
Subject: FW: 102-08208 PVNGS Communication Required by Confirmatory Order EA-20-054

From: Howell, Linda <Linda.Howell@nrc.gov>

Sent: Tuesday, December 29, 2020 11:49 AM

To: Maribel.Garcia@aps.com

Cc: R4Enforcement <R4Enforcement.Resource@nrc.gov>; Kramer, John <John.Kramer@nrc.gov>; Peabody, Charley <Charles.Peabody@nrc.gov>; Bruce.Rash@aps.com; Brian.Hansen@aps.com; Michael.Dilorenzo@aps.com; Thomas.N.Weber@aps.com; Muessle, Mary <Mary.Muessle@nrc.gov>

Subject: RE: 102-08208 PVNGS Communication Required by Confirmatory Order EA-20-054

NRC Region IV staff reviewed the subject communication and concluded that it meets the intent of Confirmatory Order EA-20-054, Section III, Communications, Item A. The NRC has no comments on the communication.

Thank you,

Linda Howell
Deputy Director, Division of Nuclear Materials Safety
NRC Region IV

From: Maribel.Garcia@aps.com <Maribel.Garcia@aps.com>

Sent: Wednesday, December 02, 2020 4:24 PM

To: Muessle, Mary <Mary.Muessle@nrc.gov>

Cc: R4Enforcement <R4Enforcement.Resource@nrc.gov>; Warnick, Greg <Greg.Warnick@nrc.gov>; Kramer, John <John.Kramer@nrc.gov>; Peabody, Charley <Charles.Peabody@nrc.gov>; Bruce.Rash@aps.com; Brian.Hansen@aps.com; Michael.Dilorenzo@aps.com; Thomas.N.Weber@aps.com

Subject: [External_Sender] 102-08208 PVNGS Communication Required by Confirmatory Order EA-20-054

Good Afternoon,

Attached is company correspondence 102-08208 PVNGS Communication Required by Confirmatory Order EA-20-054 for your records.

Thank you, Maribel



Maribel Garcia

Support Services

Nuclear Regulatory Affairs: Licensing, Compliance, Environmental

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Tonopah, AZ 85354-7529

Office: (623) 393-5174



**Palo Verde
Nuclear Generating Station**
5871 S. Wintersburg Road
Tonopah, AZ 85354
623-393-5764

102-08208 TNW
December 2, 2020

Mary Muessle
Director, Division of Nuclear Materials Safety
(email mary.muessle@nrc.gov)
U.S. Nuclear Regulatory Commission, Region IV
1600 E. Lamar Blvd.
Arlington, TX 76011-4511

**SUBJECT: Palo Verde Nuclear Generating Station Units 1, 2, and 3
Docket Nos. STN 50-528, 50-529, and 50-530
Communication Required by Confirmatory Order EA-20-054**

This correspondence is written to provide the NRC an advanced copy of the communication that was written to satisfy Condition A of Confirmatory Order EA-20-054. We anticipate comments from the NRC within one month from the date of this letter as identified in the Confirmatory Order. If you have any questions or comments on this letter, please do not hesitate to contact me at 602-615-2131.

Sincerely,

**Weber, Thomas
N(Z00499)**

Digitally signed by Weber, Thomas
N(Z00499)
DN: cn=Weber, Thomas N(Z00499)
Reason: I am approving this
document
Date: 2020.12.02 14:50:47 -07'00'

Thomas N. Weber
Director, Nuclear Regulatory Affairs

Enclosure: Draft Communication Required by Condition A of the Palo Verde
Confirmatory Order EA-20-054

cc: NRC Region IV email to R4Enforcement@nrc.gov
G. Warnick email to greg.warnick@nrc.gov
J. Kramer email to john.kramer@nrc.gov
C. Peabody email to charles.peabody@nrc.gov
B. Rash email to bruce.rash@aps.com
B. Hansen email to brian.hansen@aps.com
M. Dilorenzo email to michael.dilorenzo@aps.com

ENCLOSURE

**Draft Communication Required by Condition A
of the Palo Verde Confirmatory Order
EA-20-054**



Maria L. Lecal
Executive Vice President &
Chief Nuclear Officer

Palo Verde
Nuclear Generating Station
P.O. Box 52034
Phoenix, AZ 85072
Mail Station 7602
Tel 623.393.6491

102-XXXXX-MLL
January XX, 2021

To Qualified 10 CFR 50.59 and 10 CFR 72.48 Personnel

Subject: **Palo Verde Nuclear Generating Station**
Communication Required by MAGNASTOR Confirmatory
Order EA-20-054, Conditions A and B

This communication is written to satisfy Conditions A and B of the MAGNASTOR Confirmatory Order EA-20-054 issued by the Nuclear Regulatory Commission (NRC) on November 17, 2020. The Confirmatory Order was the result of an agreement that was reached during an Alternative Dispute Resolution (ADR) mediation session between the NRC and Arizona Public Service Company (APS) conducted on September 16, 2020, to address two apparent violations regarding the initial implementation of the NAC MAGNASTOR Dry Cask Storage System at Palo Verde Nuclear Generating Station (PVNGS). The two apparent violations were documented in an NRC inspection report dated July 6, 2020.

