

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook
Secretary of the Commission

FROM: COMMISSIONER DICUS

SUBJECT: SECY-99-087 - PROPOSED STRATEGY TO REVISE THE
ENFORCEMENT POLICY TO ADDRESS THE PROCESS FOR
ASSESSING SIGNIFICANCE AND ASSIGNING SEVERITY
LEVELS OF NONCOMPLIANCES (INCLUDING
REGULATORY SIGNIFICANCE AND RISK)

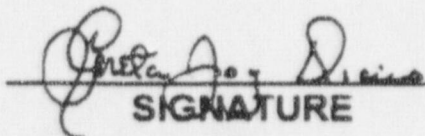
Approved X (in part) Disapproved X (in part) Abstain _____

Not Participating _____ Request Discussion _____

COMMENTS:

See Attached Comments

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SIGNATURE

May 19, 1999
DATE

Entered on "AS" Yes _____ No _____

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PDR COMMS NRCC
CORRESPONDENCE PDR

Commissioner Dicus' Comments on SECY-99-087

I approve in part, and disapprove in part, the staff's recommendations of SECY-99-087.

I support Recommendation 1. It is appropriate to use risk considerations to increase or decrease the severity of a violation, and therefore, the Enforcement Policy should be amended to explicitly state its use in this fashion.

I support deletion of the term "regulatory significance" from the Enforcement Policy, as proposed in Recommendation 2.

With respect to Recommendation 3, I support the retention and use of the concepts (a) actual safety consequences, (b) potential safety consequences, including consideration of risk information, (c) potential for impacting NRC's ability to perform its regulatory function, and (d) any willful aspects of the violation.

I support Recommendation 4 with the exception of aggregation of less significant violations into one of higher significance, and the use of repetitive violations to increase the severity of a given violation. I agree with Cmr. Merrifield's comment that current regulatory tools are available to address performance concerns if staff is concerned about the frequency and number of less significant violations. In addition, if staff is concerned with material licensees receiving less frequent inspections than reactor facilities, then it may be appropriate for staff to increase inspection activities of those specific licensees of concern in order to determine the adequacy of their actions, rather than maintaining an infrequent inspection schedule and using aggregation or repetition to artificially raise the level of concern.

I support Recommendation 5, consistent with my comments on Recommendation 4.

I disapprove Recommendation 6. Consistent with my comments on Recommendation 4, I disapprove revision to Example C.7 of the Policy's Supplement 1 that would increase emphasis on potential safety consequences.

I approve Recommendation 7.

gjd

5-19-1999