



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

PLEASE RESPOND BY:  
January 5, 2018

COMSECY-17-0040

December 20, 2017

MEMORANDUM TO: Chairman Svinicki  
Commissioner Baran  
Commissioner Burns

FROM: Victor M. McCree */RA Michael R. Johnson Acting for/*  
Executive Director for Operations

SUBJECT: REQUEST FOR REVISION TO COMMISSION TASKING ON  
ANNUAL ASSESSMENT OF THE U.S. NUCLEAR  
REGULATORY COMMISSION ENFORCEMENT PROGRAM

This memorandum requests Commission approval to revise Work Item Tracking System (WITS) task number 199500083 associated with the annual assessment of the U.S. Nuclear Regulatory Commission (NRC) Enforcement Program, to extend the due date from March 31 to May 31 of each year. This task is linked to Commission direction in the June 16, 1995, staff requirements memorandum (SRM) to SECY-95-084, "Assessment of the NRC Enforcement Program, Proposed Revision to the General Statement of Policy and Procedure for NRC Enforcement Actions, and Removal of Policy from 10 CFR Part 2, Appendix C" (Agency Documents Access and Management System (ADAMS) Accession Number ML003756698). In this SRM, the Commission approved wide-ranging changes to the NRC's General Statement of Policy and Procedure for NRC Enforcement Actions (Policy), including removing the Policy from the *Code of Federal Regulations*. The SRM also directed the staff to "provide a report to the Commission on the experience with the new policy including the consideration of public comments after 18 months of experience under the new policy."

Following completion of the original SRM tasking, WITS 199500083 has continued to direct the staff to provide an annual assessment of the NRC's Enforcement Program to the Commission. Between 1998 and 2005, the annual assessments provided information on the agency's enforcement activities by fiscal year. In 2006, the report was changed to a calendar year basis in order to be aligned with other annual reports prepared by the Office of Enforcement (OE), as well as to be more user-friendly for members of the public. In recent years, OE has included additional information in the Enforcement Program Annual Report that has been requested by stakeholders, such as OE insights on enforcement trends and nonescalated enforcement data. Consequently, striking the right balance between providing accurate information on calendar year enforcement trends and annual reporting timeliness has become increasingly challenging.

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These challenges are driven primarily by the limited amount of time available to gather and validate enforcement data once it is entered into each program's tracking systems,<sup>1</sup> report preparation and review, and the more compressed schedule that resulted when the report's format was revised to a calendar year basis (i.e., preparation time was reduced from 6 to 3 months). Accordingly, the OE staff believes that the Commission and public stakeholders would benefit by revising the due date for publication of the annual report from March 31 to May 31 of each year. If approved, the additional 60 days to prepare the annual report would help to ensure the submission of a high quality document, by allowing the necessary time for the staff to validate enforcement data obtained from the various tracking systems.

Based on the justification provided above, the staff requests that the Commission approve requested schedule adjustments for WITS 199500083.

SECY, please track.

cc: SECY  
OGC  
OCA  
OPA  
CFO

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<sup>1</sup> Nonescalated enforcement results from end of the calendar year inspections typically appear in tracking systems in mid-to-late February after the inspection reports have been prepared, reviewed, approved, and entered into the appropriate data tracking systems, such as the Replacement Reactor Program System and Web-Based Licensing.

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ASSESSMENT OF THE U.S. NUCLEAR REGULATORY COMMISSION ENFORCEMENT  
PROGRAM DATE: December 20, 2017

**DISTRIBUTION: WITS199500083** (Reference)

RidsOEMailCenter Resource  
RidsSecyMailCenter Resource  
RidsEdoMailCenter Resource  
C. Araguas, OEDO

**ADAMS Accession Number: ML17313A090**

**EDO-004** \*by e-mail

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|---------------|------------|-----------------------|---------------------------|------------|
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| <b>NAME</b>   | RFretz     | JDougherty            | JPeralta                  | CHair *    |
| <b>DATE</b>   | 11/09/2017 | 09/12/2017            | 11/09/2017                | 11/08/2017 |
| <b>OFFICE</b> | OE/D       | DEDM                  | EDO                       |            |
| <b>NAME</b>   | ABoland    | FBrown<br>KHowell for | VMcCree<br>(MJohnson for) |            |
| <b>DATE</b>   | 11/20/2017 | 12/04/2017            | 12/ 20 /2017              |            |

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