

**US NUCLEAR REGULATORY  
COMMISSION  
OFFICE OF ENFORCEMENT**

Jim Luehman  
Deputy Director, Office of  
Enforcement

# PRIMARY PURPOSE OF ENFORCEMENT PROGRAM

- Deter noncompliance by emphasizing the importance of compliance with NRC requirements, and
- Encourage prompt identification and prompt, comprehensive correction of violations of NRC requirements.

# **ENFORCEMENT, PART OF THE OVERALL REGULATORY PROCESS**

- One integral aspect of NRC's programs
- Active interaction with all other aspects -  
Statutes, Rules, Licensing, Inspections
- Not just the "Penalty" phase of the process.

# The Scope of Enforcement

- Reactor Arena
  - SDP Issues (Significance)
  - Non-SDP Issues (Severity Level)
    - Actual Consequences
    - Willfulness
    - Impeding the Regulatory Process
    - Non-Color Findings
- Materials Arena (Severity Level)
- Individual Actions (Severity Level or Ban)

# ENFORCEMENT PROGRAM IMPLEMENTATION

Shared through the entire Agency

- Commission
  - Approves the policy based on input from entire staff
  - Is consulted on significant actions.
- Upper Management - Approves issues of higher significance.
- Branch Chief - issue non-escalated enforcement
- Rulemaking

# **ENFORCEMENT POLICY**

## **NUREG 1600**

- Living Document
- Policy changes receive Commission approval.
- Policy covers all programs
- NRC may vary from the policy as appropriate, based on case specific facts.

# **ENFORCEMENT MANUAL**

## **NUREG/BR-0195**

- Provides additional guidance for implementation of the Enforcement Policy
- Includes interpretative (Additional Guidance on supplement Examples, When and How to use discretion) as a well as implementation guidance (Forms, Standard Language).

# REGULATIONS

## 10 CFR Part 2

- 10 CFR 2.201 - procedures for issuing Notices of Violation.
- 10 CFR 2.205 - procedures for assessing civil penalties.
- 10 CFR 2.202 - procedure for issuing an order.
- 10 CFR 2.204 - procedures for issuing a Demand for Information

# **OTHER GUIDANCE**

- Enforcement Guidance Memoranda (EGM)

# Office of Enforcement

## WEBSITE

[www.nrc.gov/OE/](http://www.nrc.gov/OE/)

# SIGNIFICANCE OF VIOLATIONS

- Escalated Actions:
    - Severity Level I, II, or III violations
    - Red, Yellow, or White findings with associated NOV<sub>s</sub>
  - Non-Escalated Actions:
    - Severity Level IV
    - Green findings with associated NOV/NCV
    - Minor violations
- \* In all cases, a licensee may dispute or appeal the violation

# INDIVIDUAL ACTIONS

Action may be taken against individuals

- When the NRC is satisfied that the individual fully understood, or should have understood, his or her responsibility;
- Knew, or should have known, the required actions; and
- Knowingly, or with careless disregard (i.e., with more than mere negligence) failed to take required actions which have actual or potential safety significance.

