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NRC STAFF TASK FORCE SEEKS PUBLIC VIEWS
ON COMMISSION'S ENFORCEMENT PROGRAM

As part of its reexamination of the Nuclear Regulatory Commission's enforcement program, a Review Team, consisting of senior members of the NRC staff, is asking for public input in helping it to determine if:

- the defined purposes of the enforcement program are appropriate;
- the NRC's practices and procedures for issuing enforcement actions are consistent with those purposes; and
- changes to the existing enforcement program are advisable.

The NRC's enforcement program is governed by the Commission's "General Statement of Policy and Procedure for NRC Enforcement Actions" and is Appendix B to Part 2 of the Commission's regulations. The enforcement policy is not a regulation, however, and provides that the Commission can deviate from the policy if the circumstance of a particular case warrants.

The purpose of the enforcement program, as defined in the policy statement, is to promote and protect the radiological health and safety of the general public and employees in NRC-licensed activities, the common defense and security and the environment by:

- ensuring compliance with NRC regulations and license conditions;
- obtaining prompt correction of violations and adverse quality conditions which may affect safety;
- deterring future violations and conditions adverse to quality; and
- encouraging improvement of licensee and vendor performance and, by example, that of the industry including the prompt identification and reporting of potential safety problems.

The enforcement policy provides for a graduated set of sanctions based on the severity of violations by categorizing

them into one of five severity levels. The severity levels are based on the technical significance of the violation (actual and

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potential consequences) and its regulatory significance including any associated willfulness.

Formal sanctions include notices of violations, civil penalties and orders. A determination as to the particular sanction to be used involves consideration of the severity level of the violation including its duration, the licensee's response to the violation and the licensee's past performance. The enforcement policy also provides for discretion to increase or reduce sanctions to provide appropriate regulatory messages to encourage improved performance.

The Review Team is particularly interested in having the views of public interest groups, the regulated industry, states and concerned citizens on the enforcement program generally and on specific questions posed in the Federal Register including:

- the balance between providing deterrence and incentives (both positive and negative) for the identification and correction of violations;
- the appropriateness of NRC sanctions;
- whether the Commission should seek statutory authority to increase the amount of civil penalties to \$500,000 per violation per day (currently a maximum of \$100,000 per violation per day);
- whether there should be different enforcement policies and practices for material licensees in contrast to power reactor or large fuel facility licensees; and
- whether the Commission should establish open enforcement conferences as the normal practice (a trial program under which some enforcement conferences are open to members of the public will continue pending the outcome of the enforcement program review).

Written comments should be received by October 24 and should be addressed to the Chief, Rules Review and Directives Branch, Mail Stop T6D59, Nuclear Regulatory Commission, Washington, D.C. 20555. Comments also may be hand delivered to 11555 Rockville Pike in Rockville, Maryland, or provided through an electronic bulletin board after September 1 by a toll free number, 800/303-9672. (Users should set parity to none, data bits to 8, stop bits to 1, full duplex, and use ANSI terminal emulation.)

The task force is headed by James Lieberman, Director of the Office of Enforcement, and members are James Fitzgerald, Acting Director of the Office of Investigation, Roy Zimmerman, Associate Director for Projects in the Office of Nuclear Reactor Regulation, William Brach, Deputy Director of the Division of Industrial and Medical Nuclear Safety in the Office of Nuclear

Materials Safety and Safeguards, Luis Reyes, Deputy Administrator of the NRC's Region II Office in Atlanta, Georgia, and Jack Goldberg, Deputy Assistant General Counsel for Enforcement.