



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

EGM 00-001

March 30, 2000

MEMORANDUM TO: Hubert J. Miller, Regional Administrator, Region I
Luis A. Reyes, Regional Administrator, Region II
James Dyer, Regional Administrator, Region III
Ellis W. Merschoff, Regional Administrator, Region IV
Jon R. Johnson, Associate Director for Inspection
and Programs, NRR
Brian W. Sheron, Associate Director for Project Licensing and
Technical Analysis, NRR
Michael F. Weber, Director, Division of Fuel Cycle Safety and
Safeguards, NMSS
Donald A. Cool, Director, Division of Industrial and Medical
Nuclear Safety, NMSS
John T. Greeves, Director, Division of Waste Management, NMSS
E. William Brach, Director, Spent Fuel Project Office, NMSS

FROM: R. W. Borchardt, Director */RA/*
Office of Enforcement

SUBJECT: ENFORCEMENT GUIDANCE MEMORANDUM - APPLICATION
OF THE ENFORCEMENT POLICY IN CONJUNCTION WITH
THE REVISED REACTOR OVERSIGHT PROCESS

In a Staff Requirements Memorandum (SRM) dated March 28, 2000, the Commission approved initial implementation of the revised reactor oversight process (RROP) as described in SECY-00-0049 with a start date of April 2, 2000. The Office of Enforcement (OE) proposed revisions to the Enforcement Policy to support the initial implementation of the RROP in SECY-00-0061. The Commission has not yet approved the staff's proposal for revision of the Enforcement Policy. The proposed Policy primarily incorporates the Interim Enforcement Policy, that has been used during the NRC Power Reactor Oversight Process Pilot Plant Study, as permanent guidance applicable to all operating reactors participating in the RROP.

The purpose of this memorandum is to notify you that until the Commission formally approves the proposed Enforcement Policy and it is published in the *Federal Register*, the staff should apply the Interim Enforcement Policy to all operating reactors participating in the RROP. Once the revised Enforcement Policy is approved, OE will process it as quickly as possible, notify the staff when it is published in the *Federal Register*, post it on OE's Web site, and reissue it as a new edition of NUREG-1600.

This memorandum also provides guidance that addresses the treatment of enforcement issues during the RROP transition period.

All enforcement issues identified during inspections that end prior to April 2, 2000, will be dispositioned in accordance with the Enforcement Policy in effect prior to April 2 (i.e., NUREG-1600, November 9, 1999). All enforcement issues identified during inspections that end after April 2, 2000, will be dispositioned in accordance with the Enforcement Policy that addresses initial implementation of the RROP. In other words, the inspection end date dictates the Enforcement Policy to be applied and not the identification or inspection exit date.

In addition, until final guidance is issued, the staff should follow the implementing guidance in EGM 99-006 Rev. 1, for all operating reactors participating in the RROP. In particular, the staff should continue to exercise discretion in accordance with Section VII.B.6 of the Enforcement Policy for inaccurate or incomplete performance indicator data. Such cases require an enforcement action (EA) number and approval by OE prior to issuance. Further, the Non-Cited Violation (NCV) appeal process language should continue to be included in cover letters. However, the language in EGM 99-006 Rev. 1, should be modified to eliminate the reference to severity level since they are not normally used. Consistent with the language in MC0610*, the cover letter should state, "If you contest the NCV,..." Finally, to help identify the related significance of enforcement actions, the Notice of Violation (NOV) should include the following statement after the "Contrary to," paragraph:

"This violation is associate with a (Green, White, Yellow, or Red) Significance Determination Process finding."

NOVs associated with White, Yellow, or Red SDP findings will be posted on OE's Web site for escalated actions.

If you have any questions, contact Renée Pedersen at 301-415-2742 or e-mail (RMP).

cc: The Chairman
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
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