



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

Sen. Percy
LJE

APR 18 1984

Ms. Nancy Ginn
Subcommittee on Energy, Nuclear
Proliferation and Government Processes
Committee on Governmental Affairs
605 Hart
Washington, D.C. 20510

Dear Nancy:

Enclosed are 1) a copy of the NRC's Enforcement Policy; 2) a table of the civil penalties proposed in 1983 including the licensee, the amounts proposed, the dates proposed, the dates and amounts imposed or paid, and the Supplements of the Enforcement Policy under which the penalties were proposed; and 3) a set of four volumes of NUREG-0940 for 1983 which includes all enforcement actions closed during that period.

You should note that the Enforcement Policy contains Tables IA and IB which specify the amounts of civil penalties that may be imposed for violations of varying Severity Levels (from I to V in decreasing magnitude of severity), for various categories of licensee, and for various categories of activities. These amounts were revised upwards on March 8, 1984 from a base civil penalty for Severity Level I of \$80,000 to a base civil penalty of \$100,000 for Severity Level I violations. Since you indicated a special interest in transportation activities, you should pay particular attention to Supplement V of the Policy, the transportation Supplement, and the last two columns of Table IA. I will be prepared to give you a briefing on the policy and how it works when we meet on Monday.

The table of civil penalties includes all civil penalties proposed during 1983. NUREG-0940 includes all enforcement actions closed during 1983, by quarter. Therefore, some cases in NUREG-0940 that were proposed in 1982 but closed in 1983 will not appear on the table. Similarly, some of the cases on the table may not appear in the NUREG if they have not yet been closed out by payment. Every licensee for which a penalty was imposed in 1983 has paid the penalty.

I'll be happy to discuss this information on Monday but if you have any questions I can answer before that, please call me at 492-4909.

Sincerely,

Jane A. Axelrad
Jane A. Axelrad, Director
Enforcement Staff

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PDR FOIA
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<u>Licensee</u>	<u>Proposed Amount</u>	<u>Imposed Amount</u>	<u>Order of Imposition</u>	<u>Payment Date</u>	<u>Supplement</u>
Victoreen Inc., Cleveland, Ohio License No. 34-00486-04	\$625 (1-6-83)		Paid without Imposition Order	2-14-83	V
Exam Company Tulsa, Oklahoma License No. 35-16191-01	\$6400 (1-7-83)		Paid without Imposition Order	2-14-83	IV, VI
Tennessee Valley Authority Chattanooga, Tennessee (Browns Ferry Nuclear Plant) Docket Nos. 50-259, 50-260, 50-297	\$40,000 (1-13-83)		Paid without Imposition Order	2-16-83	III
Arkansas Power & Light Company Little Rock, ARK (Arkansas Nuclear One) Docket 50-368	\$5,000 1-18-83		Paid without Imposition Order	2-14-83	VII
Commonwealth Edison (Braidwood) Chicago, IL (Braidwood Units 1 & 2) Docket Nos. 50-456 & 50-457	\$100,000 (2-2-83)	\$100,000 6-27-83	6-27-83	7-29-83	II
Alabama Power Co. Birmingham, Alabama (Farley) Docket No. 50-364	\$40,000 2-2-83		Paid without Imposition Order	2-28-83	I
Consumers Power Company Jackson, MI (Midland Nuclear Power Plant) Docket Nos. 50-329 & 50-330	\$120,000 (2-8-83)	\$116,500	8-29-83	9/30/83	II

