



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

March 1, 2005

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-05-0029

TITLE: USE OF THE NRC PUBLIC WEB SITE FOR
DISSEMINATION OF THE NRC ENFORCEMENT POLICY

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of March 1, 2005.

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 cursive script, appearing to read "Annette L. Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
OGC
EDO
PDR

VOTING SUMMARY - SECY-05-0029

RECORDED VOTES

| | APRVD | DISAPRVD | ABSTAIN | NOT PARTICIP | COMMENTS | DATE |
|------------------|-------|----------|---------|-----------------|----------|---------|
| CHRM. DIAZ | X | | | | X | 2/11/05 |
| COMR. McGAFFIGAN | X | | | | | 2/10/05 |
| COMR. MERRIFIELD | X | | | | X | 2/22/05 |
| COMR. JACZKO | X | | | | X | 2/16/05 |
| COMR. LYONS | X | | | | X | 2/17/05 |

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 March 1, 2005.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN DIAZ

SUBJECT: **SECY-05-0029 - USE OF THE NRC PUBLIC WEB SITE
FOR DISSEMINATION OF THE NRC ENFORCEMENT
POLICY**

w/comments and edits

Approved xx *dw* Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attached.

[Handwritten Signature]

SIGNATURE
Feb 11, 05

DATE

Entered on "STARS" Yes No _____

Chairman Diaz' Comments on SECY-05-0029

I approve the staff's recommendations, in SECY 05-0029, to simplify the title of the NRC's Enforcement Policy from "General Statement of Policy and Procedures for NRC Enforcement Actions - Enforcement Policy," to "NRC Enforcement Policy," and to discontinue publishing the policy, in paper form, as NUREG-1600. Posting the Enforcement Policy on the NRC's public Web site to achieve widespread dissemination is a more effective and efficient approach than the occasional publication of the Enforcement Policy as a NUREG. The staff should continue to make the policy available in ADAMS and publish revisions in the Federal Register.

I approve the staff's recommendation to publish the Federal Register notice for announcing the above changes subject to the attached edits.

A handwritten signature in black ink, appearing to be "Diaz", written over the end of the second paragraph.

NUCLEAR REGULATORY COMMISSION

[NUREG - 1600]

NRC Enforcement Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement.

SUMMARY: The Nuclear Regulatory Commission (NRC) is announcing its intent to use the NRC public Web site ^{and the NRC's Agencywide Document Access and Management System (CADAMS)} to communicate its "General Statement of Policy and Procedure for NRC Enforcement Actions - Enforcement Policy," to discontinue publication of the paper document, NUREG-1600, and to simplify the official policy statement title. The NRC is taking these actions because the policy statement is available electronically on the NRC public Web site and is widely known as the "NRC Enforcement Policy."

DATES: Comments on this initiative may be submitted on or before (insert date 30 days after publication in the *Federal Register*).

ADDRESSES: Submit written comments to: Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop: T6D59, U. S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays.

Copies of comments received may be examined at the NRC Public Document Room, Room O1F21, 11555 Rockville Pike, Rockville, MD. You may also email comments to nrcprep@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Renée Pedersen, Senior Enforcement Specialist, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, (301) 415-2742, e-mail rmp@nrc.gov.

SUPPLEMENTARY INFORMATION:

The Commission first published its "General Statement of Policy and Procedure for NRC Enforcement Actions - Enforcement Policy," (Enforcement Policy) on October 7, 1980 (45 FR 66754). The Policy was codified as Appendix C to Part 2 of Title 10 of the Code of Federal Regulations to provide widespread dissemination. However, the Enforcement Policy has always included a statement recognizing that it is a policy statement and not a regulation. An underlying basis of the Enforcement Policy reflected throughout it is that the determination of the appropriate sanction requires the exercise of discretion such that each action is tailored to the particular factual situation.

On June 30, 1995, the NRC announced that it was removing the Enforcement Policy from the Code of Federal Regulations (CFR) (60 FR 34380). This action was part of an enforcement program review, to avoid any interpretation that the policy should be construed as a regulation. To continue to ensure widespread dissemination, the NRC published the Enforcement Policy in its NUREG-series publications as NUREG-1600 and continued to publish revisions to the Enforcement Policy in the *Federal Register*. NUREG-1600 was first published in July of 1995. The last complete revision that was issued as a NUREG-series publication

X

(NUREG-1600) was dated May 1, 2000. However, the Enforcement Policy has been revised on multiple occasions (as published in the *Federal Register*) without being republished as a NUREG document.

