

February 16, 1999

MEMORANDUM William D. Travers
TO: Executive Director for Operations
FROM: Annette Vietti-Cook, Secretary /s/
SUBJECT: STAFF REQUIREMENTS - SECY-98-303 - INTERIM ENFORCEMENT POLICY REGARDING
PROPOSED NEW REQUIREMENTS FOR THE POSSESSION OF INDUSTRIAL DEVICES CONTAINING
BYPRODUCT MATERIAL (10 CFR 31.5)

The Commission has approved the interim enforcement policy subject to the following comments.

1. In the section, "Exercise of Enforcement Discretion," add at the end of the sentence, "and otherwise has undertaken good faith efforts to respond to NRC notices and provided requested information." Given the fact that the NRC request for information will represent the first contact by NRC for many of these general licensees, it is not unreasonable to expect that many of the responses will be incomplete or initially inaccurate. In such cases, general licensees should not be penalized provided good faith efforts were made to provide the requested information.
2. For the same reason, in the section, "Exceptions," insert "willful" at the beginning of the third exception so that it reads, "(c) willful failure to provide complete and accurate information to the NRC."

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
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CFO
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OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
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