

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)



Palo Verde Nuclear
Generating Station

309
J. Lieberman

James M. Levine
Senior Vice President
Nuclear

TEL (602)393-5300
FAX (602)393-6077

Mail Station 7602
P.O. Box 52034
Phoenix, AZ 85072-2034

64FA 6388
Feb. 9, 1999
(3)

102-04257-JML/AKK/DGM
March 5, 1999

Mr. 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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US NRC

Reference: Request for public comment
NRC Enforcement Policy
Federal Register, February 9, 1999, (Volume 64, Number 26)
Notices, page 6388-6391
(DOCID: fr09fe99-125)

Dear Mr. Meyer:

Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2, and 3
Docket Nos. STN 50-528/529/530
Proposed Change To NRC Enforcement Policy

The NRC requested comments on the proposed revision to the NRC Enforcement policy. The Palo Verde Nuclear Generating Station (PVNGS) applauds the effort to improve the NRC Enforcement Policy. 1/0

In summary, PVNGS proposes that all references to the determination of root cause and corrective action to prevent recurrence be removed from the Policy for Severity Level IV and non-cited violations.

The proposed change to the NRC Enforcement Policy, Federal Register, February 9, 1999, (Volume 64, Number 26), Notices, page 6388-6391 (DOCID: FR09FE99-125) states, in part:

"Violations at Severity Level IV, the least significant of the four severity levels established in the NRC Enforcement Policy, involve non-compliances with NRC requirements for which the associated risks are not significant."

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The proposed change to the NRC Enforcement Policy also states, in part:

"At the time a violation is closed in an inspection report, the licensee may not have completed its corrective actions or begun the process to identify the root cause and develop action to prevent recurrence."

NRC violations issued as Severity Level IV, or non-cited, are also typically conditions adverse to quality.

10 CFR 50, Appendix B, Criterion XVI, Corrective Action, states, in part:

"Measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition."

The Enforcement Policy, both as presently written, and as proposed, requires all violations, cited or non-cited, to include a determination of root cause and corrective action to prevent recurrence. This is contrary to 10 CFR 50, Appendix B, which only requires determination of root cause and corrective action to prevent recurrence for significant conditions adverse to quality. As a result, in spite of the proposed change, the NRC Enforcement Policy will still result in licensees placing a higher priority on these violations than regulations would require.

In order to further improve the NRC Enforcement Policy, specific comments to the proposed change are provided, as follows:

Comment #1:

The proposed wording in third paragraph of Appendix A which states:

"At the time a violation is closed in an inspection report, the licensee may not have completed its corrective actions or begun the process to identify the root cause and develop action to prevent recurrence."

Should be reworded as follows:

"At the time a violation is closed in an inspection report, the licensee may not have completed its corrective actions."

Comment #2:

The proposed wording in the fourth paragraph of Appendix A which states:

"Because the NRC will not normally obtain a written response from licensees describing actions taken to restore compliance and prevent recurrence of Severity Level IV violations, this revised enforcement approach places greater NRC reliance on the licensee corrective action programs."

Should be reworded as follows:

"Because the NRC will not normally obtain a written response from licensees describing actions taken to restore compliance to Severity Level IV violations, this revised enforcement approach places greater NRC reliance on the licensee corrective action programs."

Comment #3:

The proposed wording in the second circumstance which will result in consideration of an NOV in Appendix A which states:

"The licensee did not place the violation into a corrective action program to address recurrence."

Should be reworded as follows:

"The licensee did not place the violation into a corrective action program."

Comment #4:

Consistent with the supplementary information in the Federal Register the proposed wording in the third circumstance which will result in consideration of an NOV in Appendix A which states:

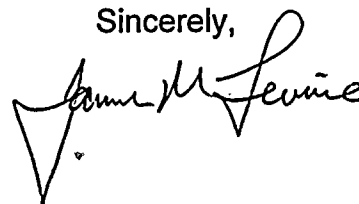
"The violation is repetitive as a result of inadequate corrective action, and was identified by the NRC."

Should be reworded as follows:

"The violation is repetitive as a result of inadequate corrective action commensurate with its safety significance, and was identified by the NRC."

If you have any questions regarding these comments, please contact Angela K. Krainik, Department Leader, Regulatory Affairs at (602) 393-5421.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Meyer". The signature is stylized with a large, sweeping "M" and a long, horizontal stroke extending to the right.

Mr. David L. Meyer
U. S. Nuclear Regulatory Commission
Proposed Change To NRC Enforcement Policy
Page 4

Enclosure:

- 1) Comments on the Proposed Revision to the NRC Enforcement Policy

cc: E. W. Merschoff
P. H. Harrell
M.B. Fields
J. M. Moorman

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