



## **Proposed Enforcement Policy Revision to Incorporate cROP Enforcement Approach**

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## Background

- Enforcement Guidance Memorandum (EGM) 11-06, “Enforcement Actions Related to the Construction Reactor Oversight Process,” was issued on December 21, 2011.
  - Enforcement guidance for use during the cROP pilot
  - EGM stated, “If the cROP pilot is successful, the guidance in this EGM will remain in effect until the NRC issues a revision to the Enforcement Policy using the principles in this EGM.”



## Proposed Enforcement Policy Revision

- Federal Register Notice on 10/9/2014
  - Enforcement Policy Revision
  - Request for Comment
  - Comments initially due on 11/24/2014
  - NRC granted NEI request to extent comment period until 12/22/2014



## **Proposed Enforcement Policy Revision**

- Proposed Revision Includes:
  - Violation Examples
  - Construction Reactor Oversight Process
  - Glossary Revisions
  - Civil Penalty for Reciprocity
  - New Section 3.10, “Operating Reactor Violations With No Performance Deficiency”
  - Traditional Enforcement Civil Penalty Assessment for Power Reactors
  - Revision to Section 6.13, “Information Security”



## **Construction Reactor Oversight Process Revision**

- Table of contents will be revised to incorporate the cROP
- Section 2.2, “Assessment of Violations”
  - Adds the use of the Construction Significance Determination Process to assess the significance of violations
- Section 2.2.3, Operating Reactor Assessment Program
  - Will be renamed, “Assessment of Violations Identified Under the ROP or cROP”
  - Adds the use of Inspection Manual Chapter 2519, “Construction Significance Determination Process”



## Construction Reactor Oversight Process Revision

- Section 2.2.4, Exceptions to Using Only the Operating Reactor Assessment Program
  - Will be renamed, “Exceptions to Using and SDP for the Assessment of Violations Identified Under the ROP or the cROP”
  - Allows the use of traditional enforcement for certain types of violations which will have severity levels and could be the subject of civil penalties
  - Refers to IMC 0613, “Power Reactor Construction Inspection Reports”
  - Section 2.2.4.d has been deleted and the information was moved to new Section 3.10, “Operating Reactor Violations With No Performance Deficiencies”
    - Change being made because this information is more appropriately included in Section 3, “Use of Enforcement Discretion,”



## Construction Reactor Oversight Process Revision

- Section 2.2.6, “Construction”
  - Will be split into 2 sections: Section 2.2.6, “Construction of a Production or Utilization Facility,” and new Section 2.2.7, “Construction of Processing and Fuel Fabrication, Conversion of Uranium Hexafluoride, or Uranium Enrichment Facilities”
  - Allows the staff to address enforcement issues unique to these facilities
- Section 2.3.1, “Minor Violations”
  - Removes redundant IMC titles and adds references to minor violation examples listed in IMCs 0613 and 0617



## Construction Reactor Oversight Process Revision

- Section 2.3.2, “Noncited Violations”
  - Allows the disposition of Severity IV violations and violations associated with Green findings as noncited violations as long as the licensee’s corrective action program is adequate and other criteria are met



## Construction Reactor Oversight Process Revision

- Section 6.5.c.4 and 5, Facility Construction Severity Level III Violation Examples
  4. A licensee fails to obtain prior Commission approval required by 10 CFR 50.59 or 10 CFR Part 52.98, ~~Appendix A-D~~ for a change that results in a condition evaluated as having low-to-moderate or greater safety significance;
  5. A licensee fails to update the FSAR as required by 10 CFR 50.71(e), and the FSAR is used to perform a 10 CFR 50.59 or 10 CFR Part 52.98, ~~Appendix A-D~~ evaluation for a change to the facility or procedures, implemented without Commission approval, that results in a condition evaluated as having low-to-moderate or greater safety significance.



## Construction Reactor Oversight Process Revision

- Changes to Section 6.9, “Inaccurate and Incomplete Information or Failure to Make a Required Report.”
  - 10 CFR 50.55(e) requires holders of construction permits or COLs to evaluate and identify deviations and failures to comply associated with a substantial safety hazard, similar to the reporting requirements of 10 CFR Part 21. Therefore, a reference to 10 CFR 50.55(e) has been added to the examples in Section 6.9 where applicable.
  - Move example 6.5.d.5 to 6.9.d - A licensee fails to implement adequate 10 CFR Part 21 **or 10 CFR 50.55(e)** processes or procedures that have more than minor safety or security significance;