In accordance with the requirements of Conditions A and B of the Confirmatory Order, APS agreed to develop a standalone communication that would be verified to be read by the PVNGS qualified 10 CFR 50.59 and 10 CFR 72.48 personnel. The contents of the communication are required to include the following:

1. A summary of the PVNGS Independent Spent Fuel Storage Installation (ISFSI) event that resulted in the Confirmatory Order;
2. The root and contributing causes;
3. The corrective actions from the root cause evaluation; and
4. The additional corrective actions from the Confirmatory Order.

APS also agreed to provide the communication to the NRC prior to sending it out to the qualified 10 CFR 50.59 and 10 CFR 72.48 personnel at Palo Verde and incorporate any comments received from the NRC, which has been accomplished.

The enclosure contains the communication that is required to be read by the qualified 10 CFR 50.59 and 10 CFR 72.48 personnel at PVNGS. After reading this communication, there is a computer based training that was developed by our APS Training Department as the method to document verifiable evidence of the completion of the reading assignment.

The Confirmatory Order requires the communication to be read by all 10 CFR 50.59 and 10 CFR 72.48 qualified personnel within four months of the date of the issuance of the Confirmatory Order, or by March 17, 2021.

If there are any questions from the 10 CFR 50.59 or 10 CFR 72.48 qualified personnel, please do not hesitate to contact Michael D. DiLorenzo, Nuclear Regulatory Affairs Department Leader, at 623-393-3495.

Sincerely,

Enclosure: Communication Required by Conditions A and B of the MAGNASTOR Confirmatory Order EA-20-054

cc:

B. J. Rash	E. A. Pittman
B. E. Cable	D. R. Lott
T. Horton	D. L. Cotter
M. E. McLaughlin	N. Aaronscooke
M. G. Green	S. M. Kane
E. Andrews	C. J. Stephenson
G. R. Cameron	D. R. Bence
D. C. Elkinton	R. F. Carbonneau
M. S. Cox	A. J. Montgomery
M. D. DiLorenzo	J. E. Glass
T. N. Weber	H. A. Al-Nakib
A. R. Meeden	J. Kuzela
M. E. Kura	N. A. Thibodaux
B. J. Hansen	L. McIntyre
J. Fearn	E. A. Pittman
J. Hernandez	

Enclosure

**Communication Required by Conditions A and B of the
MAGNASTOR Confirmatory Order EA-20-054**

Background

In accordance with the requirements of Conditions A and B of the MAGNASTOR Confirmatory Order EA-20-054, Arizona Public Service Company (APS) agreed to develop a standalone communication that would be verified to be read by the Palo Verde Nuclear Generating Station (PVNGS) qualified 10 CFR 50.59 and 10 CFR 72.48 personnel. The contents of this enclosure are intended to meet that requirement and include the following:

1. A summary of the PVNGS Independent Spent Fuel Storage Installation (ISFSI) event that resulted in the Confirmatory Order;
2. The root and contributing causes;
3. The corrective actions from the root cause evaluation; and
4. The additional corrective actions from the Confirmatory Order

After reading this enclosure, each qualified 10 CFR 50.59 and 10 CFR 72.48 member shall complete the computer based training developed to document the completion of reading this communication. The Confirmatory Order requires this to be done within four months of the issuance of the Confirmatory Order, or by March 17, 2021.

1. Summary of the ISFSI Event that Resulted in the Confirmatory Order:

APS elected to make a change to utilize the Nuclear Regulatory Commission (NRC) approved NAC MAGNASTOR spent fuel storage system at PVNGS. The NRC approval of the MAGNASTOR system is in the form of a Certificate of Compliance (CoC) which includes Technical Specifications for the loading and storage of used fuel. These are used with the respective NAC Final Safety Analysis Report (FSAR) which contain license requirements, design requirements and the design bases. In order for APS to utilize the MAGNASTOR spent fuel storage casks, APS is required to review and evaluate the provisions and conditions delineated in 10 CFR 72.212 for the MAGNASTOR System. One of the many conditions that APS had to evaluate that is described in the NAC FSAR is to analyze the occurrence of a cask tip-over event. A tip-over event occurs when a cask spontaneously moves from a position of balance, overturns and falls onto the surface of the ISFSI concrete pad. The design of the cask and the seismic values at PVNGS preclude a tip-over event from ever happening, but the analysis is required and ensures sufficient margin exists in the design. The tip-over analysis computes the maximum acceleration values at which the cask and its internals would strike the ISFSI pad during a tip-over event. These acceleration values are then used to assess the force of impact in order to confirm that the cask and the fuel basket, internal to the cask, are sufficiently robust to sustain the impact. The NAC FSAR specifically states that a finite element analysis using the nonlinear computer software program LS-DYNA will be used as the method of evaluation for the tip-over analysis.

