

United States Nuclear Regulatory Commission  
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### NRC MODIFIES POLICY ON ENFORCEMENT DISCRETION IN SEVERE WEATHER CONDITIONS

The Nuclear Regulatory Commission has given the NRC staff approval to exercise discretion expeditiously on enforcement actions during severe weather conditions where safety will not be undermined.

Previously, the use of enforcement discretion for these types of situations required prior Commission approval. Under a revision to the NRC enforcement policy, the Commission will be notified in writing after the action has been taken.

In some non-compliant situations when traditional enforcement action may not be appropriate, NRC issues a Notice of Enforcement Discretion, rather than a Notice of Violation. For instance, NRC may use this option to avoid unnecessary abnormal plant operations, to reduce operational and shutdown risk, and to avoid unnecessary delays in plant startup. Notices of Enforcement Discretion are only issued for non-compliances of specific conditions in a plant license. They are not applicable to non-compliances with general regulations.

The enforcement policy revision was prompted by a situation last summer, when one unit at the Quad Cities Nuclear Station in Illinois shut itself down while certain required equipment tests were being performed. (Some tests can make the plant more vulnerable to such an automatic "scram.") This happened when other plants in the area were out of service for a variety of reasons, some weather-related, causing electrical grid instabilities. The staff believes that in cases like this, NRC should consider granting requests for Notices of Enforcement Discretion by a licensee, balancing the risks associated with continued operation of the plant in a non-compliant condition.

The revision took effect with its publication in the January 6 edition of the Federal Register, but the public may submit comments through February 22. Comments can be addressed to: David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop: T6D59, U.S. Nuclear Regulatory Commission, Washington, DC, 20555.

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