



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20555

PDR
Advisory Committee on
Enforcement Policy

March 20, 1984

Honorable Nunzio J. Palladino
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Dr. Palladino:

SUBJECT: ACRS REPORT ON THE GENERAL STATEMENT OF POLICY AND PROCEDURE
FOR ENFORCEMENT ACTIONS

At its 287th meeting, March 15-17, 1984, the ACRS considered the General Statement of Policy and Procedure for Enforcement Actions which was released for publication on March 2, 1984. NRC Enforcement Policy had previously been considered during the 285th meeting, January 12-14, 1984 and at a meeting of the Subcommittee on Regulatory Policies and Practices on February 7, 1984.

We are concerned that the almost exclusive emphasis on punitive measures in the existing and proposed policies, coupled with the frequent imposition of small penalties, may erode the incentive of the operating licensees to excel in the safe operation of their plant, and may even go so far as to generate contempt for the enforcement apparatus. Since it is essential to the safe operation of nuclear power plants that licensees appreciate the importance of disciplined operation and maintenance, we think it important that an enforcement policy be conceived and implemented in such a way as to best approach this goal. The new policy which has been issued for public comment contains some improvements, but still suffers from the general defects noted here.

It is our understanding that a review of the enforcement policies will be undertaken by an outside group, and we would urge that it be expedited as a first step in providing a rational underpinning for NRC's enforcement posture.

While the composition of the group and its scope of review are naturally subject to Commission control, we hope that the study group will be allowed to function with great latitude and independence. We would recommend however that it include consideration of a balanced program of incentives and disincentives which we believe is likely to be more effective than either alone, especially when rewards and punishments are well matched to the significance of the relevant act of commission or omission. Admittedly, devising a proper means of providing positive incentives for good performance is not simple. In some forms they may carry unintended and undesirable side effects. Nevertheless, it would seem to be worthwhile to direct some thought to this matter since all we see now in the proposed policy is a provision to reduce the penalty when a past good performer misbehaves.

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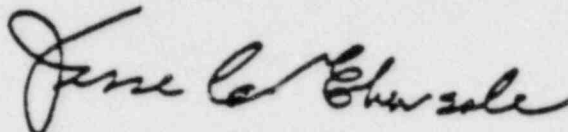
Honorable Nunzio J. Palladino

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We hope to be kept informed of the progress of the outside study as it develops.

Sincerely,

A handwritten signature in cursive script, reading "Jesse C. Ebersole". The signature is written in dark ink and is positioned above the printed name and title.

Jesse C. Ebersole
Chairman