



United States
Department
of Agriculture

Rural
Electrification
Administration

Washington
D.C.
20250

102 EPC

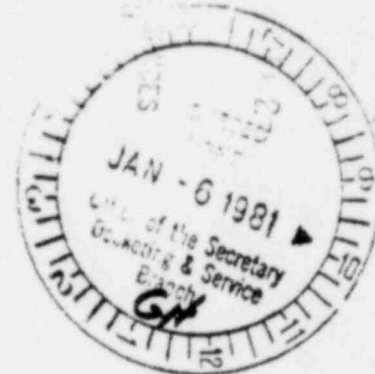
cc to SEC
for review.

PROPOSED RULE 2
45 FR 66754

DEC 2 1980

SUBJECT: Proposed General Statement of Policy
and Procedure for Enforcement Actions

TO: Mr. Dudley Thompson, Director
Office of Enforcement & Investigations
Office of Inspection & Enforcement
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555



We have reviewed the proposed change on policy and procedure for enforcement actions as contained in the October 7, 1980, Federal Register. We do not feel that raising the maximum civil penalty from \$5,000 to \$100,000, and eliminating limits on civil penalties is a fair and equitable policy to all holders of a nuclear license. Our comments on this respect fall into two categories:

1. On large nuclear units with multiple owners, including rural electric cooperatives, by NRC's own policies, the lead utility has total responsibility to operate, maintain and follow all nuclear safety regulations with regards to the nuclear power plant. By contract, the other owners have no operating responsibility in the management and operation of the power plant, but are obligated for their share of all costs. Large civil penalties, such as being proposed here, would be shared on a pro-rata basis among the nonoperating, non-offending power plant owners. We do not feel this is fair or equitable treatment to these minority share owners.
2. Even if there are no other participating owners, the cost of these civil penalties would be passed on to the utility customers who end up paying their share of a large fine for which they have no responsibility. We do not consider this to be a fair or equitable treatment.

Frank W. Bennett

FRANK W. BENNETT
Director
Power Supply Division

L-4, P-2