

Withdrawn

NRC Administrative Letter 1995-05, "Revisions to Staff Guidance for Implementing NRC Policy on Notices of Enforcement Discretion," dated November 7, 1995, has been withdrawn.

ADAMS Accession Number: ML031200349

See *Federal Register* notice 81 FR 31969, dated
May 20, 2016

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555

November 07, 1995

NRC ADMINISTRATIVE LETTER 95-05: REVISIONS TO STAFF GUIDANCE FOR IMPLEMENTING
NRC POLICY ON NOTICES OF ENFORCEMENT
DISCRETION

Addressees

All holders of operating licenses or construction permits for nuclear reactors.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this administrative letter to inform addressees of revisions to staff guidance for implementing NRC policy on Notices of Enforcement Discretion (NOED). No specific action or written response is required.

Background

NUREG-1600, "General Statement of Policy and Procedures for NRC Enforcement Actions," Enforcement Policy¹, (previously Appendix C to Part 2 of Title 10 of the Code of Federal Regulations) indicates when the staff, under certain limited circumstances, may choose not to enforce the applicable power reactor technical specifications (TS) or other license conditions. The policy is intended to address situations where compliance with TS or other license conditions would involve unnecessary plant transients; performance of testing, inspection, or system realignment that is inappropriate for the specific plant conditions; or unnecessary delays in plant startup without a corresponding health and safety benefit. This type of discretion, designated as an NOED, is addressed in Section VII. C. of the Enforcement Policy and is expected to be exercised infrequently. An NOED is appropriate only when it is temporary, nonrecurring, and the NRC is clearly satisfied that the exercise of discretion is consistent with protecting the public health and safety.

In May 1994, the NRC discovered some inconsistencies in the staff's implementation of the NOED policy. The NRC established a team to review the NOED policy, implementation process, and staff practices and develop appropriate recommendations. Concurrently, the NRC Office of the Inspector General (OIG) reviewed NRC compliance with nontechnical aspects of the NOED policy and procedures.

These evaluations found that, in general, the staff complied with its procedures and requirements for review and determinations relating to NOEDs

9511070162

PDR ADOCK 05000003 P 951107

¹ In July 1995, the NRC Enforcement Policy was removed from 10 CFR Part 2, Appendix C where it traditionally resided, and was subsequently published as NUREG-1600.

Updated on 11/16/95

ID&R-5-Administrative Letter 11/11

and that staff actions reflected adequate consideration of radiological health and safety of the public and sound technical and safety bases. However, a number of areas were identified where improvements could be made to the NOED policy and its implementation. In addition to these recommendations, the staff subsequently identified other areas for improving the NOED guidance.

Also, as part of its overall enforcement policy review, the NRC asked for, and received, public comments on the NOED policy as published in the (Federal Register, 59 FR 49215, September 27, 1994).

Discussion

After reviewing the results of these evaluations and associated recommendations, the staff concluded that the present NOED policy is technically sound and, therefore, need not be revised. The staff documented its conclusions in a Commission paper (SECY 95-078) dated March 29, 1995. The staff, however, determined that several aspects of the NOED guidance and procedures needed clarification to ensure proper implementation of the policy. Accordingly, on November 2, 1995, the staff issued a revised NRC Inspection Manual Part 9900 (Part 9900), Technical Guidance, which contains staff guidelines for implementing the NOED policy (Attachment 1). Attachment 1, shows those sections changed with a vertical bar on the right side of each page.

This administrative letter requires no specific action or written response. If you have any questions about this letter, please contact one of the persons listed below or your appropriate NRR Project Manager.

[Original signed by]
Dennis M. Crutchfield, Director
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

Contacts: L. Raghavan, NRR
(301) 415-1471

Vern Hodge, NRR
(301) 415-1861

Attachments:

1. Part 9900: Technical Guidance
2. List of Recently Issued NRC Administrative Letters

DOCUMENT NAME: NOEDPOLI.ADI

Attachment filed in Ticket

PD:PDII-2	D:OE *	D:ARP	OGC **	D:DRPM
HN Berkow	JLieberman	RPZimmerman*	JGoldberg	DMCrutchfield
11/07/95	11/6 /95	11/07/95	11/7 /95	11/7 /95

