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## Task IV.A: Strengthen Enforcement Process

The objective of this task is to substantially improve licensee awareness of and attitude toward safety by vigorous enforcement of NRC rules. The two major aspects of this objective are as follows: (1) assess substantial penalties for licensee failure to report safety-related information or for violations of rules defining safety practices or conditions; (2) adopt criteria for revocation of licenses, sanctions short of revocation, such as probation, and safety violation that would require immediate plant shutdown or other operational safeguards.

### ITEM IV.A.1: SEEK LEGISLATIVE AUTHORITY

#### *DESCRIPTION*

At the time NUREG-0660<sup>1</sup> was being prepared, the NRC had requested Congressional approval to increase the civil penalty limit to \$100,000 for each licensee violation of the rules defining safety practices, with no upper limit on the number of violations. Obtaining approval of authority to increase the civil penalty was included in the TMI Action Plan<sup>2</sup> along with a request for staff consideration of the desirability of seeking further legislative modifications to: (1) permit civil penalties for a category of actions relating to safety; (2) pro-vide order authority against non-licensees and authority for enforcement sanction (including assessment of civil penalties) against an individual not employed by a licensee; and (3) extend criminal penalties to willful violation of a license condition. In 1980, approval to increase the civil penalty limit was granted by Congress in Public Law 96-295 and is being implemented by the NRC. In that same year, the office of the General Counsel submitted possible legislative proposals to the Commission in SECY-80-366.<sup>3</sup> That paper included the first two proposals described above. SECY-80-366<sup>4</sup> was withdrawn after Commissioner Offices advised the Secretariat that these legislative proposals were "overtaken by events and no longer served a useful purpose."<sup>5</sup> This item is not directly related to public safety and, therefore, is considered a licensing issue.

#### *CONCLUSION*

This Licensing Issue has been resolved.

### ITEM IV.A.2: REVISE ENFORCEMENT POLICY

#### *DESCRIPTION*

At the time NUREG-0660<sup>6</sup> was being prepared, the NRC was in the process of revising its enforcement policy and guidance for the imposition of civil penalties, orders, and other sanctions and consideration was being given to the use of probation as an enforcement action. As a result, the revision to the NRC enforcement policy was included in the TMI Action Plan. Methods of informing the public, such as forums near plant sites, were to be included in the revised NRC policy. The public and licensees were to be informed of the new policy through information releases and regional meetings. A revised General

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<sup>1</sup> NUREG-0660, "NRC Action Plan Developed as a Result of the TMI-2 Accident," U.S. Nuclear Regulatory Commission, May 1980, (Rev. 1) August 1980.

<sup>2</sup> NUREG-0660, "NRC Action Plan Developed as a Result of the TMI-2 Accident," U.S. Nuclear Regulatory Commission, May 1980, (Rev. 1) August 1980.

<sup>3</sup> SECY-80-366, "NRC Legislative Program for 97th Congress," U.S. Nuclear Regulatory Commission, August 6, 1980. [8101050634]

<sup>4</sup> SECY-80-366, "NRC Legislative Program for 97th Congress," U.S. Nuclear Regulatory Commission, August 6, 1980. [8101050634]

<sup>5</sup> Memorandum for R. Emrit from T. Rothschild, "Establishing Priorities for Generic Safety Issues," April 21, 1983. [8312290167]

<sup>6</sup> NUREG-0660, "NRC Action Plan Developed as a Result of the TMI-2 Accident," U.S. Nuclear Regulatory Commission, May 1980, (Rev. 1) August 1980.

Statement of Policy was published in the Federal Register<sup>7</sup> in March 1982 and all work required by this item has been completed.<sup>8, 9, 10</sup> This item is not directly related to public safety and, therefore, is considered a licensing issue.

### *CONCLUSION*

This Licensing Issue has been resolved.

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<sup>7</sup> Federal Register Notice 47 FR 9987, "10 CFR Part 2, General Statement of Policy and Procedure for Enforcement Actions," March 9, 1982.

<sup>8</sup> Memorandum for H. Denton from R. DeYoung, "TMI Action Plan Items Still Pending," June 10, 1982. [8401170101]

<sup>9</sup> Memorandum for H. Denton from R. DeYoung, "Draft Report on the Prioritization of Non-NRR TMI Action Plan Items," January 24, 1983. [8401160474]

<sup>10</sup> Memorandum for W. Dircks from R. DeYoung, "TMI Action Plan—Completed Item," May 11, 1982. [8401170108]