



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

March 24, 1997

MEMORANDUM TO: David B. Matthews, Chief
Generic Issues and Environmental
Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

FROM: Stewart L. Magruder, Project Manager
Generic Issues and Environmental *Stewart L. Magruder*
Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF MARCH 3, 1997, MEETING WITH THE NUCLEAR ENERGY
INSTITUTE (NEI) REGARDING ENFORCEMENT POLICY ISSUES

On March 3, 1997, representatives of NEI met with representatives of the Nuclear Regulatory Commission (NRC) at the NRC's offices in Rockville, Maryland. Attachment 1 provides a list of meeting attendees.

The meeting was requested by NEI to discuss a concern in the nuclear industry that (1) there is uncertainty in the regulatory process when enforcement action is taken after a licensee believes they have followed applicable guidance, and (2) enforcement action is being used to make new interpretations of existing rules and guidance. The meeting was attended by representatives of the NRC's Office of Nuclear Reactor Regulation (NRR), Office of Enforcement (OE) and Office of the Executive Director for Operations (OEDO).

The NEI representatives opened the meeting by emphasizing that the industry believes that consistency in enforcement actions is of paramount importance. They also stated that all enforcement actions are studied across the industry and that licensees often change their programs based on NRC enforcement actions. The NEI representatives stated that they had requested the meeting to inform the staff of the industry concerns and that the goal of the meeting was not to get any commitments from the staff, but rather, to make the staff aware of the issues. The NEI representatives stated that most of the apparent inconsistencies in enforcement actions involve Severity Level IV violations. They stated that the perception in the industry is that the NRC staff does not take level IV violations seriously and that the staff underestimates the impact that these violations have on licensees.

The NEI representatives next briefly discussed some specific examples of where they felt enforcement actions had been taken inappropriately. The examples included violations of 10 CFR 50.65; 10 CFR 50.72; 10 CFR 50, Appendix B; and 10 CFR 50.59. The NRC staff present at the meeting were familiar with all of

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the examples, however, they noted that it was useful to hear the issues again. The staff also noted that further effort may be warranted to improve the consistency of non-escalated enforcement actions and the Office of Enforcement and NRR are currently conducting an audit of past non-escalated enforcement actions.

Project No. 689

Attachments: As stated

cc: See next page

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Attachments: As stated

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DTaylor

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JLieberman, OE

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NRC/NEI MEETING ON ENFORCEMENT ISSUES
LIST OF ATTENDEES
March 3, 1997

<u>NAME</u>	<u>ORGANIZATION</u>
Ralph Beedle	NEI
Tony Pietrangelo	NEI
Doug Walters	NEI
Biff Bradley	NEI
Ellen Ginsberg	NEI
Mike Neal	NUS-LIS
Altheia Wyche	Bechtel/SERCH
Jim Lieberman	NRC/OE
Dave Nelson	NRC/OE
Pat Santiago	NRC/OEDO
Roy Zimmerman	NRC/NRR
Bruce Boger	NRC/NRR
Lee Spessard	NRC/NRR
Suzanne Black	NRC/NRR
Richard Correia	NRC/NRR
Wayne Scott	NRC/NRR
J.D. Wilcox	NRC/NRR
Don Taylor	NRC/NRR
Tom Bergman	NRC/NRR
Stu Magruder	NRC/NRR

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