*by email ** Verbal - no legal objections

LIST OF RECENTLY ISSUED
NRC ADMINISTRATIVE LETTERS

Administrative Letter No.	Subject	Date of Issuance	Issued to
95-04	NRC Program Office responsibilities for Decommissioning Activities and Planning for Dry Cask Storage of Spent Fuel	11/07/95	All holders of OLs & CPs for NPRs
95-03	Availability of Reactor Vessel Integrity Database	08/04/95	All holders of OLs or CPs for nuclear power reactors.
94-13, Rev. 1	Access to Nuclear Regulatory Commission Bulletin Board Systems	06/29/95	All NRC licensees.
95-02	Cost Beneficial Licensing Actions	02/23/95	All holders of OLs or CPs for nuclear power reactors.
95-01, Supp. 1	Change in Commercial Tele- phone and Facsimile Numbers at Nuclear Regulatory Commission Headquarters	02/02/95	All NRC licensees.
95-01	Change in Commercial Tele- phone and Facsimile Numbers at Nuclear Regulatory Commission Headquarters	01/23/95	All NRC licensees.
94-17	Addressing Correspondence to the NRC	12/15/94	All holders of OLs or CPs for nuclear power reactors.
94-16	Revision of NRC Core Inspection Program for Annual Emergency Preparedness Exercise	11/30/94	All holders of OLs or CPs for nuclear power reactors.
94-15	Reorganization of the Office of Nuclear Reactor Regulation	10/06/94	All holders of OLs or CPs for nuclear reactors.

OL = Operating License
CP = Construction Permit

and that staff actions reflected adequate consideration of radiological health and safety of the public and sound technical and safety bases. However, a number of areas were identified where improvements could be made to the NOED policy and its implementation. In addition to these recommendations, the staff subsequently identified other areas for improving the NOED guidance.

Also, as part of its overall enforcement policy review, the NRC asked for, and received, public comments on the NOED policy as published in the (Federal Register, 59 FR 49215, September 27, 1994).

Discussion

After reviewing the results of these evaluations and associated recommendations, the staff concluded that the present NOED policy is technically sound and, therefore, need not be revised. The staff documented its conclusions in a Commission paper (SECY 95-078) dated March 29, 1995. The staff, however, determined that several aspects of the NOED guidance and procedures needed clarification to ensure proper implementation of the policy. Accordingly, on November 2, 1995, the staff issued a revised NRC Inspection Manual Part 9900 (Part 9900), Technical Guidance, which contains staff guidelines for implementing the NOED policy (Attachment 1). Attachment 1, shows those sections changed with a vertical bar on the right side of each page.

This administrative letter requires no specific action or written response. If you have any questions about this letter, please contact one of the persons listed below or your appropriate NRR Project Manager.

[Original signed by]
Dennis M. Crutchfield, Director
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

Contacts: L. Raghavan, NRR
(301) 415-1471

Vern Hodge, NRR
(301) 415-1861

Attachments:

1. Part 9900: Technical Guidance
2. List of Recently Issued NRC Administrative Letters

DOCUMENT NAME: NOEDPOLI.ADI

PD:PDII-2	D:OE *	D:ARP	OGC **	D:DRPM
HN Berkow	J Lieberman	RP Zimmerman*	J Goldberg	DM Crutchfield
11/07/95	11/6 /95	11/07/95	11/7 /95	11/7 /95

*by email ** Verbal - no legal objections

and that staff actions reflected adequate consideration of radiological health and safety of the public and sound technical and safety bases. However, a number of areas were identified where improvements could be made to the NOED policy and its implementation. In addition to these recommendations, the staff subsequently identified other areas for improving the NOED guidance.

Also, as part of its overall enforcement policy review, the NRC asked for, and received, public comments on the NOED policy as published in the (Federal Register, 59 FR 49215, September 27, 1994).

Discussion

After reviewing the results of these evaluations and associated recommendations, the staff concluded that the present NOED policy is technically sound and, therefore, need not be revised. The staff documented its conclusions in a Commission paper (SECY 95-078) dated March 29, 1995. The staff, however, determined that several aspects of the NOED guidance and procedures needed clarification to ensure proper implementation of the policy. Accordingly, on November 2, 1995, the staff issued a revised NRC Inspection Manual Part 9900 (Part 9900), Technical Guidance, which contains staff guidelines for implementing the NOED policy (Attachment 1). Attachment 1, shows those section, changed with a vertical bar on the right side of each page.

This administrative letter requires no specific action or written response. If you have any questions about this letter, please contact one of the persons listed below or your appropriate NRR Project Manager.

Dennis M. Crutchfield, Director
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

Contacts: L. Raghavan, NRR
(301) 415-1471

Vern Hodge, NRR
(301) 415-1861

Attachments:

1. Part 9900: Technical Guidance
 2. List of Recently Issued NRC Administrative Letters
- DOCUMENT NAME: NOEDPOLI.AD1

PD:PDII-2	D:OE *	D:ARP <i>rcz</i>	OGC **	D:DRPM
HN Berkow	J Lieberman	RP Zimmerman	J Goldberg	DM Crutchfield
11/07/95	11/6 /95	11/7 /95	11/7 /95	11/ /95

*by email ** Verbal - no legal objections