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PDR



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

November 19, 1999

MEMORANDUM TO: R.W. Borchardt, Director
Office of Enforcement

FROM: Dave Nelson, Senior Enforcement Specialist
Office of Enforcement

SUBJECT: SUMMARY OF OCTOBER 29, 1999 PUBLIC MEETING
SOLICITING FEEDBACK ON THE REVISED NON-ESCALATED
ENFORCEMENT POLICY

On October 29, 1999 representatives from the Nuclear Energy Institute (NEI) met with the Director, Office of Enforcement, and other NRC staff members to solicit feedback on the revised non-escalated Enforcement Policy as applied to operating reactors. Attached is the meeting attendance list.

On March 11, 1999 a revision of the NRC Enforcement Policy went into effect that significantly changed the way non-escalated (Severity Level IV) violations are dispositioned. Previously, many Severity Level IV violations were formally cited as Notices of Violations with most of these requiring formal responses from licensees. As a result of the revision, NCVs are normally issued for Severity Level IV violations, unless (1) the licensee failed to restore compliance within a reasonable time after the violation was identified; or (2) the licensee failed to place the violation into a Corrective Action Program to deter recurrence; or (3) the NRC finds the violation and determines that it is repetitive as a result of previously completed inadequate corrective action; or (4) the violation was willful and not subject to discretion pursuant to the Enforcement Policy.

The staff presented information summarizing the number of cited and non-cited violations issued for fiscal years 1998 and 1999, including subclassification of cited violations into those requiring and not requiring licensee responses. The staff briefly described the seven cited SL IV violations issued since the revised policy went into effect. Attached is the information presented.

The staff also presented a brief summary of the solicited feedback obtained from the NRC regional offices pertaining to implementation of the revised policy as well as the regions' perceived impact of the revised policy on licensees. The staff stated that the regions consider that the new SL IV process has lessened NRC burden thereby increasing efficiency. Further, it appears the NRC's ability to raise safety concerns has not been affected and licensee's corrective action programs have not been adversely impacted. The staff also stated, however, that the regions consider that it is too early to determine whether the new process is adversely affecting the resolution of issues and the NRC's ability to track and understand licensee performance trends.

NEI representatives stated that reactor licensees are focused on making the process work and as a result, licensee resources are focusing on the most important problems from a safety and risk perspective. NEI did not provide critical comments on the revised policy.

PDR ORG.

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Attachments: As stated

cc: F. Miraglia, DEDE
Ellen Ginsberg, NEI
David Repka, NEI
Public Document Room

REVISED SEVERITY LEVEL IV POLICY

(EFFECTIVE DATE - MARCH 11, 1999)

- **SEVERITY LEVEL IV VIOLATIONS ARE DISPOSITIONED AS NON-CITED VIOLATIONS PROVIDED**
 - **COMPLIANCE RESTORED**
 - **VIOLATION ENTERED INTO FORMAL CORRECTIVE ACTION PROGRAM**
 - **VIOLATION NOT REPETITIVE AND NRC IDENTIFIED**
 - **VIOLATION NOT WILLFUL**

