

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Brooke P. Clark, Secretary

FROM: Commissioner Crowell

SUBJECT: **SECY-23-0033 Interim Enforcement Policy for
Dispositioning 10 CFR Part 37 Violations with
Respect to Large Components or Robust Structures
Containing Category 1 or Category 2 Quantities of
Radioactive Material at Power Reactor Facilities**

Approved X Disapproved Abstain Not Participating

COMMENTS: Below X Attached None

In March 2014, the staff issued enforcement guidance memorandum (EGM) 2014-001 for dispositioning violations of 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," for large components and robust structures containing these materials at power reactors. The EGM, which allowed for enforcement discretion under certain conditions, was meant to be temporary, but remained in place for over nine years. The staff is now developing a rulemaking plan to address these and other issues. Until that rulemaking or other regulatory action is completed, this interim enforcement policy (IEP) would allow continued enforcement discretion and would remove the requirement for dispositioning each violation using an enforcement panel. As noted by the staff, the other benefits of IEPs, which are intended to be in effect longer than EGMs, include approval of the contained enforcement discretion policy by the Commission, enhanced openness, and formal incorporation into the Enforcement Policy. For these reasons, I approve the draft *Federal Register* notice and the Proposed Interim Enforcement Policy.

Entered in STAR

Yes X

No

Signature