



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 28, 2004

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-04-0187

TITLE: PROPOSED REVISION TO THE  
ENFORCEMENT POLICY TO ADDRESS  
RESPONSIBILITIES FOR GRANTING A POWER  
REACTOR NOTICE OF ENFORCEMENT  
DISCRETION

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of October 28, 2004.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR

VOTING SUMMARY - SECY-04-0187

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X					10/26/04
COMR. McGAFFIGAN	X				X	10/22/04
COMR. MERRIFIELD	X					10/21/04

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on October 28, 2004.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: CHAIRMAN DIAZ  
SUBJECT: SECY-04-0187 - PROPOSED REVISION TO THE  
ENFORCEMENT POLICY TO ADDRESS  
RESPONSIBILITIES FOR GRANTING A POWER  
REACTOR NOTICE OF ENFORCEMENT DISCRETIC

Approved xx <sup>w/o comment</sup> Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_  
Not Participating \_\_\_\_\_

COMMENTS:

*Bill Diaz*  
SIGNATURE

Oct 26, 04  
DATE

Entered on "STARS" Yes  No

NOTATION VOTE

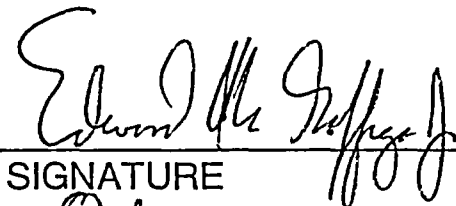
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-04-0187 - PROPOSED REVISION TO THE  
ENFORCEMENT POLICY TO ADDRESS  
RESPONSIBILITIES FOR GRANTING A POWER  
REACTOR NOTICE OF ENFORCEMENT DISCRETION**

Approved  Disapproved  Abstain

Not Participating

COMMENTS: *See minor edits.*

  
\_\_\_\_\_  
SIGNATURE

*October 22, 2004*  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

NOED requests have been evaluated and decisions made jointly by the regional and NRR staffs. Thus, the distinction is unnecessary.

The Enforcement Policy revision specifies that the associated regional and headquarters staff will together determine the appropriateness of granting a requested NOED. If the NOED is determined to be appropriate, regional staff will complete the documentation process associated with granting the NOED.

*PROVIDES THAT, FOR ALL POWER REACTOR NOED DETERMINATIONS, THE REGIONAL ADMINISTRATOR, OR HIS OR HER DESIGNEE, MAY ISSUE A NOED AFTER CONSULTATION WITH HEADQUARTER*

The revision establishes a single focal point and therefore eliminates the need to categorize NOEDs as <sup>to</sup> regional- or headquarters-lead. This clarification will provide a more predictable, clear, and consistent process for licensees when requesting NRC to consider granting a NOED.


This policy revision, as well as other NOED process improvements, was discussed with representatives of the Nuclear Energy Institute (NEI) and other stakeholders at a public meeting with the NRC staff on July 14, 2004. The NRC plans on completely revising and reissuing its Part 9900 guidance later in the year. In addition to the Enforcement Policy revision, other process improvements include emphasizing that the license amendment process should be used in preference to NOEDs whenever possible and developing improved guidance to address the NOED request requirement to demonstrate no net increase in radiological risk. In addition, other concurrent improvements to the NOED process will result in most NOEDs having follow-up license amendments regardless of the NOED duration.

NOTATION VOTE  
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: **SECY-04-0187 - PROPOSED REVISION TO THE ENFORCEMENT POLICY TO ADDRESS RESPONSIBILITIES FOR GRANTING A POWER REACTOR NOTICE OF ENFORCEMENT DISCRETION**

Approved  Disapproved  Abstain   
Not Participating

COMMENTS:  
*No additional comments.*

  
\_\_\_\_\_  
SIGNATURE  
  
*10/21/07*  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No