



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
799 ROOSEVELT ROAD  
GLEN ELLYN, ILLINOIS 60137-5927

NOV 19 1993

Docket No. 50-255  
License No. DPR-20  
EA 93-277

Consumers Power Company  
ATTN: Gerald B. Slade  
General Manager  
Palisades Nuclear Generating Plant  
27780 Blue Star Memorial Highway  
Covert, MI 49043-9530

Dear Mr. Slade:

SUBJECT: ENFORCEMENT CONFERENCE TO DISCUSS ISSUES IDENTIFIED IN NRC  
INSPECTION REPORT NOS. 50-255/93026 AND 50-255/93028

This letter confirms the discussion between M. Parker of this office and D. Rogers of your staff to have an Enforcement Conference at 10 a.m. (CST) on December 3, 1993, at the Region III office in Glen Ellyn, Illinois. The Enforcement Conference is being held to discuss the apparent violations involving plant cooldown rates and electrical engineering design control issues identified in Inspection Reports No. 50-255/93026 and No. 50-255/93028.

This Enforcement Conference will be open to public observation in accordance with the Commission's trial program as discussed in the enclosed *Federal Register* notice. The purposes of this conference are to discuss the apparent violations, their causes, and safety significance; to provide you the opportunity to point out any errors in our inspection reports; and to provide an opportunity for you to present your proposed corrective actions.

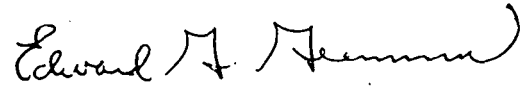
In particular, we expect you to address whether safety systems associated with both the safeguards room fan coolers and the containment high pressure and containment high radiation relays with undersized closing coils would have been able to perform their intended safety functions, given the preexisting conditions. In addition, this is an opportunity for you to provide any information concerning your perspective on 1) the severity of the issue, 2) the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) the possible basis for exercising discretion in accordance with Section VII of the Enforcement Policy. You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

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PDR ADOCK 05000255  
G PDR

DEO 11

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Sincerely,



Edward G. Greenman, Director  
Division of Reactor Projects

Enclosure: *Federal Register* Notice

cc w/enclosure:

David P. Hoffman, Vice President  
Nuclear Operations

David W. Rogers, Safety  
and Licensing Director

OC/LFDCB

Resident Inspector, RIII

James R. Padgett, Michigan Public  
Service Commission

Michigan Department of  
Public Health

Palisades, LPM, NRR  
SRI, Big Rock Point

NOV 19 1993

*bcc: Public*

Consumers Power Company

2

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Sincerely,

~~ORIGINAL SIGNED BY N. G. GREENMAN~~

~~EDWARD G. GREENMAN~~  
Edward G. Greenman, Director  
Division of Reactor Projects

Enclosure: *Federal Register Notice*

cc w/enclosure:

David P. Hoffman, Vice President

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Michigan Department of

Public Health

Palisades, LPM, NRR

SRI, Big Rock Point

bcc: Public

*(Yes)*  
RIII  
*CO*  
Orsini  
11/12/93

*(Yes)*  
RIII  
*(P)*  
Kobetz  
*(P)*

RIII  
*(P)*  
Jorgensen  
*(P)*

*yes*  
RIII  
*(P)*  
Defayette  
11/18/93

RIII  
*(P)*  
Grant  
11/19/93

RIII  
*(P)*  
Greenman  
11/19/93

*IE01*

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### I. Criteria For Selecting Open Enforcement Conferences

Enforcement conferences will not be open to the public if the enforcement action being contemplated—

- (1) Would be taken against an individual, or if the action, though not taken against an individual, turns on whether an individual has committed wrongdoing;
- (2) Involves significant personnel failures where the NRC has requested that the individual(s) involved be present at the conference;
- (3) Is based on the findings of an NRC Office of Investigations (OI) report; or
- (4) Involves safeguards information, Privacy Act information, or other information which could be considered proprietary.

