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Generating Station

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65 FR # 25368
1 May 2000
⑤

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19 June 2000
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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, D.C. 20555-0001

Reference: Revision of the NRC Enforcement Policy (65 Federal Register 25368;
May 1, 2000)

Dear Mr. Meyer:

Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2 and 3
Docket Nos. STN 50-528/529/530
Comments on Revision of the NRC Enforcement Policy

Arizona Public Service Company (APS) endorses the comments submitted by the Nuclear Energy Institute (NEI) on the revisions to the NRC Enforcement Policy, published May 1, 2000 (65 Fed. Reg. 25368)¹.

Although APS believes that the regulatory approach embodied in the revised Enforcement Policy represents a significant improvement to the NRC's enforcement program, additional consideration should be given to: (1) the use of "repetitiveness" as one of the four criteria for determining when an NOV should be issued for a Level IV violation rather than an NCV; (2) including the safety and risk significance of violations associated with record keeping and 10 CFR 50.9 as a factor when evaluating enforcement; (3) balancing the bases, severity levels and enforcement process for violations of 10 CFR 50.7 with the industry's need to effectively manage their facilities and protect public health and safety; and (4) various aspects of the Enforcement Policy related to predecisional enforcement conferences.

¹ Although these comments are being filed subsequent to the date for submission set out in the Federal Register (May 31, 2000), we ask that they be fully considered by the NRC because these comments endorse the comments submitted by NEI, and NEI had notified the NRC that its comments would be filed on June 15, 2000.

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Add: Renee Pedersen(RMP)

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NEI has provided specific details regarding the bases for our concerns in these four areas and APS respectfully requests that the NRC consider these comments in future revisions to the Enforcement Policy.

No commitments are being made to the NRC by this letter. Should you have any questions regarding this matter please contact me at 623-393-5421.

Sincerely,

A handwritten signature in cursive script, appearing to read "Angela K. Hainik".

AKK/RAS/ras

cc: E. W. Merschoff [Region IV]
M. B. Fields [NRR Project Manager]
J. H. Moorman [Resident Inspector]
E. C. Ginsberg [NEI]