



DEPARTMENT OF THE NAVY

NAVY ENVIRONMENTAL HEALTH CENTER
2510 WALMER AVENUE
NORFOLK, VIRGINIA 23513-2617


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Ser 311dm/02400
22 Feb 90

From: Commanding Officer, Navy Environmental Health Center
To: Distribution List

Subj: NUCLEAR REGULATORY COMMISSION INFORMATION NOTICE NUMBER 90-01
"IMPORTANCE OF PROPER RESPONSE TO SELF-IDENTIFIED VIOLATIONS BY
LICENSEES"

Encl: (1) NRC Information Notice No. 90-01

1. Enclosure (1) is forwarded for your information. It is recommended that enclosure (1) be reviewed and discussed at the next meeting of your Radiation Safety Committee.
2. The next to last paragraph of enclosure (1) contains suggested corrective actions for self-identified violations involving an NRC-required record. You are reminded that if a report of a violation is required, the report shall be made to the Navy Radiation Safety Committee and not the NRC. A copy of any report shall be submitted to the Navy Environmental Health Center.
3. Point of contact on this subject is LCDR G. I. Snyder, MSC, USN, Radiation Health Department, AUTOVON: 564-4657, Commercial: (804) 444-4657, Ext. 266.


R. J. DURFEE
By direction

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555

January 12, 1990

NRC INFORMATION NOTICE NO. 90-01: IMPORTANCE OF PROPER RESPONSE TO
SELF-IDENTIFIED VIOLATIONS BY
LICENSEES

Addressees:

All holders of NRC materials licenses.

Purpose:

This information notice is intended to assist licensees in properly responding to self-identified violations of regulatory requirements. It is expected that recipients will review this information notice, distribute it to management and staff involved with licensed activities, including responsible radiation safety staff, and consider actions, as appropriate, to assure compliance. This information notice does not constitute any new NRC requirements, and no specific written response is required.

Description of Circumstances:

In several past cases, licensees have attempted to conceal self-identified violations from NRC, rather than reporting them or recording them to permit review during an NRC inspection.

Discussion:

NRC expects a high standard of compliance by its licensees and requires that licensees provide NRC accurate and complete information and that required records will also be complete and accurate in all material respects. Licensees should be aware of the importance placed by NRC on licensee programs for self detection, correction and reporting of violations or errors related to regulatory requirements. The General Statement of Policy and Procedures for NRC Enforcement Actions in Appendix C to 10 CFR Part 2 underscores the importance of licensees responding promptly and properly to self-identified violations in two ways.

First, in accordance with its exercise of discretion, NRC will not generally issue a Notice of Violation for a non-repetitive Severity Level IV or V violation that is self-identified, properly corrected and reported (if required). For those self-identified licensee violations of a higher Severity Level which do result in a Notice of Violation with the potential for elevated enforcement, NRC will generally give credit for the licensee's performance in identifying, reporting and correcting the violation in making an enforcement decision.

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For example, if a licensee failed to conduct a required daily dose calibrator constancy check, but identified the error, noted it in a record and informed NRC during the next inspection, NRC would not normally cite the incident as a violation if categorized at a Severity Level IV.

On the other hand, NRC will generally take stronger action against licensees who conceal self-identified violations, including civil penalties and orders to modify, suspend or revoke licenses. In addition, the matter may be referred to the Department of Justice for consideration of criminal prosecution. As an example, a licensee was found to have not performed a substantial number of required daily dose calibrator constancy checks and, in addition, its Radiation Safety Committee (RSC) had not met as required for a considerable length of time. The licensee had also falsified records to make it appear that the constancy checks and RSC meetings were taking place. In addition to citing these violations, NRC issued civil penalties in this case which were increased by 100% over the base civil penalty for violations of this type, due to the number and duration of falsified records.

It is suggested that when a licensee identifies a violation involving an NRC-required record, the licensee should make a dated notation indicating identification, either on the record itself or other appropriate documentation retrievable for NRC review. The record with the self-identified violation noted should not be altered in any way to mask the correction. The licensee should determine the cause of the violation, correct the root cause of the violation, and document such findings in an appropriate manner. Licensees should also assure that if a report of the violation is required, the report is submitted to NRC in a timely manner. These actions will be considered by NRC in making any enforcement decision, and generally lead to lesser or no civil penalty.

No specific action or written response is required by this information notice. If you have any questions about this matter, please contact the technical contact listed below or the appropriate NRC regional office.



Richard E. Cunningham, Director
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

Technical Contact: George Pangburn, NMSS
(301) 492-0628

1. List of Recently Issued NMSS Information Notices
2. List of Recently Issued NRC Information Notices

