

POLICY ISSUE
NOTATION VOTE

SECY-00-0105

May 12, 2000

FOR: The Commissioners
FROM: William D. Travers
Executive Director for Operations
SUBJECT: PROPOSED USE OF THE NRC WEB SITE TO SATISFY THE STAFF REQUIREMENT TO MAKE ENFORCEMENT
ACTIONS AVAILABLE TO LICENSEES

- **PURPOSE:**
- **BACKGROUND:**
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- **RESOURCES:**
- **RECOMMENDATION:**
- **COORDINATION:**

PURPOSE:

To obtain Commission approval to utilize the NRC Web site for dissemination of significant enforcement actions and discontinue publication of NUREG-0940, Enforcement Actions: Significant Actions Resolved.

BACKGROUND:

In 1982, the Enforcement Staff of the NRC's then Office of Inspection and Enforcement commenced publishing NUREG-0940, Enforcement Actions: Significant Actions Resolved.

The document is a compilation of letters, Notices, and Orders sent to licensees with respect to escalated enforcement actions. The abstract of the first issue stated: "It is anticipated that the information in this publication will be widely disseminated to managers and employees engaged in activities licensed by the NRC, in the interest of promoting public health and safety as well as common defense and security." In more recent issues, that goal has been restated as: "so that actions can be taken to improve safety by avoiding future violations similar to those described in this publication."

In an SRM dated June 29, 1989, the Commission approved the Staff's proposal to prepare a rulemaking that would authorize issuance of an order to control an unlicensed individual's involvement in licensed activity. In addition, the Commission directed:

NRC should prepare a list of all persons who are currently the subject of any order prohibiting their employment in licensed activities. This list should be distributed to all power reactor licensees. For other than power reactors, the availability of such a list should be made known and the list should be made available on request. In any distribution of a list of wrongdoers, the order directed against the listed individuals should be included;

In response to that approval, the staff issued the Deliberate Misconduct Rule, which took effect September 16, 1991. To comply with the direction to distribute the list of persons subject to prohibition orders, the staff commenced publishing those orders in NUREG-0940 in August 1992.

NUREG-0940 is now published twice a year. It is distributed to all power reactor site managers, approximately 2500 materials licensees, and all of the states. The latest issue of NUREG-0940, Vol. 18, No. 1, published August 1999, contains a total of 847 printed pages, broken down as follows: Part 1 - 524 pages, Part 2 - 153 pages, and Part 3 - 170 pages. Within Part 1, Individual Actions, 61 pages publish the recently issued NOV's, which are published only once, and the remainder publishes orders, many of which are in effect for several years and are thus reprinted many times. The staff has been advised that the current size of Part 1 is the maximum that can be published in a single bound volume. Parts 2 and 3 contain all escalated actions issued to reactor licensees and materials licensees, respectively. The cost of printing the most recent issuance was \$13,135, which does not include distribution costs.

The Office of Enforcement (OE) has established a Home page on the NRC Web site. The OE Home page contains information on the OE staff, the current Enforcement Policy, escalated Enforcement Actions issued since 1996, upcoming enforcement and regulatory conferences, guidance documents, e.g., the Enforcement Manual and Enforcement Guidance Memoranda (EGMs), discrimination for raising safety concerns, and the OE annual report. This site includes links to other related sites and a search capability. All orders that currently prohibit or restrict individuals from employment in licensed activities are posted on the OE Home page.

OE publishes an annual report which describes enforcement activities occurring during each fiscal year. The report addresses significant policy changes, highlights significant enforcement actions, and includes summaries of cases involving exercise of discretion, discrimination, and actions involving individuals. Various statistical tables and figures are included. The annual

report is available on the OE Home page (</about-nrc/regulatory/enforcement.html>).

DISCUSSION:

When NUREG-0940 was initiated, publication in printed form was the only effective way to communicate with licensees as a group and to give widespread circulation to actions taken by the NRC in enforcing regulatory requirements. Now, escalated actions that are published in the NUREG are also available to licensees and the public on the NRC Web site, under the Office of Enforcement Home page. All orders are published in the Federal Register immediately after issuance and are thus also available on its Web site on publication.

Preparation and publication of the NUREG is resource-intensive as to personnel, paper, and mailing costs. Its original purpose can now be accomplished more effectively and far more efficiently by posting actions promptly on the NRC Web site, whereas the NUREG is prepared every six months, and the delay from issuance of an action to publication can be as much as 9 months. Continuing to publish material in hard copy when that information is currently and promptly available electronically is not consistent with the Congressional mandate to maximize the value of Information Technology acquisitions and the direction that the NRC is taking with its implementation of ADAMS. Enforcement actions are available in ADAMS. However, to assure wider distribution and easier access by having them grouped together, the staff will continue to post them on the OE Home page.

For the above reasons, the staff believes that publication of NUREG-0940 is no longer needed. In the next issue, OE intends to insert a notice that will advise recipients that unless the NRC receives compelling public comment in support of continued publication, it will cease publication with that issue and describe where the information can be obtained in a more timely manner. The notice will also provide for a sixty-day comment period and will provide information on how the public may submit comments. OE will continue to publish its annual report and post it on the OE Home page.

RESOURCES:

Savings of approximately \$20K annually would be realized by the Office of the Chief Information Officer (OCIO) if publication of NUREG-0940, "Enforcement Actions: Significant Actions Resolved" were discontinued. No additional resources would be required by the Office of Enforcement (OE) to post actions on the NRC Web site.

RECOMMENDATION:

That the Commission approve cessation of publication of NUREG-0940, Enforcement Actions: Significant Actions Resolved, in the manner described above and require the staff to consult with the Commission again on this issue if significant public comments in opposition to the proposal are received.

COORDINATION:

The Office of the General Counsel has reviewed this paper and has no legal objection. The Office of the Chief Information Officer has reviewed this paper for information technology and information management implications and concurs in it. The Office of the Chief Financial Officer has reviewed the Commission Paper for resource implications and has no objection.

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