



Graded Approach in Enforcement

Dan Merzke
U.S. Nuclear Regulatory
Commission



Enforcement

Step 1 – Identify the non-compliance and determine safety significance or severity level

- Non-compliances and inspection findings (failure to meet a requirement or standard (a standard includes a self-imposed standard such as a voluntary initiative or a standard required by regulation) that was reasonably within the licensee's ability to foresee and correct and should have been prevented, with more than minor safety significance)

Enforcement

Step 1 – Screen for significance

- Traditional enforcement – severity levels
 - Willful, impeding the regulatory process, actual safety consequence
 - SL determined by criteria described in Enforcement Manual
- Reactor oversight process findings – significance levels
 - Significance Determination Process (SDP) – IMC 0609
 - Probabilistic
 - Deterministic

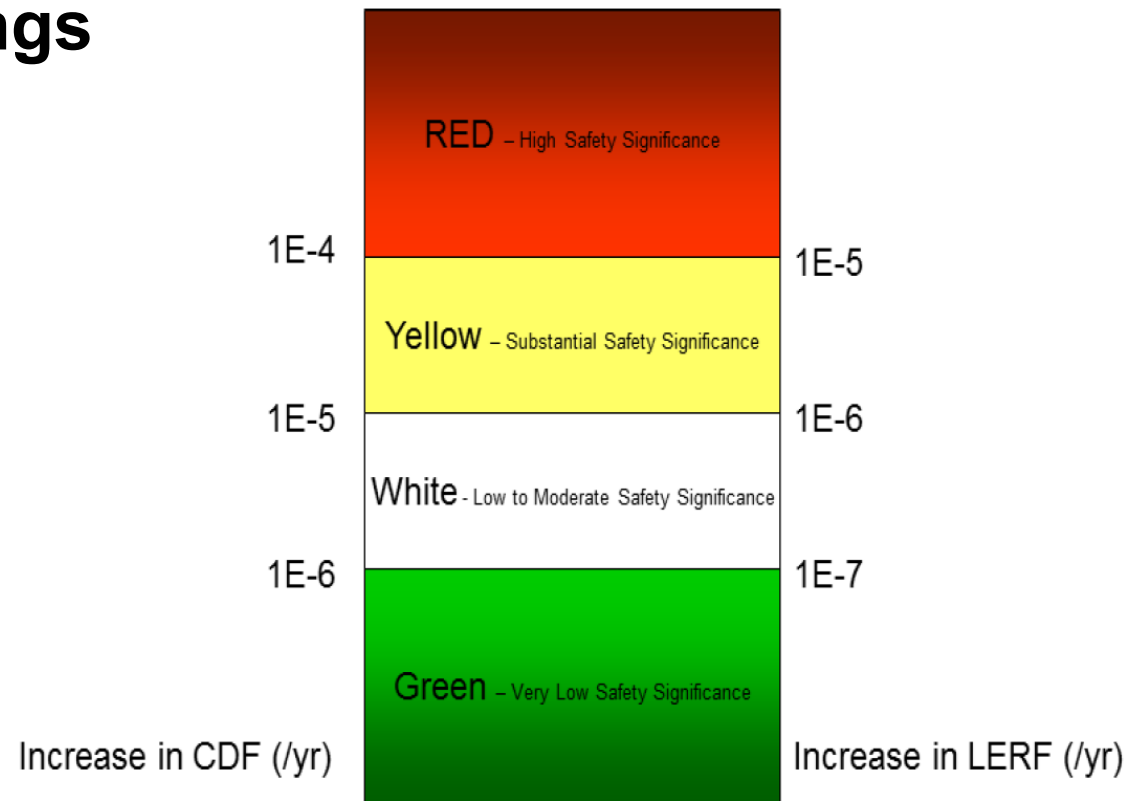
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Traditional enforcement

- Severity Level I - violations are those that resulted in or could have resulted in serious safety or security consequences
- Severity Level II violations are those that resulted in or could have resulted in significant safety or security consequences
- Severity Level III violations are those that resulted in or could have resulted in moderate safety or security consequences
- Severity Level IV violations are those that are less serious, but are of more than minor concern, that resulted in no or relatively inappreciable potential safety or security consequences

