

NRC Enforcement Program

Pre-decisional Enforcement Conference

Holtec International

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NRC Enforcement Process

- Inspection and/or Investigation
- NRC Review of Issues
- Exit Meeting with licensee
- Letter to Licensee with w/apparent violations
- Pre-decisional Enforcement Conference (PEC)
- NRC Review of ALL Information
- Final Agency Decision, and communication of final decision to licensee



You are here

Today's Conference

- PEC is an opportunity to provide your perspective
 - Whether violations occurred
 - Identification and corrective actions (immediate and long-term actions)
 - Whether you agree with our characterization of the violations in the PEC letter to you.
 - Any other information you want us to consider
- NRC's PEC letter to you provides NRC understanding and perspectives

Post-PEC: NRC Decisions to be Made

- Whether violations occurred
- Significance of the violations
- Enforcement action, if any

Possible Outcomes

- No Enforcement Action
- Notice of Violation (NOV)
- NOV with Civil Penalty
- Order

Determine Significance = Severity Level

SEVERITY LEVEL – I
(most significant regulatory concern)

SEVERITY LEVEL – II
(very significant regulatory concern)

SEVERITY LEVEL – III
(significant regulatory concern)

(Escalated Enforcement)

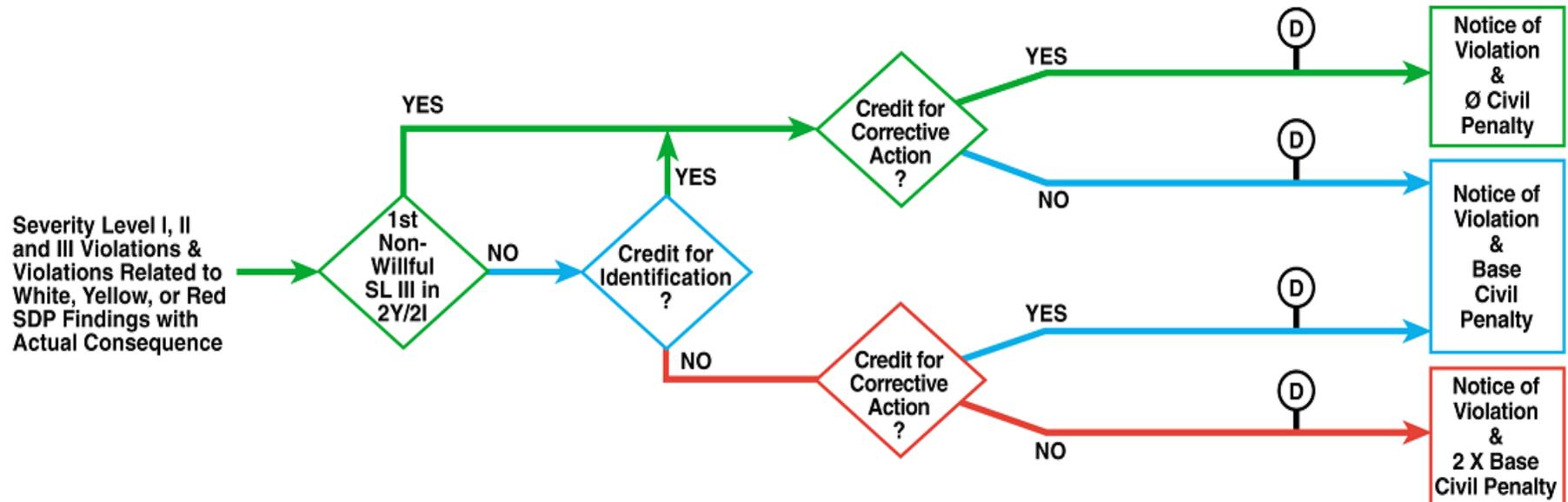
(Non-Escalated Enforcement)

SEVERITY LEVEL – IV
(less significant concern, but more than minor)

Four factors in assigning Severity Level

- Actual Safety Consequences
- Potential Safety Consequences
- Impact on Regulatory Process - Whether the NRC was prevented from carrying out its regulatory responsibilities
- Associated willfulness

Civil Penalty



Primary considerations:

1. How the violation was identified
2. The promptness and completeness of any corrective actions taken

If a licensee has not had escalated enforcement in the past 2 years or 2 inspections, the only factor in determining if a civil penalty is assessed is the licensee's corrective actions.

Civil Penalties

- Civil Penalties are dependent on the type of license and the severity of the violation.
 - For example, the base CP for a SL III violation for a large material user is \$7,000 ; while the base CP for a SL III violation for a large firm engaged in manufacturing or distribution is \$14,000.
 - For example, the CP for a SL III violation is 50% the base for that type of licensee. The CPs for a SLII or SLI violation is 80% and 100%, respectively.

Discretion

- Regardless of the outcome, the NRC can exercise discretion if the circumstances warrant it, and may either escalate or decrease the civil penalty.
- Examples where the NRC might exercise discretion include - - willfulness, overexposures to members of the public, etc.

Public Information

- If NRC takes enforcement action, it will be **publicly available** on NRC's web site.
- In the event that a civil penalty or an order is issued, normally, a **press release** will be issued as well.

Appeal Rights

- Any NRC action may be challenged
- Instructions for challenging an enforcement action will be described in the action or the accompanying letter

NRC Enforcement Process Next Steps

Post PEC

- NRC Review of ALL Information to determine:
 - Whether violations occurred
 - Significance of the violations
 - Enforcement action, if any
- Final Agency Decision, and communication of final decision to licensee

NRC Enforcement Process

Questions?