The NRC maintains the current Enforcement Policy on its Web site at <http://www.nrc.gov>, select What We Do, Enforcement, then Enforcement Policy. The Enforcement Web site also includes a history of the Enforcement Policy by including and/or referencing the *Federal Register* notice for each policy revision since it was first published in 1980.

Preparation and publication of the NUREG is resource-intensive as to personnel, paper, and mailing costs. The Commission believes that ~~the purpose of NUREG-1600~~ ^{widespread dissemination of the NRC Enforcement Policy} can now be accomplished more effectively and ~~far more~~ ^{far more} efficiently by posting ~~the Enforcement Policy~~ ^{it} on the NRC public Web site ~~and maintaining it in ADAMS.~~ Continuing to publish material in hard copy when the information is currently and promptly available electronically is not consistent with the Congressional mandate to maximize the value of Information Technology acquisitions and the direction the NRC has taken with its implementation of ADAMS. ^{In addition, revisions to the Enforcement Policy will continue to be published in the Federal Register}

On July 13, 2000, the NRC made a similar announcement in the *Federal Register* proposing to discontinue publishing NUREG-0940, "Enforcement Actions: Significant Actions Resolved," (65 FR 43383). The NRC only received comments supporting this initiative.

For the above reasons, the Commission believes that publication of NUREG-1600 is no longer needed. In addition, in keeping with plain English Initiatives, the staff believes that it is

NOTATION VOTE

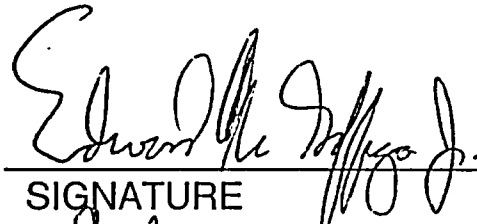
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: SECY-05-0029 - USE OF THE NRC PUBLIC WEB SITE
FOR DISSEMINATION OF THE NRC ENFORCEMENT
POLICY

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:



SIGNATURE
February 10, 2005

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE
RESPONSE SHEET

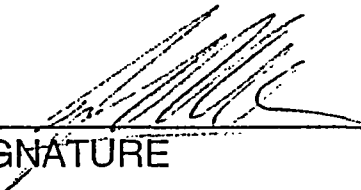
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: **SECY-05-0029 - USE OF THE NRC PUBLIC WEB SITE
FOR DISSEMINATION OF THE NRC ENFORCEMENT
POLICY**

Approved Disapproved Abstain

Not Participating

COMMENTS:

See attached comments.



SIGNATURE

DATE *2/22/05*

Entered on "STARS" Yes No

Commissioner Merrifield's Comments on SECY-05-0029

I approve the staff's recommendation to discontinue publication of NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions - Enforcement Policy," in paper form, as well as the recommendation to simplify the title to "NRC Enforcement Policy." The goal of publishing this document is to inform licensees and members of the public of the criteria and policy considerations the NRC staff uses when making enforcement decisions. I believe that use of the NRC Web site to disseminate the policy statement will be successful in achieving this goal. I commend the staff for identifying an opportunity to improve openness in the NRC's enforcement process and a means to contribute to effective management of agency resources.

I also approve the recommendation to publish the Federal Register notice prepared by the staff announcing these changes subject to the attached edits.



2/22/15

(NUREG-1600) was dated May 1, 2000. However, the Enforcement Policy has been revised on multiple occasions (as published in the *Federal Register*) without being republished as a NUREG document.

The NRC maintains the current Enforcement Policy on its Web site at <http://www.nrc.gov>, select **What We Do, Enforcement**, then **Enforcement Policy**. The **Enforcement Web site** also includes a history of the Enforcement Policy by including and/or referencing the *Federal Register* notice for each policy revision since it was first published in 1980. *This section of the Web site will continue to be updated with any future revisions to the Enforcement Policy.*

Preparation and publication of the NUREG is resource-intensive as to personnel, paper, and mailing costs. The Commission believes that the purpose of NUREG-1600 can now be accomplished more effectively and far more efficiently by posting the Enforcement Policy on the NRC public Web site. Continuing to publish material in hard copy when the information is currently and promptly available electronically is not consistent with the Congressional mandate to maximize the value of Information Technology acquisitions and the direction the NRC has taken with its implementation of ADAMS.

