

Sollenberger, Dennis

From: Torre Taylor
Sent: Wednesday, March 04, 2009 4:21 PM
To: Gary Purdy
Cc: Dennis Sollenberger
Subject: q. 19 on staff assessment

Importance: High

Gary - I know you're swamped on budget - per Dennis, but --- Here is q. 19. Dennis and I looked at it quickly. We think it is mostly ok but wanted to check - Can you just quickly verify for us:
(1) the 1st paragraph - we think yes.

(2) The last paragraph - if their use of severity levels for violations are similar to NRC procedures. If they are not, we'll need some language regarding their severity levels. We have to have these questions for the draft assessment to go with the commission paper - we're behind still, but really need to try to get this all together to start the review.

From draft assessment:

19. Enforcement. **Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials; the obtaining of injunctive relief; and the imposing of civil or criminal penalties.**

The NRC staff review confirmed that the State is authorized by law to enforce the State's regulations using a variety of sanctions, including the imposition of administrative fines, the issuance of orders to suspend, modify or revoke licenses, and any other action deemed appropriate by the Program. The Program may assess civil penalties in accordance with State Law and Department regulations.

The Program has adopted policies and procedures to implement the enforcement authority. The State enforcement procedures are similar to the NRC procedures with regard to the use of severity levels for violations.

The staff concludes that this criterion is satisfied.

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