

May 4, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-096

TITLE: STAFF PROPOSAL TO AMEND SUPPLEMENT 1, "REACTOR OPERATIONS," OF THE ENFORCEMENT POLICY BY ADDING EXAMPLES OF VIOLATIONS INVOLVING THE COMPROMISE OF AN APPLICATION, TEST, OR EXAMINATION REQUIRED BY 10 CFR PART 55

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of May 4, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of May 4, 1999.

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Annette Vietti-Cook  
Secretary of the Commission

Attachments: 1. Voting Summary  
2. Commissioner Vote Sheets  
3. Final SRM

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR  
DCS

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VOTING SUMMARY - SECY-99-096

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X				X	4/23/99
COMR. DICUS	X				X	4/16/99
COMR. DIAZ	X					4/20/99
COMR. McGAFFIGAN	X					4/5/99
COMR. MERRIFIELD	X					4/12/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on May 4, 1999.

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Commissioner Comments on SECY-99-096

**Chairman Jackson**

I approve the proposed action to revise the enforcement policy to address non-willful compromises of operator license examinations administered under the requirements of [10 CFR Part 55](#). The new policy will provide the staff with better enforcement criteria that will emphasize to licensees that compromises of operator license examinations cannot be tolerated. This emphasis has taken on more importance with the advent of licensee development and administration of operator licensing examinations. The demarcation point for severity level between escalated and non-escalated violations will now be based on consequences of the violation. In addition, the staff removed the willfulness criteria which are included fully elsewhere in the enforcement policy. The removal of the willfulness criteria is consistent with previous direction of the Commission in [SECY-98-266](#). I only would urge caution with respect to the inclusion of the vague phrase "condition more than a minor concern" as the third category of SL-IV violations involving non-willful compromises of applications or tests. Unless the NRC defines "minor concern" in specific and objective terms, it is troublesome and unclear to me how the staff will determine when such a violation constitutes "more than a minor concern." Therefore, I would delete this third criterion, unless the staff can develop more explicit and objective criteria.