

# Withdrawn

NRC Administrative Letter 1995-05, Revision 2, "Revisions to Staff Guidance for Implementing NRC Policy on Notices of Enforcement Discretion," dated July 27, 1999, has been withdrawn.

ADAMS Accession Number: ML031210304

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

UNITED STATES NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR REACTOR REGULATION  
WASHINGTON, DC 20555-0001

July 27, 1999

**NRC ADMINISTRATIVE LETTER 95-05, REVISION 2: REVISIONS TO STAFF GUIDANCE  
FOR IMPLEMENTING NRC POLICY  
ON NOTICES OF ENFORCEMENT  
DISCRETION**

Addressees

All holders of operating licenses for nuclear power reactors.

Purpose

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

Background

This administrative letter supersedes in its entirety Administrative Letter 95-05, Rev. 1, dated February 19, 1999, on the same subject.

NUREG-1600, "General Statement of Policy and Procedures for NRC Enforcement Actions," states that the staff, under certain limited circumstances, may choose not to enforce applicable plant-specific power reactor technical specifications (TSs) or other license conditions. This type of discretion is designated as a Notice of Enforcement Discretion (NOED). A NOED may be warranted if forced compliance with a power reactor license would involve an unnecessary plant transient; performance of tests, inspections, or system realignments not appropriate for current plant conditions; or unnecessary delays in startup, without any corresponding health and safety benefits. It is a legitimate regulatory mechanism that allows the NRC staff to address unforeseen and temporary situations in which the staff believes that strict compliance is neither the correct nor the safest course to follow and no other suitable regulatory approach is available. A valid NOED request that satisfies all the established criteria does not reflect negatively on a licensee's performance unless the licensee created the need for the NOED as a result of poor planning or failure to take appropriate corrective action earlier.

Discussion

The guidance in Administrative Letter 95-05, Rev. 1 has been further revised to

- (1) clarify considerations for a NOED requested as a result of severe weather or other natural events,

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updated on 8/10/99

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- (2) reflect certain administrative changes as a result of the recent reorganization of the Office of Nuclear Reactor Regulation.

The revised guidance is attached to this administrative letter.

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 the appropriate NRC Project Manager.



Ledyard B. Marsh, Chief  
Events Assessment, Generic Communications  
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Office of Nuclear Reactor Regulation

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Attachments:

1. NRC Inspection Manual, Part 9900, "Technical Guidance"
2. List of Recently Issued NRC Administrative Letters

LIST OF RECENTLY ISSUED  
 NRC ADMINISTRATIVE LETTERS

Administrative Letter No.	Subject	Date of Issuance	Issued to
95-03, Rev. 2	Availability of the Reactor Vessel Integrity Database, Version 2	7/26/99	All holders of operating licenses for nuclear power reactors
99-02	Operating Reactor Licensing Action Estimates	6/3/99	All power reactor licensees
99-01	Reorganization of the Office of Nuclear Reactor Regulation	4/9/99	All holders of operating licenses or construction permits for reactor facilities
95-05, Rev. 1	Revisions to Staff Guidance for Implementing NRC Policy on Enforcement Discretion	2/19/99	All holders of operating licenses for nuclear reactors
98-10	Dispositioning of Technical Specifications That Are Insufficient To Assure Plant Safety	12/29/98	All holders of operating licenses
98-09	Priority for NRR Review of Risk-Informed Licensing Actions	10/30/98	All holders of operating licenses for nuclear power reactors
98-08	Availability of Revised NRC Form 3, "Notice to Employees" and Closure of NRC Walnut Creek Field Office	10/09/98	All NRC licensees
98-07	Interim Suspension of the Systematic Assessment of Licensee Performance (SALP) Program	10/02/98	All holders of operating licenses for nuclear power reactors

OL = Operating License  
 CP = Construction Permit

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Original /s/'d by  
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