ISSUES THAT MAY WARRANT ENFORCEMENT DISCRETION

- ☐ Problems categorized at Severity Level I or II.
- ☐ Overexposures, or releases of radiological material in excess of NRC requirements.
- ☐ Situations involving particularly poor licensee performance.
- ☐ Situations involving willfulness.
- ☐ Situations when the licensee's previous enforcement history has been particularly poor, or when the current violation is directly repetitive of an earlier violation.
- ☐ Situations when the excessive duration of a problem resulted in a substantial increase in risk.
- ☐ Situations when the licensee made a conscious decision to be in noncompliance in order to obtain an economic benefit.
- ☐ Cases involving the loss, abandonment, or improper transfer or disposal of a sealed source or device. Notwithstanding the outcome of the normal civil penalty assessment process, these cases normally should result in a civil penalty of at least the base amount.
- ☐ Violations identified during extended shutdowns or work stoppages.
- ☐ Violations involving old design issues.
- ☐ Violations identified due to previous escalated enforcement action.
- ☐ Violations involving discrimination.
- ☐ Violations involving special circumstances, including such factors as the age of the violation, the safety significance of the violation, the overall sustained performance of the licensee has been particularly good, and other relevant circumstances, including any that may have changed since the violation. Violations resulting from matters not within a licensee’s control, such as equipment failures that were not avoidable by reasonable licensee quality assurance measures or management controls.