



BOSTON EDISON

Pilgrim Nuclear Power Station
Rocky Hill Road
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RULES REVIEW
USNRC

October 24, 1994
BECo Ltr. 94-114

E. T. Boulette, PhD
Senior Vice President - Nuclear

Mr. David Meyer, Chief
Rules Review and Directives Branch
Division of Freedom of Information and
Publication Services
Office of Administration, Mail Stop: T6D59
U.S. Nuclear Regulatory Commission
Washington, DC 20555

L. Goblentz
59FR49215

9/27/94
(25)

Docket No. 50-293
License No. DPR-35

**SUBJECT: PROPOSED RULE; REQUEST FOR PUBLIC COMMENT ON THE NRC'S
STATEMENT OF POLICY AND PROCEDURE FOR NRC ENFORCEMENT
ACTIONS**

Dear Mr. Meyer:

Boston Edison Company (BECo) has reviewed the Nuclear Regulatory Commission's (NRC) Statement of Policy and Procedure for NRC Enforcement Action contained in 10CFR2. The enclosure contains BECo's comments as requested in Federal Register Notice 59FR162, page 43298, dated August 23, 1994, regarding the NRC's reexamination of its Enforcement Policy. BECo's comments have been keyed to the numbering system used to identify the specific issues discussed in the Federal Register Notice. In addition to the enclosed comments, BECo has also reviewed and endorses the industry response submitted by the Nuclear Energy Institute.

BECo appreciates the opportunity to comment on the NRC's Enforcement Policy.

E.T. Boulette
E.T. Boulette, PhD

RLC/lam/policy

Enclosure: Comments on NRC's Enforcement Policy

cc: U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

Sr. Resident Inspector
Pilgrim Nuclear Power Station

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ENCLOSURE

COMMENTS ON NRC ENFORCEMENT POLICY

A.3.d.i Licensee commenters should address whether they are normally aware of enforcement actions issued against other licensees at the level of (1) non-escalated Notices of Violations, (2) escalated Notices of Violations without civil penalties, (3) civil penalties and (4) orders.

A.3.d.i Response:

Management and supervisory personnel are normally aware of enforcement action issued against other licensees at all four levels discussed above. We are not aware through any NRC-generated communications; rather through private services to which we subscribe. The NUREG is too late.

A.3.d.ii If commenters are aware of enforcement actions issued against other licensees, how do they become aware of them (e.g. NUREG 0940, "Enforcement Actions: Significant Actions Resolved", NRC Information Notices, NMSS Newsletters, press releases, law firm news letters, industry news letters such as Inside the NRC or Nucleonic Weekly, NRC Inspectors, Federal Register, or other sources)? Should the NRC consider better ways to provide licensees and vendors with information about NRC enforcement actions such as use of an electronic bulletin board or an enforcement newsletter.

A.3.d.ii Response:

Information sources, such as NRC Information Notices, industry newsletters (i.e., Inside the NRC and Nucleonics Weekly), and the Federal Register are used by station management to identify enforcement actions against other licensees. One of the most useful and complete sources of NRC inspection and enforcement activity is the weekly NUS-Trends Newsletter. The newsletter is distributed throughout the Nuclear Organization to promote early identification of potential issues at PNPS. By reviewing industry trends and violations, the Nuclear Organization Managers can identify similar problem areas in PNPS procedures and programs and take corrective action where appropriate.

Yes, the NRC should consider better ways to provide licensees and vendors with current, up-to-date information regarding NRC inspection and enforcement activities. The NRC Electronic Bulletin Board System (BBS) may be a useful tool in disseminating timely enforcement information.

A.4.a If the enforcement program as implemented does not provide an appropriate degree of consistency and predictability, what are the problem areas and what changes could be made for improvement in this area?

A.4.a Response:

The current enforcement policy remains too subjective to the individual NRC inspector(s). There is significant diversity in terms of numbers and criteria between inspectors and plants in terms of what constitutes a violation. One can often notice this when one observes a step increase in the number of violations with the arrival of a new inspector to a site. The enforcement process needs to be more objective.

D.1.a Should the circumstances for use of non-cited violations be changed to cover more situations or fewer (including different severity levels)? If so, explain.

D.1.a Response:

More credit should be given to licensee identified problems and/or violations and associated corrective actions taken. This should include other severity levels. This action would strengthen incentives for self-identification and timely corrective action as discussed in issue D.1.b.

D.1.b Does the use of non-cited violations contribute to providing an incentive for identifying and correcting violations or does it have the same negative impact as a cited violation in a Notice of Violation?

D.1.b Response:

The use of non-cited violations is a positive incentive for licensee identification of problems/violations and timely implementation of corrective actions to address the problem and/or violation. More credit should be give for all aspects of licensee actions to identify, mitigate, and correct violations. This NRC action would significantly strengthen this area.

Non-cited and licensee-identified violations should be published by the NRC in a timely manner to provide early notification to other licensees.