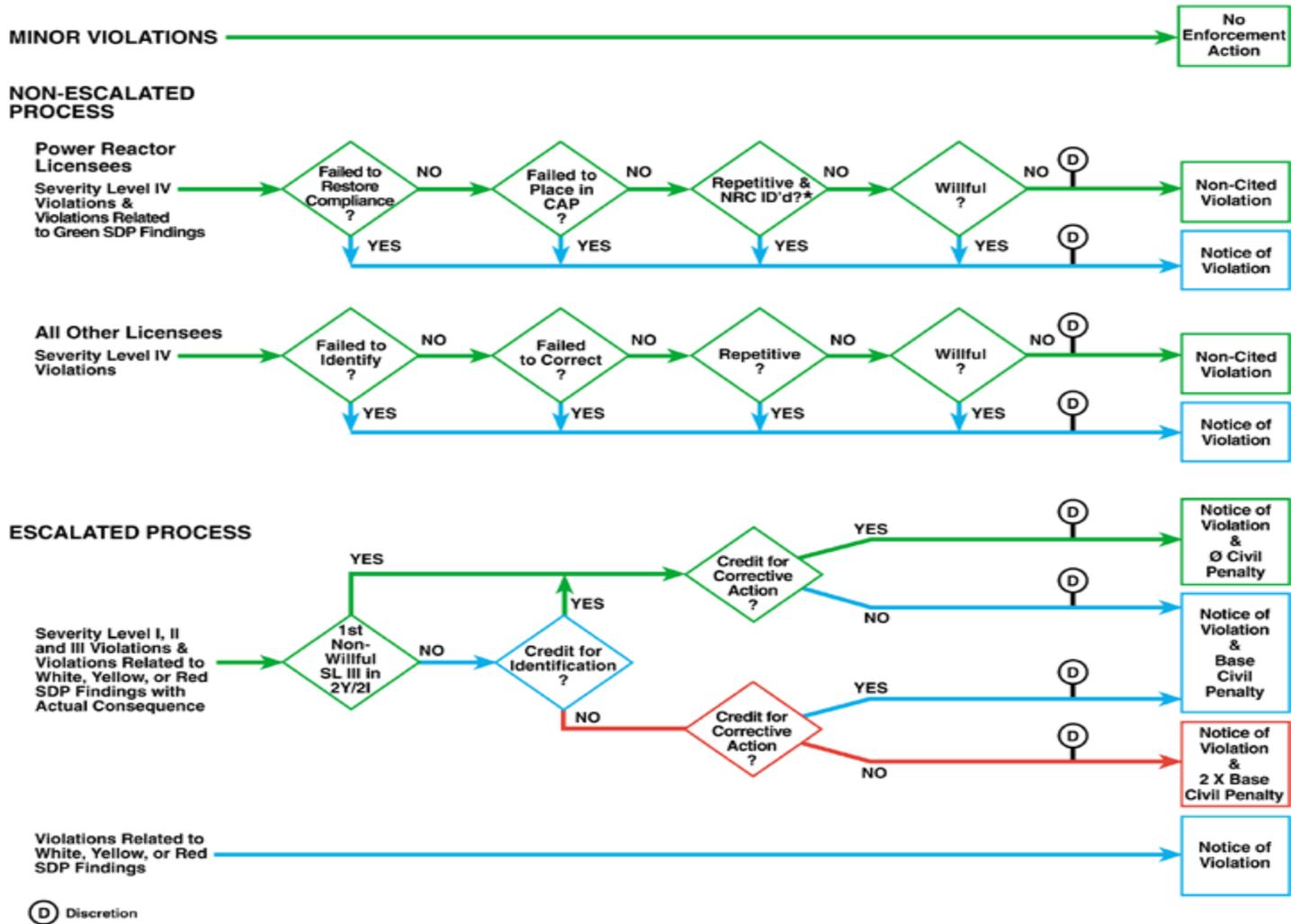
# ENFORCEMENT TOOLS

- Confirmatory Action Letter or Order
- Demands for Information
- Notice of Violation, Nonconformance, or Deviation
- Press Releases, Posting Actions on Website
- Civil Penalties
- Orders - Modifying or revoking licenses, or prohibiting individuals from licensed activities
- Criminal Actions - Department of Justice

# CIVIL PENALTIES

Base Civil Penalties range from \$130,000 for Power reactors and gaseous diffusion plants to \$6,500 for Research reactors, academic, medical, or other small material users

# NRC ENFORCEMENT PROCESS



# PROCESSING ENFORCEMENT ACTIONS

- Escalated Actions:
    - Proposed Notice of Violation
    - Pre-decisional Enforcement Conference or Choice Letter
  - Non-Escalated Actions:
    - Issue SL IV Notice of Violation or Non-cited Violation
- \* In all cases, a licensee may dispute or appeal the violation

# **VARYING FROM THE ENFORCEMENT POLICY**

Since the Policy cannot cover all circumstances, including special circumstances. NRC may either mitigate or escalate enforcement actions

# REASONS FOR VARYING THE ENFORCEMENT POLICY

- Mitigation:
  - Self-identification of violation
  - Non-willful
  - Prompt and comprehensive corrective action
  - Not a repeat violation
  - Good inspection history

# REASONS FOR VARYING THE ENFORCEMENT POLICY

- Escalation:
  - Particularly serious violation
  - Willfulness
  - Repeat poor performance
  - Serious breakdown in management control
- Escalation requires prior NRC management approval

# Implementation Issues

- Process Timeliness
- Regulatory Conference vs. Enforcement Conference
- Escalated Enforcement (White, Yellow, Red)
- Disputed NCV's/NOV's
- Press Releases

# The Role of Enforcement in the ROP

- Ensure that Licensees Comply with Regulations
- Distinguish findings that are also violations
- Identify violations that warrant a response
- An effective regulator is also an enforcer

# Enforcement & Influence

- Application Phase
- Construction Phase
- Operating Phase
- Decommissioning Phase