Licensee	Proposed Amount	Imposed Amount	Order of Imposition	Payment Date	Supplement
Commonwealth Edison Company Chicago, IL Docket No. 50-237 (Dresden, Unit 2)	\$20,000 2-16-83		Paid without Imposition Order	3-17-83	I
Commonwealth Edison Company Chicago, IL Docket Nos. 50-237, 249, 254, 265 (Quad-Cities, Units 1 & 2)	\$100,000 2-16-83		Paid without Imposition Order	4-19-83	I
Carolina Power & Light Company Raleigh, NC Docket Nos. 50-324/325 (Brunswick Units 1 & 2)	\$600,000 2-18-83	6-28-83 \$600,000	6-28-83	8-1-83	I
Energy Fuels Nuclear, Inc. Denver, CO License No. SUA-1358	\$4,000 2-22-83		Paid without Imposition Order	4-8-83	IV
Plateau Resources Limited Grand Junction, CO License No. SUA-1371	\$4,000 2-22-83		Paid without Imposition Order	3-24-83	IV
Arkansas Power and Light Co. Little Rock, AR (Arkansas Nuclear One, Unit 1) Docket No. 50-313	\$20,000 3-8-83		Paid without Imposition Order	4/11/83	I
I. Gonzalez-Martinez Oconologic Hospital Hato Rey, Puerto Rico License No. 52-13471-02	\$2,000 3-23-83	\$2,000 6/17/83	6-17-83	8-1-83	VI
Hospital Metropolitano San Juan, Puerto Rico License Nos. 52-16033-01 & 52-16033-02	\$4,000 3-23-83	\$2,500 9/29/83		10/21/83	IV, VI
Kansas Gas and Electric Company Wichita, KS (Wolf Creek Generating Station) Docket No. 50-482	\$40,000 3-23-83	\$40,000 6-30-83	6-30-83	8-4-83	II

<u>Licensee</u>	<u>Proposed Amount</u>	<u>Imposed Amount</u>	<u>Order of Imposition</u>	<u>Payment Date</u>	<u>Supplement</u>
Virginia Electric & Power Co. Richmond, VA (Surry Unit No. 1) Docket No. 50-280	\$20,000 3-24-83		Paid without Imposition Order	5/6/83	I
Southern California Edison Co. Rosemead, CA San Onofre Unit 2 Docket No. 50-361	\$120,000 3-24-83		Paid without Imposition Order	5/5/83	I
Public Service Electric & Gas Co. Hancocks Bridge, NJ (Salem Nuclear Generating Station) Dockets 50-272 & 50-311	\$20,000 3-25-83		Paid without Imposition Order	5/12/83	I
Philadelphia Electric Company Philadelphia, Pennsylvania (Peach Bottom, Units 2 & 3) Dockets 50-277 & 278	\$140,000 3-29-83		Paid without Imposition Order	5-4-83	I
Wisconsin Public Service Corp Green Bay, WI (Kewaunee Nuclear Power Plant) Docket No. 50-305	\$60,000 4-11-83	\$30,000	8-9-83	9-13-83	I
Commonwealth Edison Company Chicago, IL (Quad Cities Nuclear Power Stations Units 1 & 2) Docket Nos. 50-254 & 50-265	\$60,000 4-11-83		Paid without Imposition Order	5-13-83	I
Northern States Power Company Minneapolis, MI (Monticello Nuclear Generating Plant) Docket No. 50-263	\$20,000 4-11-83		Paid without Imposition Order	5-17-83	I
Long Island Lighting Company Hicksville, NY (Shoreham Nuclear Station) Docket No. 50-322	\$40,000 4-12-83	7-15-83 \$40,000	7-15-83	8-12-83 ltr dated 8/15	II

Licensee	Proposed Amount	Imposed Amount	Order of Imposition	Payment Date	Supplement
John R. Sinkey, MD Toledo, Ohio License No. 34-02867-01	\$500 4-21-83	PENALTY REMITTED BY LETTER DATED JUNE 21, 1983			V, VI
Pennsylvania Power and Light Company Allentown, PA (Susquehanna Steam Electric Station Unit 1) Docket No. 50-387	\$60,000 4-22-83		Paid without Imposition Order	5-25-83	I
Niagara Mohawk Power Corporation Syracuse, NY (Nine Mile Point Nuclear Station) Docket No. 50-410	\$100,000 4-26-83	6-24-83 \$100,000	Paid without Imposition Order	9/23/83	II
Florida Power & Light Company Juno Beach, FL (Turkey Point) Docket Nos. 50-250 & 50-251	\$40,000 5-3-83		Paid without Imposition Order	6-6-83	IV
Commonwealth Edison Company Chicago, IL Zion Nuclear Power Station, Units 1 & 2 (Docket Nos. 50-295 & 50-304)	\$10,000 5-3-83	\$10,000 7-26-83	7-26-83	3-22-83	III
Advanced Medical Systems Geneva, Ohio License Nos. 34-19089-01 and 34-19089-02	\$4,000 5-5-83	7-13-83 \$4,000	7-13-83	8-17-83	IV, VI
Public Service Electric & Gas Company Newark, NJ (Salem, Unit 1) Docket No. 50-272	\$850,000 5-5-83		9/29/83	11/2/83	I
Virginia Electric and Power Company Richmond, VA (Surry, Units 1 and 2) Docket Nos. 50-280 & 50-281	\$40,000 5-9-83		Paid without Imposition Order	6-13-83	IV