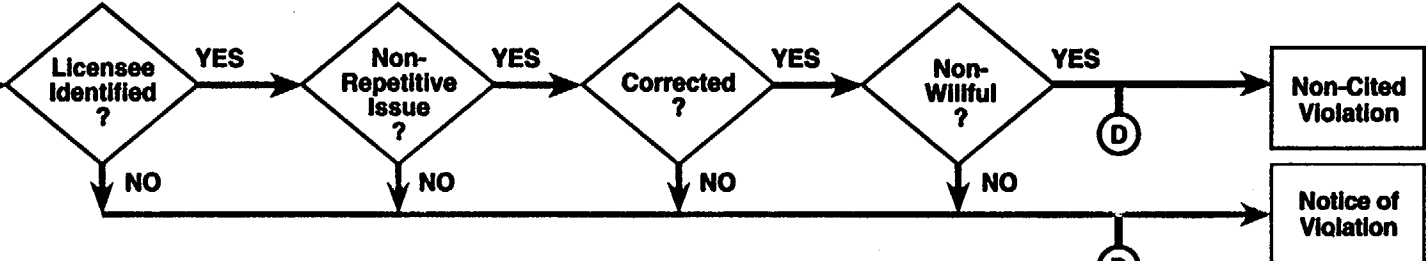
NRC ENFORCEMENT PROCESS

MINOR VIOLATIONS

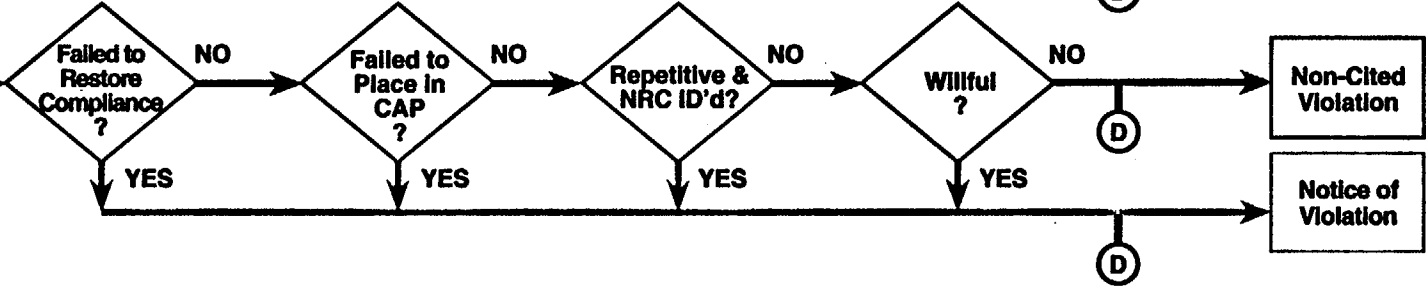
Not Subject to Formal Enforcement Action