Enforcement conferences involving medical misadministrations or overexposures will be open assuming the conference can be conducted without disclosing the exposed individual's name. In addition, enforcement conferences will not be open to the public if the conference will be conducted by telephone or the conference will be conducted at a relatively small licensee's facility. Finally, with the approval of the Executive Director for Operations, enforcement conferences will not be open to the public in special cases where good cause has been shown after balancing the benefit of public observation against the potential impact on the agency's enforcement action in a particular case.

The NRC will strive to conduct open enforcement conferences during the two-year trial program in accordance with the following three goals:

- (1) Approximately 25 percent of all eligible enforcement conferences conducted by the NRC will be open for public observation;
- (2) At least one open enforcement conference will be conducted in each of the regional offices; and
- (3) Open enforcement conferences will be conducted with a variety of the types of licensees.

To avoid potential bias in the selection process and to attempt to meet the three goals stated above, every fourth eligible enforcement conference involving one of three categories of licensees will normally be open to the public during the trial program. However, in cases where there is an ongoing adjudicatory proceeding with one or more intervenors, enforcement conferences involving issues related to the subject matter of the ongoing adjudication may also be opened. For purposes of this trial program, the

three categories of licensees will be commercial operating reactors, hospitals, and other licensees, which will consist of the remaining types of licensees.

### II. Announcing Open Enforcement Conferences

As soon as it is determined that an enforcement conference will be open to public observation, the NRC will orally notify the licensee that the enforcement conference will be open to public observation as part of the agency's trial program and send the licensee a copy of this Federal Register notice that outlines the program. Licensees will be asked to estimate the number of participants it will bring to the enforcement conference so that the NRC can schedule an appropriately sized conference room. The NRC will also notify appropriate State liaison officers that an enforcement conference has been scheduled and that it is open to public observation.

The NRC intends to announce open enforcement conferences to the public normally at least 10 working days in advance of the enforcement conference through the following mechanisms:

- (1) Notices posted in the Public Document Room;
- (2) Toll-free telephone messages; and
- (3) Toll-free electronic bulletin board messages.

Pending establishment of the toll-free message systems, the public may call (301) 492-4732 to obtain a recording of upcoming open enforcement conferences. The NRC will issue another Federal Register notice after the toll-free message systems are established.

To assist the NRC in making appropriate arrangements to support public observation of enforcement conferences, individuals interested in attending a particular enforcement conference should notify the individual identified in the meeting notice announcing the open enforcement conference no later than five business days prior to the enforcement conference.

### III. Conduct of Open Enforcement Conferences

In accordance with current practice, enforcement conferences will continue to normally be held at the NRC regional offices. Members of the public will be allowed access to the NRC regional offices to attend open enforcement conferences in accordance with the "Standard Operating Procedures For Providing Security Support For NRC Hearings And Meetings" published November 1, 1991 (58 FR 58251). These procedures provide that visitors may be

subject to personnel screening, that signs, banners, posters, etc., not larger than 18" by 24" be permitted, and that disruptive persons may be removed.

Each regional office will continue to conduct the enforcement conference proceedings in accordance with regional practice. The enforcement conference will continue to be a meeting between the NRC and the licensee. While the enforcement conference is open for public observation, it is not open for public participation.

Persons attending open enforcement conferences are reminded that (1) the apparent violations discussed at open enforcement conferences are subject to further review and may be subject to change prior to any resulting enforcement action and (2) the statements of views or expressions of opinion made by NRC employees at open enforcement conferences or the lack thereof, are not intended to represent final determinations or beliefs.

In addition to providing comments on the agency's trial program in accordance with the guidance in this notice, persons attending open enforcement conferences will be provided an opportunity to submit written comments anonymously to the regional office. These comments will subsequently be forwarded to the Director of the Office of Enforcement for review and consideration.

Dated at Rockville, MD, this 7th day of July 1992.

