



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

March 28, 1980

Dornell
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Haller
NMSS
Moseley
Arndt

OFFICE OF THE
SECRETARY

MEMORANDUM FOR: William J. Dircks, Acting EDO
FROM: Samuel J. Chilk, Secretary
SUBJECT: STAFF REQUIREMENTS - DISCUSSION OF SECY-80-139 - NRC
ENFORCEMENT PROGRAM, 2:05 P.M., WEDNESDAY, MARCH 19,
1980, COMMISSIONERS' CONFERENCE ROOM, D. C. OFFICE

The Commission discussed a proposed revised NRC enforcement policy, but reached no final conclusions. It was agreed that detailed individual Commissioner comments would be provided directly to the staff and that a further Commission meeting on this subject would be necessary. The Commission also requested that the EDO insure the following:

1. clarification regarding the circumstances under which technical discretion in applying the enforcement policy, referenced in the footnote on page 4 of the General Statement of Enforcement Authority, ought to be utilized by the staff; and the factors on which such staff judgments will be based;
2. information regarding the practice of other agencies with respect to imposition of civil penalties on the individual licensed operator as well as the corporate licensee;
3. information on the practice of other agencies in distinguishing certain classes of licensees, such as non-profit organizations, from other licensees in the level of civil penalties imposed for similar infractions of regulations;
4. further consideration of the following items:
 - a. the question of the proper role of criminal penalties in the enforcement program;
 - b. the role of Bulletins, licensee commitments and other informal documents in the enforcement program;
 - c. inclusion of violations of environmental requirements in the highest levels of the violation severity categories for civil penalties;
 - d. differentiation within the civil penalty structure of willful or negligent violations;
 - e. de-emphasizing the consequences of a violation as the basis for determining the extent of the civil penalty to be imposed so that a licensee whose facility was not operating at the time a violation was committed would not be penalized less than another licensee committing the same violation during the time his facility is operating.

(SECY Suspend for all items: Two Weeks after receipt of Commissioner comments).

cc:
Commissioners
Commission Staff Offices

POOR ORIGINAL

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