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Vermont Yankee Nuclear Power Corp. Brattleboro, VT (Vermont Yankee Nuclear Power Station) Docket No. 50-271	\$40,000 5-10-83	PENALTY REMITTED BY LETTER DATED AUGUST 16, 1983			I
Standard Oil Company (Indiana) Naperville, IL License No. 12-13837-01	\$1,000 5-13-83		Paid without Imposition Order	6/15/83	VI
Maine Yankee Atomic Power Company Augusta, Maine (Maine Yankee Atomic Power Station) Docket No. 50-309	\$40,000 5-20-83		Paid without Imposition Order	6/21/83	I
Pharmatopes, Inc. Cleveland, Ohio License No. 37-18467-01MD	\$4,000 5-20-83		Paid without Imposition Order	6/21/83	VII
GPU Nuclear Corporation Forked River, NJ (Oyster Creek Nuclear Generating Station) Docket No. 50-219	\$40,000 6-1-83		Paid without Imposition Order	6/21/83	III
Georgia Power Company Atlanta, GA (Hatch Units 1 & 2) Docket Nos. 50-321 & 50-366	\$40,000 6-2-83		Paid without Imposition Order	6/28/83	I
Duke Power Company Charlotte, NC (Oconee Units 1 & 3) Docket Nos. 50-269 & 50-287	\$180,000 6-2-83	PENALTY WITHDRAWN BY LETTER DATED DECEMBER 20, 1983			I
Jones & Laughlin Steel E. Chicago, IL License No. 13-18804-01	\$1,000 6-2-83		Paid without Imposition Order	6/24/83	IV, VI

Licensee	Proposed Amount	Imposed Amount	Order of Imposition	Payment Date	Supplement
Philadelphia Electric Company Philadelphia, PA (Peach Bottom Atomic Power Station Units 2 & 3) Docket Nos. 50-277 & 50-278	\$40,000 6-13-83		Paid without Imposition Order	7/15/83	I
Mississippi Power and Light Company Jackson, MS (Grand Gulf Nuclear Plant) Docket No. 50-416	\$40,000 6-13-83	6-16-83 \$20,000	6-16-83	9-15-83	III
Commonwealth Edison Company Chicago, IL (Quad Cities Nuclear Power Station, Unit 1) Docket No. 50-254	\$150,000 6-21-83		Paid without Imposition Order	8/19/83	I
Branch Radiographic Laboratories, Inc. Cranford, New Jersey Docket 30-05291	\$3,000 7-1-83		Paid without Imposition Order	8/31/83	IV, VI
General Public Utilities, Parsippany, NJ (THI Nuclear Station) Docket Nos. 50-289, 50-320	\$140,000 7-22-83		PENDING		VII
Calumet Testing Services, Inc. Griffith, IN License No. 13-16347-01	\$4,000 8-3-83		Paid without Imposition Order	9/7/83	IV, VI
Commonwealth Edison Company Chicago, IL (LaSalle County Nuclear Station Unit 1) Docket No. 50-373	\$60,000 8-9-83	11-30-83	11-30-83	12/28/83	I
Dairyland Power Cooperative La Crosse, WI (La Crosse Boiling Water Reactor) Docket No. 50-409	\$40,000 3-12-83		PENDING		I