NON-ESCALATED PROCESS

**Materials & Others
Severity Level IV
Violations**

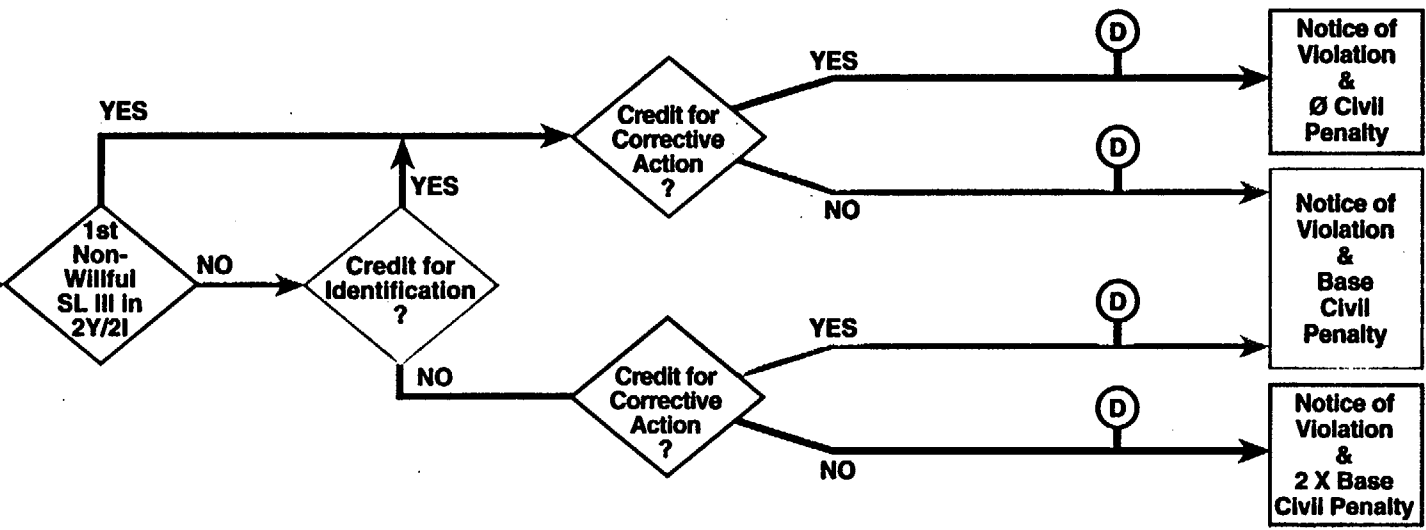


**Power Reactors
Severity Level IV
Violations**



ESCALATED PROCESS

**Severity Level I, II
and III Violations**



(D) Discretion

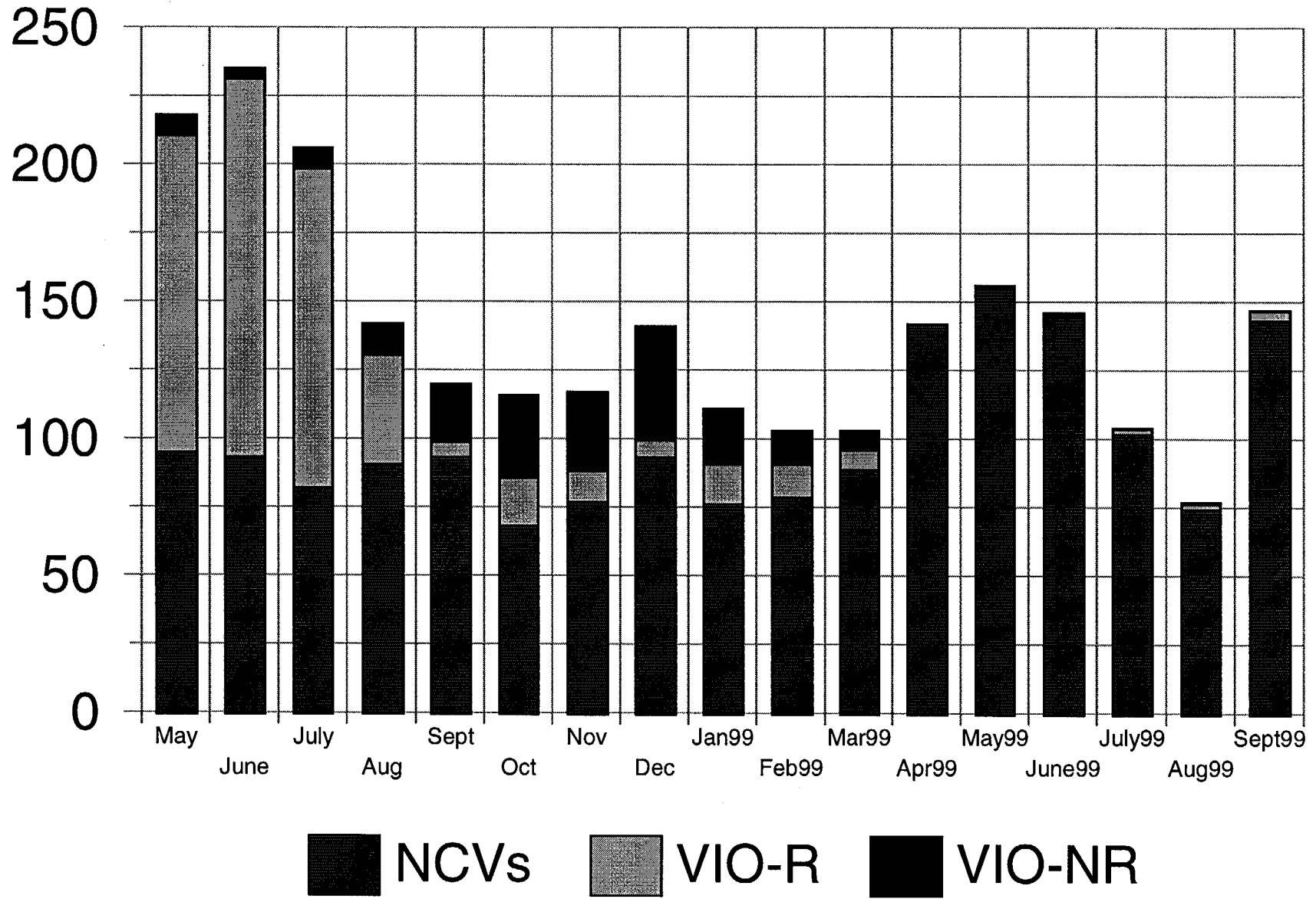
Severity Level IV NOVs Issued

FY 1998	1307
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FY 1999	211
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Since March 11, 1999	7
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Total SL IV Violations per Month



REVISED SEVERITY LEVEL IV POLICY

- **EFFECTIVE MARCH 11, 1999**
- **SEVEN VIOLATIONS ISSUED TO DATE (OCTOBER 15, 1999)**
 - **EA 99-108 - CLINTON - FAILURE TO RESTORE COMPLIANCE**
 - **EA 99-172 - FARLEY - FAILURE TO TAKE COMPENSATORY ACTIONS**
 - **EA 99-185 - FERMI - FAILURE TO PLACE IN CORRECTIVE ACTION PROGRAM - DISPUTED VIOLATION**
 - **EA 99-177 - VERMONT YANKEE - FAILURE TO PLACE IN CORRECTIVE ACTION PROGRAM - DISPUTED VIOLATION - REPETITIVE AND NRC IDENTIFIED**
 - **EA 99-222 - PERRY - FAILURE TO RESTORE COMPLIANCE**
 - **EA 99-225 - INDIAN POINT 2 - REPETITIVE AND NRC IDENTIFIED**
 - **EA 99-241 - DC COOK - FAILURE TO RESTORE COMPLIANCE**

MEETING ATTENDEES

Public Meeting regarding
SUBJECTS SV IV Violations Policy DATE 10.29.99

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Day File

OE	D:OE <i>B</i>
D. Nelson <i>DN</i>	R.W. Borchardt
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