For the Nuclear Regulatory Commission,  
Samuel J. Chilk,  
Secretary of the Commission.  
[FR Doc. 92-16233 Filed 7-9-92; 8:45 a.m.]  
BILLING CODE 7590-01-M

### OFFICE OF PERSONNEL MANAGEMENT

Request for Clearance of a Revised Information Collection to Add Form RI 36-7 to OMB Clearance Number 3206-0128

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for clearance of a revised information collection, to add form RI 36-7 to the Application for Refund of Retirement Deductions (CSRS). OPM must have SF 2802 completely filled out and signed before paying a refund of retirement contributions. SF 2802B must also be complete if there are spouse(s) or former

a prior reviews for the Yankee Nuclear Power Station. The plant was licensed before the requirement for issuance of a Final Environmental Statement.

#### Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

#### Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption dated May 22, 1992, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the local public document room at Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Dated at Rockville, Maryland, this 2d day of July 1992.

For the Nuclear Regulatory Commission,  
Richard F. Dudley, Jr.,  
Acting Director, Non-Power Reactors,  
Decommissioning and Environmental Project  
Directorate, Division of Reactor Projects—  
III/IV/V, Office of Nuclear Reactor  
Regulation.

[FR Doc. 92-16232 Filed 7-9-92; 8:45 am]

BILLING CODE 7590-01-M

#### Regulatory Guides; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.7, Revision 1, "Instructions for Recording and Reporting Occupational Radiation Exposure Data," describes an acceptable program for the preparation, retention, and reporting of records of occupational radiation exposures. It includes copies of NRC Forms 4 and 5 and detailed instructions on completing them.

Comments and suggestions in connection with items for inclusion in

guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Copies of issued guides may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082, telephone (202) 512-2249 or (202) 512-2171. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

Authority: 5 U.S.C. 552(a).

Dated at Rockville, Maryland, this 30th day of June 1992.

For the Nuclear Regulatory Commission,  
Eric S. Beckjord, Director,  
Office of Nuclear Regulatory Research.  
[FR Doc. 92-16224 Filed 7-9-92; 8:45 am]  
BILLING CODE 7590-01-M

#### Two-Year Trial Program for Conducting Open Enforcement Conferences; Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is issuing this policy statement on the implementation of a two-year trial program to allow selected enforcement conferences to be open to attendance by all members of the general public. This policy statement describes the two-year trial program and informs the public of how to get information on upcoming open enforcement conferences.

**DATES:** This trial program is effective on July 10, 1992, while comments on the program are being received. Submit comments on or before the completion of the trial program scheduled for July 11, 1992. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Send comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch.

Hand deliver comments to: One White Flint North, 11555 Rockville Pike, Rockville, MD between 7:45 a.m. to 4:15 p.m., Federal workdays.

Copies of comments may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC

**FOR FURTHER INFORMATION CONTACT:** James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301-504-2741).

#### SUPPLEMENTARY INFORMATION:

##### Background

The NRC's current policy on enforcement conferences is addressed in Section V of the latest revision to the "General Statement of Policy and Procedure for Enforcement Actions." (Enforcement Policy) 10 CFR part 2, appendix C that was published on February 18, 1992 (57 FR 5791). The Enforcement Policy states that, "enforcement conferences will not normally be open to the public." However, the Commission has decided to implement a trial program to determine whether to maintain the current policy with regard to enforcement conferences or to adopt a new policy that would allow most enforcement conferences to be open to attendance by all members of the public.

##### Policy Statement

##### Position

The NRC is implementing a two-year trial program to allow public observation of selected enforcement conferences. The NRC will monitor the program and determine whether to establish a permanent policy for conducting open enforcement conferences based on an assessment of the following criteria:

- (1) Whether the fact that the conference was open impacted the NRC's ability to conduct a meaningful conference and/or implement the NRC's enforcement program;
- (2) Whether the open conference impacted the licensee's participation in the conference;
- (3) Whether the NRC expended a significant amount of resources in making the conference public; and
- (4) The extent of public interest in opening the enforcement conference.