

June 19, 2008

MEMORANDUM TO Frederick D. Brown, Director
 Division of Inspection and Regional Support
 Office of Nuclear Reactor Regulation
 /RA/

FROM: Mary Ann Ashley, NRR Enforcement Coordinator
 Division of Inspection and Regional Support
 Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF JULY 17 MEETING WITH THE INDUSTRY ON THE
 INCORPORATION OF TRADITIONAL ENFORCEMENT INTO
 ASSESSMENT

The meeting was attended by all members of the Nuclear Regulatory Commission (NRC) traditional enforcement working group as well as representatives of reactor licensees, The Nuclear Energy Institute, the NRC Office of the Inspector General, and the press. The list of attendees is enclosed. The meeting began with a brief review of the background information provided in the meeting announcement and a restatement of the NRC working group objective. The meeting participants were then asked to provide any comments, concerns, and perspectives that the stakeholders would recommend be considered by the working group when developing and evaluating options.

The following are the key points raised by stakeholders at the meeting:

1. The significance determination and traditional enforcement processes should be complementary.
2. The participants noted that when there is a disconnect between the results of the action matrix and the performance as evidenced by traditional enforcement outcomes, the Regional Administrators have the ability, by procedure, to deviate from the action matrix. Deviations were viewed as a viable option for addressing any disconnect between the matrix and enforcement.
3. Some members of the group stated that traditional enforcement could be assigned cross cutting aspects.
4. Concerns were aired about the potential for aggregating lower level traditional enforcement outcomes. The concern was related to the fact that issues could be very similar on the surface but the more detailed circumstances could lead to different conclusions. The group was concerned that only counting the instances without consideration of circumstances would not provide an accurate picture.
5. One option discussed was to factor traditional enforcement into the regular inspections of the licensee's problem identification and resolution program (IP71152.) The group acknowledged that this would require an increase in sample size and result in additional inspection.
6. A discussion of how to factor in traditional enforcement that is resolved through the alternate dispute resolution process (ADR) did not produce any specific recommendations. However, the general view was that ADR order items are a 'penalty' to the licensee just as a significant color finding or a notice of violation and civil penalty. Therefore, care should be exercised to ensure that the approach does not double count and penalize the licensee more than once.

7. The participants discussed the need to ensure that the enforcement actions were reflective of current performance.

Two major recurring themes were apparent. First, there was general consensus among the industry stakeholders that traditional enforcement should not be direct input to the action matrix. And, second, the meeting participants urged the team members to make the solution as simple as possible by using existing ROP processes.

The NRC acknowledged that the industry would be kept informed of progress in this area through briefings at the regular monthly ROP meeting.

7. The participants discussed the need to ensure that the enforcement actions were reflective of current performance.

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The NRC acknowledged that the industry would be kept informed of progress in this area through briefings at the regular monthly ROP meeting.

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Attendance List:

July 17, 2008 Public meeting with industry on Traditional Enforcement into Assessment

Ray Powell	NRC
Nick Hilton	NRC
Russ Bywater	NRC
Tom Kozak	NRC
Al Haegger	Excelon
Robin Ritzman	FENOC
Fred Mashburn	TVA
Julie Keys	NEI
Jim Peschel	FPL
Sue Simpson	NEI
Steven Dolley	Platts
Ricardo Salve	NEI
Bob Hanley	Dominion
Jeff Thomas	Duke
Gerry Sowers	PVNGS
Bryon Ford	Entergy
Roy Linthicum	Exelon
Cathy Colleli	NRC
David Midlik	Southern Nuclear
John Butler	NEI
Carlos Sisco	Winston and Strawn
Eugene Guthrie	NRC
Duane Kanitz	STARS
Mary Ann Ashley	NRC