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Florida Power & Light Company Jung Beach, FL (Turkey Point, Unit 3) Docket 50-250	\$100,000 8-15-83		Paid without Imposition Order	9-14-83	I
Consumers Power Company Jackson, MI (Palisades Nuclear Plant) Docket No. 50-255	\$20,000 8-24-83		Paid without Imposition Order	9/26/83	III
Commonwealth Edison Company Chicago, IL (Zion Nuclear Power Station) Docket Nos. 50-295 & 50-304	\$40,000 8-24-83	\$40,000	11/9/83	12/12/83	III
Texas Utilities Generating Co. Dallas, TX (Comanche Peak Steam Electric Station) Docket Nos. 50-445, 50-446	8-29-83 \$40,000		PENDING		II
George Washington University Medical Center, Washington, DC (License Nos. 08-00216-22, 08-00216-23, SNM-1499)	\$2,500 9-1-83	\$2,500	11/15/83	12/12/83	IV, VI
University Hospitals of Cleveland Cleveland, OH License No. 34-05469-01	\$2,000 9-1-83		Paid without Imposition Order	9/16/83	IV, VI
Nuclear Metals, Inc. Concord, Massachusetts License No. SM6-179	\$9,600 9-1-83		Paid without Imposition Order	10/4/83	IV

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Kay-Ray, Inc. Arlington Heights, IL License No. 12-1184-01	\$1,800 9/23/83		Paid without Imposition Order	10/25/83	IV, V
Portland General Electric (Trojan Nuclear Power Plant) Docket No. 50-344	9/29/83 \$100,000	\$50,000 12/19/83	12/19/83	1/24/84	I
University of Virginia Charlottesville, VA Docket No. 50-062	\$1,000 10/6/83		Paid without Imposition Order	11/7/83	I
Niagara Mohawk Power Corp. (9 Mile Point) Docket No. 50-220	\$40,000 10/6/83		Paid without Imposition Order	11/14/83	I
U.S. Testing Company Hoboken, NJ Docket No. 30-11579	\$8,000 10/7/83		1/10/84	1/24/84	IV
Terre Haute Regional Hospital Terre Haute, Indiana License Nos. 13-09649-01 & 02	\$2,500 10/19/83		1/17/84	1/30/84	IV, V
Professional Service Industries Oak Brook, Illinois License No. 12-16941-01	\$2,000 10/20/83		12/19/83	1/18/84	IV, V, VI
Union Carbide Corp. Grand Junction, CO Docket 40-00299	\$4,000 11/3/83		2/10/84	3/2/84	IV, VI
Baltimore Gas & Electric Co. (Calvert Cliffs) Docket Nos. 50-317, 50-318	\$60,000 11/4/83		Paid without Imposition Order	12/6/83	I

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Brigham & Women's Hospital, Boston, MS 20-17131-01	\$1,875 11/8/83		Paid without Imposition Order	12/12/83	V
Arkansas Pwr & Light (ANO, Unit 2) Docket No. 50-368	\$40,000 11/9/83		Paid without Imposition Order	12/12/83	I
Carolina Pwr & Light (H.B. Robinson) Docket No. 50-261	\$20,000 11-15-83		Paid without Imposition Order	12/19/83	III
Commonwealth Edison Company (Dresden Nuclear Power Station) 11-10-83 Docket No. 50-237	\$50,000		3/23/84	3/30/84	I
Northern States Power Company (Monticello) Docket No. 50-263	\$2,500 11-23-83		Paid without Imposition Order	12/23/83	V
Southern California Edison Company (San Onofre, Unit 3) Docket No. 50-362	\$40,000 12/8/83		Paid without Imposition Order	1/9/84	I
Arizona Public Service Company (Palo Verde Nuclear Generating Station) Docket No. 50-528	\$80,000 12/12/83	\$20,000	4/3/84	PENDING	II, VII
Lehigh Testing Laboratories, Inc. W. Boylston, MA License No. 07-01173-03	12/19/83 \$6,400		Paid without Imposition Order	1/19/84	IV, VI
Mississippi Pwr & Light Company (Grand Gulf) Docket No. 50-416	\$12,000 12/21/83		Paid without Imposition Order	1/30/84	I
Commonwealth Edison Company (LaSalle Nuclear Pwr Station) Docket No. 50-373	\$10,000 12/21/83		Paid without Imposition Order	1/23/84	III

