

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS  
WASHINGTON, D.C. 20555

January 12, 1990

NRC INFORMATION NOTICE NO. 90-01: IMPORTANCE OF PROPER RESPONSE TO  
SELF-IDENTIFIED VIOLATIONS BY  
LICENSEES

Addressees:

All holders of NRC materials licenses.

Purpose:

This information notice is intended to assist licensees in properly responding to self-identified violations of regulatory requirements. It is expected that recipients will review this information notice, distribute it to management and staff involved with licensed activities, including responsible radiation safety staff, and consider actions, as appropriate, to assure compliance. This information notice does not constitute any new NRC requirements, and no specific written response is required.

Description of Circumstances:

In several past cases, licensees have attempted to conceal self-identified violations from NRC, rather than reporting them or recording them to permit review during an NRC inspection.

Discussion:

NRC expects a high standard of compliance by its licensees and requires that licensees provide NRC accurate and complete information and that required records will also be complete and accurate in all material respects. Licensees should be aware of the importance placed by NRC on licensee programs for self detection, correction and reporting of violations or errors related to regulatory requirements. The General Statement of Policy and Procedures for NRC Enforcement Actions in Appendix C to 10 CFR Part 2 underscores the importance of licensees responding promptly and properly to self-identified violations in two ways.

First, in accordance with its exercise of discretion, NRC will not generally issue a Notice of Violation for a non-repetitive Severity Level IV or V violation that is self-identified, properly corrected and reported (if required). For those self-identified licensee violations of a higher Severity Level which do result in a Notice of Violation with the potential for elevated enforcement, NRC will generally give credit for the licensee's performance in identifying, reporting and correcting the violation in making an enforcement decision.

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For example, if a licensee failed to conduct a required daily dose calibrator constancy check, but identified the error, noted it in a record and informed NRC during the next inspection, NRC would not normally cite the incident as a violation if categorized at a Severity Level IV.

On the other hand, NRC will generally take stronger action against licensees who conceal self-identified violations, including civil penalties and orders to modify, suspend or revoke licenses. In addition, the matter may be referred to the Department of Justice for consideration of criminal prosecution. As an example, a licensee was found to have not performed a substantial number of required daily dose calibrator constancy checks and, in addition, its Radiation Safety Committee (RSC) had not met as required for a considerable length of time. The licensee had also falsified records to make it appear that the constancy checks and RSC meetings were taking place. In addition to citing these violations, NRC issued civil penalties in this case which were increased by 100% over the base civil penalty for violations of this type, due to the number and duration of falsified records.

It is suggested that when a licensee identifies a violation involving an NRC-required record, the licensee should make a dated notation indicating identification, either on the record itself or other appropriate documentation retrievable for NRC review. The record with the self-identified violation noted should not be altered in any way to mask the correction. The licensee should determine the cause of the violation, correct the root cause of the violation, and document such findings in an appropriate manner. Licensees should also assure that if a report of the violation is required, the report is submitted to NRC in a timely manner. These actions will be considered by NRC in making any enforcement decision, and generally lead to lesser or no civil penalty.

No specific action or written response is required by this information notice. If you have any questions about this matter, please contact the technical contact listed below or the appropriate NRC regional office.



Richard E. Cunningham, Director  
Division of Industrial and  
Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

Technical Contact: George Pangburn, NMSS  
(301) 492-0628

1. List of Recently Issued NMSS Information Notices
2. List of Recently Issued NRC Information Notices

LIST OF RECENTLY ISSUED  
NMSS INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
89-82	Recent Safety-Related Incidents at Large Irradiators	12/07/89	All U.S. NRC licensees authorized to possess and use sealed sources at large irradiators.
89-78	Failure of Packing Nuts on One-Inch Uranium Hexafluoride Cylinder Valves	11/22/89	All U.S. NRC licensees authorized to possess and use source material and/or special nuclear material for the heating, emptying, filling, or shipping of uranium hexafluoride in 30- and 48-inch diameter cylinders.
89-60	Maintenance of Teletherapy Units	08/18/89	All U.S. NRC Medical Teletherapy Licensees.
89-47	Potential Problems with Worn or Distorted Hose Clamps on Self-Contained Breathing Apparatus	05/18/89	All holders of operating licenses or construction permits for nuclear power reactors and fuel facilities.
89-46	Confidentiality of Exercise Scenarios	05/11/89	All holders of licenses for fuel cycle facilities and byproduct material licensees having an approved emergency response plan.
89-37	Proposed Amendments to 40 CFR Part 61, Air Emission Standards for Radionuclides	04/04/89	All U.S. NRC licensees.
89-35	Loss and Theft of Unsecured Licensed Material	03/30/89	All U.S. NRC byproduct, source and special nuclear material licensees.
89-34	Disposal of Americium Well-Logging Sources	03/30/89	All holders of U.S. NRC specific licenses authorizing well-logging activities.

LIST OF RECENTLY ISSUED  
NRC INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
89-90	Pressurizer Safety Valve Lift Setpoint Shift	12/28/89	All holders of OLs or CPs for PWRs.
89-89	Event Notification Worksheets	12/26/89	All holders of OLs or CPs for nuclear power reactors.
89-88	Recent NRC-Sponsored Testing of Motor-Operated Valves	12/26/89	All holders of OLs or CPs for nuclear power reactors.
89-87	Disabling of Emergency Diesel Generators by Their Neutral Ground-Fault Protection Circuitry	12/19/89	All holders of OLs or CPs for nuclear power reactors.
89-45, Supp. 2	Metalclad, Low-Voltage Power Circuit Breakers Refurbished with Substandard Parts	12/15/89	All holders of OLs or CPs for nuclear power reactors.
89-86	Type HK Circuit Breakers Missing Close Latch Anti-Shock Springs.	12/15/89	All holders of OLs or CPs for nuclear power reactors.
89-85	EPA's Interim Final Rule on Medical Waste Tracking and Management	12/15/89	All medical, academic, industrial, waste broker, and waste disposal site licensees
89-84	Failure of Ingersoll Rand Air Start Motors as a Result of Pinion Gear Assembly Fitting Problems	12/12/89	All holders of OLs or CPs for nuclear power reactors.
89-83	Sustained Degraded Voltage on the Offsite Electrical Grid and Loss of Other Generating Stations as a Result of a Plant Trip	12/11/89	All holders of OLs or CPs for nuclear power reactors.

OL = Operating License  
CP = Construction Permit