significant violations (e.g., an accidental criticality) to assess civil penalties in accordance with Section 234 of the Atomic Energy Act of 1954, as amended.’
9. The staff should continue to seek improvements which integrate clarifying and simplifying changes to the Enforcement Policy with any changes resulting from lessons learned during the pilot plant study process.