

A F F I R M A T I O N V O T E

R E S P O N S E S H E E T

RELEASED TO THE PDR

574/90

date

initial

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER REMICK

SUBJECT: SECY-90-094 - PUBLIC COMMENTS RECEIVED
CONCERNING THE ENFORCEMENT POLICY REVISION
INVOLVING MAINTENANCE-RELATED ROOT CAUSE

APPROVED X ^{14/COMMENTS} DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:


SIGNATURE

RELEASE VOTE IX

WITHHOLD VOTE 9

3/23/90

DATE

ENTERED ON "AS" YES ✓ No _____

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PDR SECY
90-094 FDC

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Comments on SECY-90-094

I approve the Staff's recommendation that the Enforcement Policy civil penalty escalation factor for maintenance-related root cause be deleted. As I stated in my comments related to SECY-89-325, REVISED POLICY STATEMENT AND ENFORCEMENT CRITERIA RELATED TO THE MAINTENANCE OF NUCLEAR POWER PLANTS, I continue to have serious reservations regarding the ability of the staff to conclusively determine that maintenance, and not training or human error for example, is a root cause of a regulatory violation in actual enforcement application. Even if a licensee has implemented a maintenance program consistent with the scope and activities defined by the revised Policy Statement on the Maintenance of Nuclear Power Plants, components and equipment may fail. The extent to which the cause is maintenance programs related or training or human error related may not be clear.

In addition, special treatment of maintenance violations in this way could draw licensee's attention and resources away from other operational areas which might have equal or even greater safety importance relative to maintenance.