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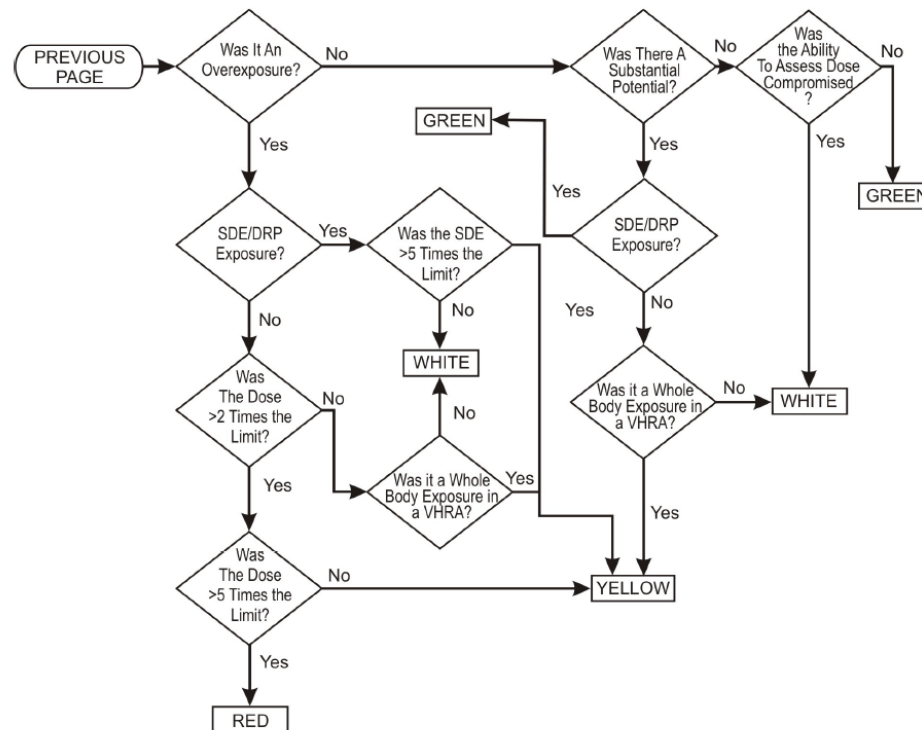
SDP Findings



Enforcement

SDP Findings

Occupational Radiation Safety SDP



Enforcement

- **Step 2 – Identify applicable factors to consider**
 - The safety significance or seriousness of the violation or non-compliance;
 - Who identified and reported the non-compliance, i.e., whether the non-compliance was self-reported or identified during an independent inspection;
 - Timeliness of corrective actions to restore compliance with the requirements;
 - The frequency and number of deficiencies;
 - Whether or not the identified deficiency is repetitive; and
 - Willfulness

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- Step 3 - Integrate factors into decision-making process to determine appropriate enforcement action
 - Enforcement tools:
 - Minor violation (entered into licensee corrective action program)
 - Non-cited violation (NCV = non-escalated enforcement)
 - Notice of violation (NOV = escalated enforcement)
 - Civil penalty
 - Orders

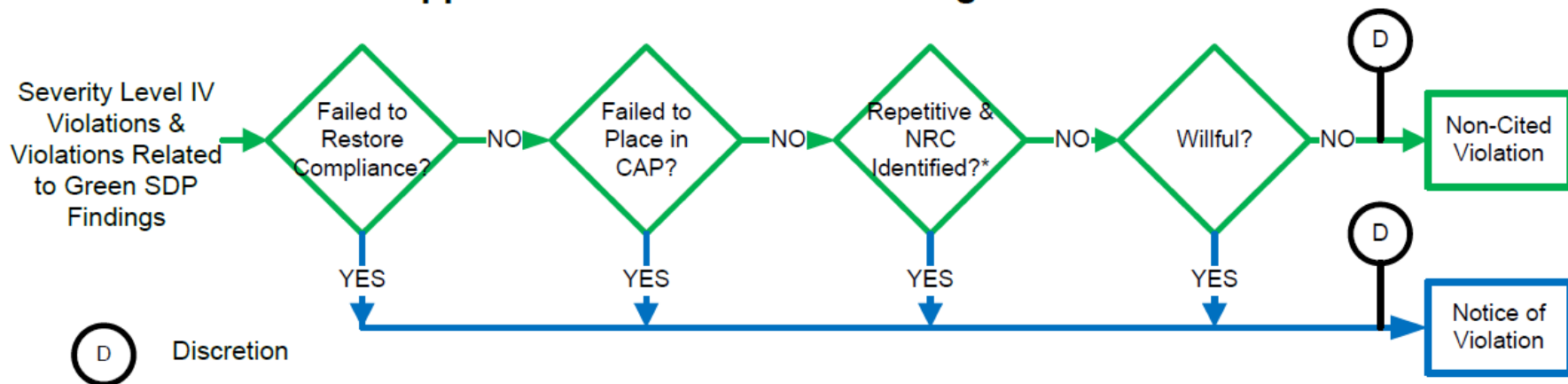
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Step 3 – safety significance of the non-compliance is the primary factor in determining the appropriate tool.

