

DEC 19 1984

PDR
Adv. Comm. on
Enforcement
Policy

Mr. William J. Dircks
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Dircks:

I am writing on behalf of the members of the AD HOC Advisory Committee for Review of the Enforcement Policy to inform you of the course of action we intend to pursue absent further direction from the Commission.

The basic question to be addressed is the extent to which the current enforcement policy achieves its identified purpose, that is:

To promote and protect the radiological health and safety of the public, including employees' health and safety, the common defense and security, and the environment by:

- . Ensuring compliance with NRC regulations and license conditions;
- . Obtaining prompt correction of violations;
- . Deterring future violations; and
- . Encouraging improvement of licensee performance, and by example, that of industry, including the prompt identification and reporting of potential safety problems.

Within inherent limitations of time and scope, the Committee will examine and evaluate a series of basic issues and generate recommendations for the consideration of the Commission. Representative of the issues to be addressed are:

- . What is the appropriate role of incentives (both positive and negative) to motivate licensees to comply with requirements? What alternate incentives might be more effective?
- . Are the tables of civil penalty levels set at appropriate amounts?
- . What criteria should apply to the mitigation or escalation of civil penalties? Should these criteria be applied equally to Severity Levels I, II and III?
- . How should the Commission deal with violations of minor significance?
- . Under what circumstances, if any, should the NRC impose sanctions directly on individuals responsible for violations.

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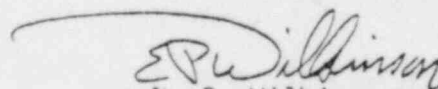
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- . What has been the effect of regionalization on the enforcement program and its implementation? Is nationwide consistency in enforcement necessary or desirable? Is it being achieved?
- . Does the present system identify root causes of violations so that effective corrective actions can be taken? Are the lessons learned generalized to the industry at large?
- . Is the current policy on material false statements effective in encouraging candid, complete and timely information? Should changes be made?
- . To what degree might the NRC increase reliance for compliance on licensee self-identification - or evaluations of third parties; e.g., INPC activities?
- . Should changes be made in the system used by the Commission to collect, analyze and report data on enforcement activities?

In order to address these questions, we intend to have an additional meeting with NRC headquarters and regional staff in late January. We also will be issuing shortly a request for written public comments on the issues before the Advisory Committee, such comments to be submitted approximately 60 days following the Federal Register announcement. In addition, the Committee will draw upon input from licensees, the scientific community and the public. We invite recommendations from the Commission of specific individuals and organizations from whom the Committee should solicit views.

We currently anticipate that we will submit our written report to you in August, 1985.

Sincerely,


E. P. Wilkinson
Chairman

cc: Mr. Colin S. Diver
Michael V. Hasten, Esq.
Dr. Joseph Hendrie
Dr. Howard L. Parris