<u>Licensee</u>	<u>Proposed Amount</u>	<u>Imposed Amount</u>	<u>Order of Imposition</u>	<u>Payment Date</u>	<u>Supplement</u>
Texas Utilities Gen. Co. (Comanche Peak Steam Electric Station) Dockets No. 50-445 & 50-446	\$40,000 12/22/83		PENDING		II
Georgia Power Company (Hatch Unit 2) Docket No. 50-366	\$100,000 12/27/83		Paid without Imposition Order	1/30/84	I

**NUCLEAR REGULATORY
COMMISSION****10 CFR Part 2****General Statement of Policy and
Procedure for Enforcement Actions**

AGENCY: Nuclear Regulatory
Commission.

ACTION: Revised general statement of
policy.

SUMMARY: The NRC is publishing minor revisions to its enforcement policy (47 FR 9987 (March 9, 1982)) based upon its experience to date in implementing the policy. The policy statement is intended to inform licensees and the public of the bases for taking various enforcement actions. The policy is codified as Appendix C to Part 2 of Title 10 of the Code of Federal Regulations. The Commission has also directed that a study of the enforcement program be performed by a small committee of individuals from outside the agency to be selected by the Commission. As a result of this study, additional changes to the policy may be proposed. Comments on these revisions are solicited and will be considered in the in-depth study of the enforcement program.

EFFECTIVE DATE: This revised statement of policy is effective March 8, 1984 while comments on the policy are being received. Submit comments on or before June 1, 1984. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send comments and suggestions to: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch. Copies of comments may be examined in the U.S. Nuclear Regulatory Commission Public Document Room, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jane A. Axelrad, Director, Enforcement Staff, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301-492-4909).

SUPPLEMENTARY INFORMATION:**Background**

The criteria used by the Commission to conduct its enforcement activities were first published on October 17, 1972 (37 FR 21962). These criteria were subsequently modified on January 3, 1975 (40 FR 820) and on December 3, 1979 (44 FR 77135). In late 1979, the

Commission directed the staff to prepare a comprehensive statement of enforcement policy. This staff effort was given added urgency by the enactment of Pub. L. 96-295 (signed June 30, 1980), that, among other things, amended Section 234 of the Atomic Energy Act to raise the maximum civil penalty the NRC can impose from \$5,000 to \$100,000 per violation per day and eliminated the provision limiting the total civil penalties for any 30-day period to \$25,000. On September 4, 1980, the Commission approved a proposed general statement of policy on enforcement. Comments were solicited on the policy and a series of public meetings was held. On March 9, 1982, the Commission published a final version of the policy (47 FR 9987).

The policy has now been in effect for about two years. The Commission directed the staff to evaluate the policy and recommend changes if any were necessary. The staff met with groups of utility representatives and public interest groups and consulted the NRC Regional Administrators and Office Directors soliciting comments on whether any changes to the policy should be made. The Commission has determined that, pending further study, no major changes should be made to the policy at this time. The Commission has determined, however, that certain minor revisions should be made now.

The Commission has also directed that an in-depth study of the enforcement program be performed by a small committee of individuals from outside the agency to be selected by the Commission. This study will begin this spring. As a result of this study, additional changes to the policy may be proposed.

The Commission is soliciting comments on the minor revisions described below. These comments will be considered in the in-depth study of the enforcement program. In addition, the Commission is particularly interested in comments on the issue of material false statements. In the VEPCO decision in 1976, Virginia Electric Power Company (North Anna Power Station, Units 1 and 2) CLJ-76-22, 4 NRC 480, affirmed, *Virginia Electric & Power Co. v. NRC*, 571 F.2d 1289 (4th Cir. 1978), the Commission defined the term "material false statement" as a statement that is false by omission or commission and has the capability to influence a reasonable agency expert. The Commission's staff has been applying this definition and has taken enforcement actions in several cases for violations involving material false statements.