- Other factors mitigate or exacerbate the significance
- Licensee-identified mitigates – encourages licensees to find and fix problems before regulator finds them.
- Repetitive exacerbates – corrective actions untimely or ineffective
- Willful exacerbates – knowingly and deliberately violates regulations

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Licensees and Non-licensees with an Approved Corrective Action Program

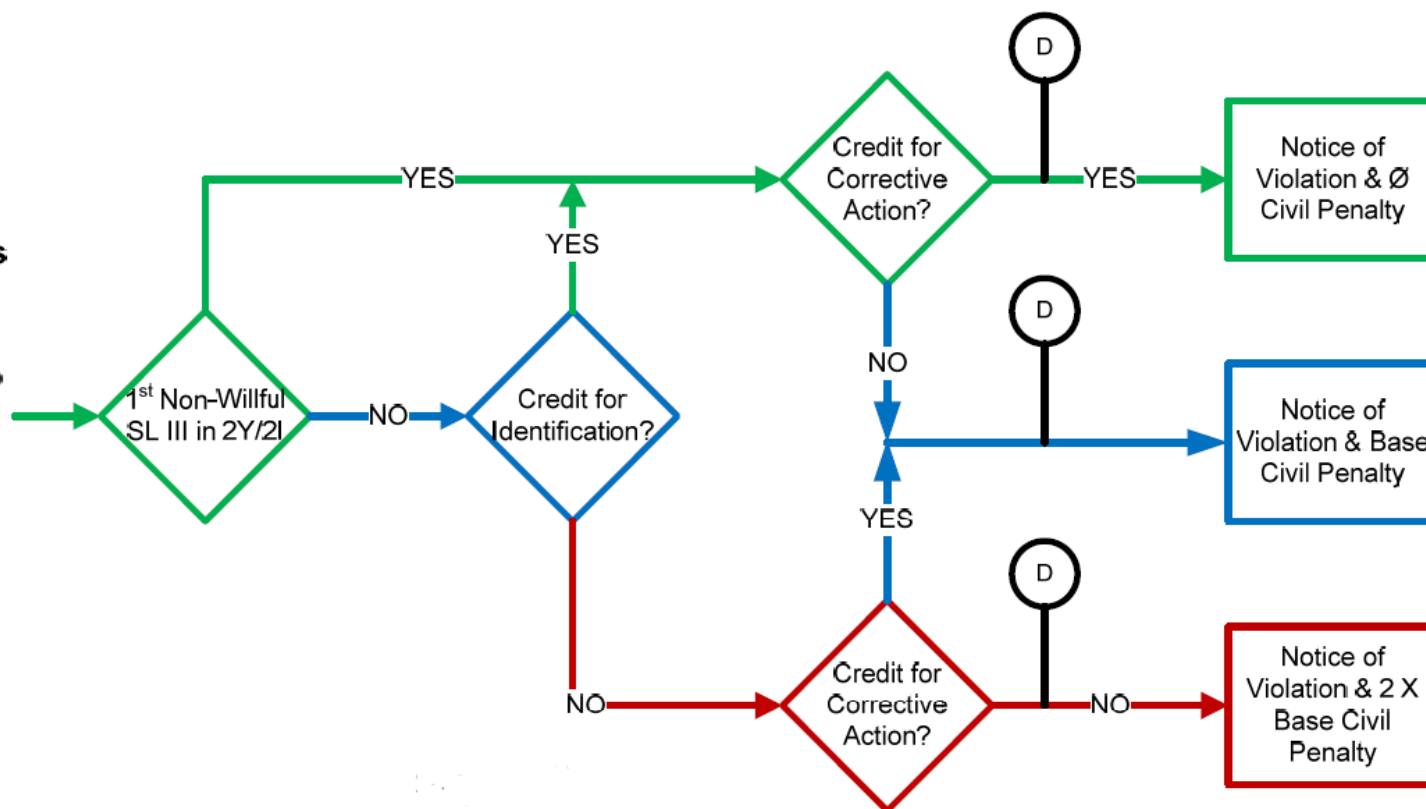


Enforcement

Escalated Process

Severity Level I, II and III Violations & Violations Related to Red, Yellow and White SDP Findings with Actual Consequences

(D) Discretion



Enforcement

- Specific guidance located in NRC Enforcement Manual
 - <https://www.nrc.gov/about-nrc/regulatory/enforcement/guidance.html#manual>