



NUCLEAR ENERGY INSTITUTE

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Robert Willis Bishop

VICE PRESIDENT &

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

December 2, 1996

Mr. John C. Hoyle
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

DOCKET NUMBER
PROPOSED RULE **PR** Misc.
(61 FR 54461)

ATTENTION: Docketing and Service Branch

SUBJECT: Policy and Procedures for Enforcement Actions; Departure from
FSAR (61 Fed. Reg. 54,461, October 18, 1996).

Dear Mr. Hoyle:

On behalf of the nuclear industry, the Nuclear Energy Institute (NEI)¹ hereby submits the following comments on the NRC's revision of the Enforcement Policy (NUREG-1600), Policy and Procedures for Enforcement Actions; Departures from FSAR (61 Fed. Reg. 54,461, October 18, 1996). The revisions of the Enforcement Policy were published for comment in the *Federal Register* and became effective on October 18, 1996.

NUREG-1600 is being revised to include a number of examples of potential enforcement actions based upon departures from the FSAR. In general, the examples are helpful; however, we do have the following specific concerns.

First, example I.B.4 addresses inspection findings involving a number of failures to meet 10 CFR 50.59 which include several unreviewed safety questions or conflicts with technical specifications "... involving a broad spectrum of problems affecting multiple areas," some of which impact operability of required equipment. We are concerned that "a broad spectrum of problems affecting multiple areas" is too broad a criteria to be used in making an enforcement determination.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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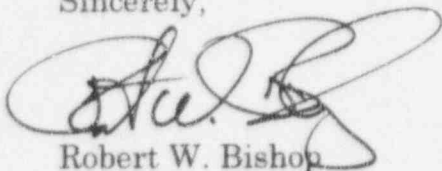
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Second, example I.D.7 should be categorized as an example of a minor violation. A Level IV violation might be appropriate only if, as noted in the example under Minor Violation (61 Fed. Reg. 54,466), the failure to update the FSAR would have a material impact on safety or licensed activity.

Finally, example I.D.8 also should be moved to the minor violation category. NUREG-1600 states, "Severity Level IV violations are less serious but are of more than minor concern; *i.e.*, if left uncorrected, they could lead to a more serious concern." We are particularly concerned about the severity level assigned to this example because both the cause and the impacts of past programmatic issues already have been corrected (61 Fed. Reg. 54,463).

Thank you for your consideration of these comments. Please do not hesitate to call me if you have any questions or would like to discuss them further.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. W. Bishop", with a large, stylized flourish extending from the end of the signature.

Robert W. Bishop