

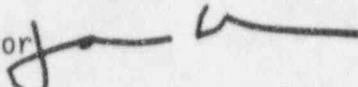


UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

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PDR (35)  
cc: Martin  
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File

June 3, 1996

MEMORANDUM TO: Bill M. Morris, Director,  
Division of Regulatory Applications, RES

FROM: James Lieberman, Director   
Office of Enforcement

SUBJECT: ADDITIONAL CHANGE IN PART 2 DIRECT RULEMAKING

As Geoffrey Cant of my staff has informally advised your staff, I have identified a further change that is needed to 10 CFR 2.201. This change will permit full evaluation of a licensee's or other person's position in response to a Notice of Violation if the response denies any violation. The change conforms the rule to current practice, as without knowing the reasons for the denial, the agency would not have an adequate basis to decide if a Notice should be modified. This change meets the criteria for a direct rulemaking and its inclusion in this action will not significantly delay issuance of the rulemaking.

Attachment: As stated

cc: H. Thompson, Jr., DEDS

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ADDITIONAL CHANGES TO PART 2 DIRECT RULEMAKING

1. In the Summary add:

The final rule also provides that a licensee responding to a Notice of Violation must state the reasons for denying a violation as well as when admitting the violation.

2. Following the discussion for section 2.201(a) add the following paragraph:

Section 2.201(b) states that the Notice may require the licensee or other person subject to the jurisdiction of the Commission to admit or deny the violation, and to state the reasons for the violation, if it is admitted. However, to properly evaluate the licensee's position and to decide whether the Notice of Violation should be withdrawn or modified, it is necessary to understand the basis on which the licensee denies the violation. Therefore, it is appropriate to require the licensee or other person to state the reasons for denying the violation. This change establishes that requirement.

3. In action statement 3, regarding Section 2.201, delete ", paragraph (a)" so it will read: "Section 2.201 is revised to read as follows:"

4. Insert the text of 2.201(b) and modify it to read as follows:

(b) The notice may require the licensee or other person subject to the jurisdiction of the Commission to admit or deny the violation and to state the reasons for admitting or denying the violation. It may provide...[balance as at present].

5. Modify the Regulatory Analysis as appropriate.