On July 13, 2000, the NRC made a similar announcement in the *Federal Register* proposing to discontinue publishing NUREG-0940, "Enforcement Actions: Significant Actions Resolved," (65 FR 43383). The NRC only received comments supporting this initiative.

For the above reasons, the Commission believes that publication of NUREG-1600 is no longer needed. In addition, in keeping with plain English initiatives, the staff believes that it is

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER JACZKO

SUBJECT: **SECY-05-0029 - USE OF THE NRC PUBLIC WEB SITE
FOR DISSEMINATION OF THE NRC ENFORCEMENT
POLICY**

Approved Disapproved Abstain

Not Participating

COMMENTS:

*Approved subject to attached edits and comments
I concur with Chairman Diaz's
comments and edits.*



SIGNATURE

2/16/05

DATE

Entered on "STARS" Yes No

(NUREG-1600) was dated May 1, 2000. However, the Enforcement Policy has been revised on multiple occasions (as published in the *Federal Register*) without being republished as a NUREG document.

The NRC maintains the current Enforcement Policy on its Web site at <http://www.nrc.gov>, select **What We Do, Enforcement**, then **Enforcement Policy**. The Enforcement Web site also includes a history of the Enforcement Policy by including and/or referencing the *Federal Register* notice for each policy revision since it was first published in 1980.

Preparation and publication of the NUREG is ~~resource-intensive-as-to-personnel,~~ ^{costly and consumes resources, personnel and paper,} ~~and mailing costs.~~ The Commission believes that the purpose of NUREG-1600 can now be accomplished more effectively and far more efficiently by posting the Enforcement Policy on the NRC public Web site. Continuing to publish material in hard copy when the information is currently and promptly available electronically is not consistent with the Congressional mandate to maximize the value of Information Technology acquisitions and the direction the NRC has taken with its implementation of ADAMS.

On July 13, 2000, the NRC made a similar announcement in the *Federal Register* proposing to discontinue publishing NUREG-0940, "Enforcement Actions: Significant Actions Resolved," (65 FR 43383). The NRC only received comments supporting this initiative.

For the above reasons, the Commission believes that publication of NUREG-1600 is no longer needed. In addition, in keeping with plain English initiatives, the staff believes that it is


The staff will continue to publish revisions to the policy in the *Federal Register*. Additionally, the staff will continue its practice of sending printed copies of the most current Enforcement Policy to those licensees and individuals being considered for significant enforcement action who may not have easy access to the website; and to any interested stakeholder upon request.

Commissioner Jaczko's Comments on SECY-05-0029

I approve of the staff's recommendation to publish a *Federal Register* notice announcing the NRC's intent to discontinue publication of NUREG-1600 in paper form and simplifying the title of the policy to "NRC Enforcement Policy." I believe that continuing to publish revisions to the Enforcement Policy in the *Federal Register*, and providing printed copies to licensees and individuals being considered for significant enforcement action who may not have easy access to the web, will ensure the NRC's commitment to openness while also increasing efficiency.

The Staff should, additionally, be prepared to provide printed versions of the enforcement policy upon request to any interested stakeholder.

I also approve the *Federal Register* notice prepared by the staff, subject to attached edits, and concur with Commissioner Lyons' comment that if negative public comments are received on this notice, the staff should, again, consult with the Commission.


2/16/05

NOTATION VOTE

REVISED VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER LYONS
SUBJECT: **SECY-05-0029 - USE OF THE NRC PUBLIC WEB SITE
FOR DISSEMINATION OF THE NRC ENFORCEMENT
POLICY**

Approved xx Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

Approved with attached comments.



SIGNATURE

2/17/05

DATE

Entered on "STARS" Yes xx No _____

Commissioner Lyons' Comments on SECY-05-0029

I approve the staff's recommendation to publish a *Federal Register* notice announcing the NRC's intent to discontinue publication of NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions - Enforcement Policy," and to use the NRC Web site for dissemination of the enforcement policy. The purpose of publishing the enforcement policy as a NUREG was to make the enforcement policy easier to identify and locate. Since the NRC Web site provides widespread communication of the enforcement policy, publication and dissemination of hard copies of the enforcement policy seems unnecessary.

In addition, I approve the *Federal Register* notice prepared by the staff. I also agree that the enforcement policy should be renamed, "NRC Enforcement Policy."

If public comments are received in opposition to the proposal, the staff should consult with the Commission again on this matter.