April 10, 1998

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Acting Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-97-295 - TWO-YEAR REVIEW OF THE ENFORCEMENT POLICY, PROPOSED REVISION TO THE ENFORCEMENT POLICY, NUREG-1600, REV. 1

This is to advise you that the Commission has not objected to issuance of the proposed 2-year report as NUREG-1622 and publishing the revised Enforcement Policy and the associated recommendations in the Federal Register.

1. The staff should develop for Commission review and approval a definition and explanation of "regulatory concern or regulatory significance" for possible inclusion in the Enforcement Policy. In explaining these key terms, the staff should address such questions, posed by the Nuclear Energy Institute and the Union of Concerned Scientists, as what factors should be considered when a single event discloses a programmatic issue in comparison to a programmatic issue based on time. The staff's submission to the Commission should elucidate the use of the terms "programmatic breakdown" and "management involvement" in the consideration of "regulatory concern or regulatory significance." For example, the staff should explain how "programmatic breakdowns" and "management involvement" extend "regulatory concern" beyond the other typical issues of regulatory concern, e.g., repetition, willfulness, and reporting violations. In particular, the staff should clarify in guidance, as needed, two specific ways in which the term "programmatic breakdown" is used: first, to characterize a situation in which the same basic violation has occurred multiple times -- what we sometimes refer to as the degree of "pervasiveness"; and second, for a circumstance in which the violation has occurred only once, but multiple barriers were in place to prevent its occurrence, and each, in turn, broke down (hence a "programmatic breakdown" of a different nature).
(EDO) (SECY Suspense: 10/23/98)

2. The staff should consider improvement in the explanation of "safety significance" in the Enforcement Manual (Section 3.5.a). The staff should review the advantages and disadvantages of the current inclusion of "regulatory significance" as a component of "safety significance," and report on the results of its review in conjunction with its report

SECY NOTE: SECY-97-295 WAS RELEASED TO THE PUBLIC ON APRIL 10, 1998. THIS SRM WILL BE MADE PUBLICLY AVAILABLE UPON ISSUANCE.

cc: 5. 4. 3.

(SECY Suspense:

10/23/98)