



# **NRC Enforcement Policy Past – Present - Future**

John Wray

Senior Enforcement Specialist

Office of Enforcement



# Enforcement Policy

## What is the Enforcement Policy?

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The Enforcement Policy is the Commission's statement of policy which sets forth the general principles governing the NRC's enforcement program, as well as the expectations regarding the process to be used to assess and disposition violations of NRC requirements.

**Note: A policy statement is not a regulation. The Commission may deviate from the Enforcement Policy as appropriate under the circumstances of a particular case.**



# Enforcement Policy

## Why Revise the Policy?

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- Added guidance due to changes in regulations, *e.g.*,
  - Part 26 - Fitness for Duty Programs
  - Part 52 - Licenses, Certifications, and Approvals for Nuclear Power Plants
- Added guidance on issues not directly addressed in previous Policy, *e.g.*,
  - Alternative Dispute Resolution (ADR)
  - Import/Export of radioactive material or equipment
- Clarified the use of terms, *e.g.*,
  - “significance” used somewhat differently between ROP and traditional enforcement



# Enforcement Policy

## Why Revise the Policy? (con't)

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- Updated or removed outdated guidance, e.g.,
  - Replaced the term “sealed source” with “regulated material” in the lost source policy
  - Removed Letters of Reprimand
- Made usability improvements:
  - Reorganized and reformatted entire document
  - Enhanced the Table of Contents
  - Added a Glossary



# Policy Revision

## History

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- 1995 - last major revision to Enforcement Policy
- 2006 - decision made to revise and update Policy
- September 30, 2010 - revised Policy became effective



# Enforcement Policy

## Significant Changes

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- Increased the number of activity areas (supplements) containing violation examples from 8 to 14
- Increased base civil penalty for Uranium Conversion Facilities
- Added base civil penalty for Uranium Enrichment Facilities and High Level Waste Repository



# Enforcement Policy

## Violation Examples

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- Routinely used during enforcement panels to assist in determination of severity level
- Cover a broad range of circumstances in each activity area
- Are neither exhaustive nor controlling for severity level determinations
- Reflect the staff's experience with a wide range of enforcement actions



# Enforcement Program

## Violation Examples With Limited Changes

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### Section

- 6.1 Reactor Operations
- 6.3 Materials Operations
- 6.6 Emergency Preparedness
  - no change in policy or intent; however, most examples reworded and clarified
- 6.7 Health Physics
  - minor clarification editing only
- 6.8 Transportation





# Enforcement Policy

## Violation Examples with Numerous Changes

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### Section

- **6.2**                    **Fuel Cycle Operations**
  - **most changes characterize non-compliance with 10 CFR 70, Subpart H, for licensees with an Integrated Safety Analysis (ISA)**
  
- **6.4**                    **Licensed Reactor Operators**
  - **rewording of examples from previous Policy, generally dealing with examination integrity and fitness-for-duty issues**



# Enforcement Policy

## Violation Examples with Numerous Changes (con't)

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### Section

- **6.11 Reactor, Independent Spent Fuel Storage Installation, Fuel Facility, and Special Nuclear Material Security**
  - **Previously “Safeguards”**
  - **Expansion from previous examples to address more areas of a security program (e.g., access authorization, insiders, search, and protective strategies)**
- **6.14 Fitness for Duty**
  - **A new, section but uses some examples from previous “Miscellaneous Matters” section**
  - **Incorporates examples for behavior observation, fatigue, and Employee Assistance Programs**



# Enforcement Policy

## Violation Examples-New Sections

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### Section

- **6.9 Inaccurate and Incomplete Information or Failure to Make a Required Report**
  - **Some examples verbatim from previous “Miscellaneous Matters” section**
  - **Additional examples amplify and clarify previous examples, incorporating, in part, new reactor issues (specifically, ITAAC related).**
- **6.10 Discrimination**
  - **Examples previously contained in “Miscellaneous Matters”**
  - **Complete rewrite of previous examples considering additional factors, rather than solely the level of the responsible individual**



# Enforcement Policy

## Violation Examples-New Sections (con't)

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### Section

- 6.12 Materials Security

- Developed from EGMs issued to support numerous security-related orders issued to materials licensees since September 11, 2001

- **6.13 Information Security**

- **Some extraction and clarification from previous “Safeguards” section**
- **New SL I and II examples on failure to control more significant information (e.g., Top Secret/Secret) that is disclosed to an unauthorized person**



# Enforcement Policy

Next Policy Revision  
Due in March 2012

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Next Policy revision will address such topics as:

- Guidance for use of daily civil penalties
- **Fuel Facilities-credit for corrective actions**
- **Civil Penalties for Uranium Conversion Facilities**
- Enforcement discretion for cases involving holders of LWAs or COLs
- Clarification on when Predecisional Enforcement Conference (PEC) will be offered



# Enforcement Policy

Next Policy Revision

Due in March 2012 (con't)

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- Spring/Summer 2011 - FRN soliciting public comments on draft of next Policy revision
  - 30 to 45 day comment period
  - resolve comments and provide feedback
  - submit next revision to Commission for approval
- Summer/Fall 2011 – FRN soliciting public comments on experience with Policy issued September 2010



# Enforcement Policy

Next Policy Revision

Due in March 2012 (con't)

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- Fuel Cycle Licensee Corrective Actions Program Credit
  - Title change to Section 2.3.2.a of Policy to include Fuel Cycle Licensees, Fuel Cycle Applicants, and New Reactor Applicants who have effective/approved CAPs
  - Effective/Approved CAPs to be determined by Manual Chapter Inspection Procedures
  - Credit will allow for NRC inspector identified Severity Level IV violations to be dispositioned as NCVs if certain criteria are met
- Civil Penalties for Uranium Conversion Facilities
  - Under Staff Review



## How To Get a Copy of Revised Policy

- The Enforcement Policy is publicly available in ADAMS (ML093480037) and on the OE internal and external web pages.
- An electronic version of the Policy can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>