



OFFICE OF THE  
SECRETARY

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

RELEASED TO THE PDR

12/13/96 *Stw*  
date initials

November 26, 1996

MEMORANDUM TO: James M. Taylor  
Executive Director for Operations

FROM: John C. Hoyle, Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-96-222 - USE OF  
OPEN ENFORCEMENT CONFERENCES AND ELIMINATION  
OF CERTAIN PROVISIONS FOR COMMISSION  
CONSULTATION; PROPOSED REVISIONS TO THE  
ENFORCEMENT POLICY TO ADDRESS RISK  
SIGNIFICANT VIOLATIONS AND CERTAIN NON-CITED  
VIOLATIONS

The Commission has approved the proposed revisions to the Enforcement Policy and publication of the associated Federal Register notice with the changes indicated in the attachment.

The staff should prepare a follow on report to the Commission which details how it intends to relate risk considerations to the assessment of civil penalties. The report should be prepared after about six months experience is gained in applying risk considerations to enforcement actions.

(EDO)

(SECY Suspense: 7/17/97)

The staff should ensure that press releases for open predecisional enforcement conferences continue to be carefully worded so as not to prejudge the outcome. They should continue to include an explicit description of the nature of the conference as a predecisional opportunity for the licensee to present any additional material or information before the NRC arrives at a decision. If public attendance creates gaps in communication and needed information, the staff should take the necessary additional steps to acquire the needed information.

The Commission should receive a more detailed and earlier explanation of an enforcement action than an EN provides if the action is likely to have implications for broader sanctions (i.e., where the staff contemplates significant additional

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enforcement action in the near future) or involves issues that are of substantial public interest, for example, Maine Yankee, Millstone and NIH.

Attachment: as stated

cc: Chairman Jackson  
Commissioner Rogers  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
OCA  
OIG

Changes to the text of the Federal Register notice

1. On page 3, in the last line inside the parentheses, change the "10" to a "3."
2. On page 7, in the first paragraph under Non-Cited Violations, in line 5, change "Example" to "Criterion" and enclose the "a" in 1.a in parentheses.
3. On page 8, in the second paragraph, line 6, change "example" to "criterion."
4. On page 9, in the third paragraph, line 2, change the Roman numeral III to a IV. In line 6, insert parentheses around the "e" in VII.A.1.e.
5. On page 17, insert the following at the end of the first line: "NRC's Predecisional Enforcement Conferences (whether open or closed) normally will be held at the NRC's regional offices or in NRC Headquarters Offices and not in the vicinity of the licensee's facility."