APS worked with NAC to perform a tip-over analysis for the PVNGS plant configuration. One of the challenges was that the concrete pad characteristics that

are included in the approved NAC generic MAGNASTOR design are NOT the same as the characteristics for the Palo Verde ISFSI concrete pad. The analysis that was done initially for Palo Verde used linear scaling (ratios) to account for changes in the concrete thickness, concrete density, concrete compressive strength, soil thickness, soil density and soil modulus of elasticity. Based upon the linear scaling results, APS and NAC concluded that the results for the generic NAC tip-over analysis were the same as the results would be for a PVNGS plant specific tip-over analysis. Therefore, no plant specific Palo Verde tip-over analysis was done. However, during the NRC MAGNASTOR inspection, the NRC made the determination that the usage of a linear scaling method to satisfy the NAC FSAR requirements for a tip-over analysis resulted in errant conclusions that were non-conservative and that it was not the NAC FSAR-described method of evaluation.

As a result, as specified in 10 CFR 72.48 and as discussed in Nuclear Energy Institute (NEI) 96-07 Appendix B, "Guidelines for 10 CFR 72.48 Implementation," the NRC determined that prior NRC approval was required prior to implementing the MAGNASTOR system. Specifically, APS changed from a method described in the NAC FSAR (LS-DYNA) to another method (linear scaling) that was not approved by the NRC for the intended use at Palo Verde. This resulted in a departure from the NAC FSAR's described method of evaluation for establishing the design bases for a tip-over event.

The NRC issued two apparent violations for Palo Verde in the MAGNASTOR inspection report dated July 6, 2020. The first apparent violation referred to 10 CFR 72.48(c)(2)(viii) that requires that a general licensee request the certificate holder to obtain a CoC amendment pursuant to 10 CFR 72.244 prior to implementing a proposed change that would result in a departure from a method of evaluation described in the FSAR (as updated) used in establishing the design bases or in the safety analysis.

The second apparent violation referred to 10 CFR 72.146(a), "Design Control," which requires, in part, that applicable regulatory requirements and the design bases are correctly translated into specifications, drawings, procedures and instructions.

In order to establish compliance, APS and NAC performed a plant specific LS-DYNA analysis for the tip-over analysis on the PVNGS concrete pad, prior to loading the first MAGNASTOR cask, which satisfied the NAC FSAR requirement for the tip-over analysis and eliminated the need for prior NRC approval.

2. Root and Contributing Causes:

The following causes were identified by the APS investigation team assigned to Level 1 Root Cause Evaluation Number 20-07210-007, Revision 2, “MAGNASTOR Tip-Over Analysis Method Different from NAC FSAR.”

Direct Cause:

The direct cause of the failure of the 10 CFR 72.48 screening to identify a change in the MAGNASTOR FSAR required methodology in the tip-over analysis was because APS personnel did not ensure that the applicable regulatory requirements and design basis criteria were correctly translated into the tip-over analysis.

Root Cause (RC-01)

The root cause of the failure of the 10 CFR 72.48 screening to identify a change in a MAGNASTOR FSAR required methodology in the tip-over analysis was less than adequate proficiency when answering the 10 CFR 72.48 method of evaluation questions.

Contributing Cause (CC-01)

A contributing cause of the failure of the 10 CFR 72.48 screening to identify a change in the MAGNASTOR FSAR required methodology in the tip-over analysis was due to inadequate understanding of what constituted a change to a prescribed method of evaluation.

Contributing Cause (CC-02)

A contributing cause of the failure of the 10 CFR 72.48 screening to identify a change in a MAGNASTOR FSAR required methodology in the tip-over analysis was the inadequate rigor during the owner acceptance of linearly scaled generic concrete cask CC5 tip-over analysis and site specific ISFSI pad tip-over analysis for the modification.

3. Corrective Actions from the Root Cause Evaluation

The following level 3 corrective action items were required by the Level 1 Root Cause Evaluation No. 20-07210-007, Revision 2, “MAGNASTOR Tip-Over Analysis Method Different from NAC FSAR.”

1. Immediate Action IA-01: The Site specific tip-over analysis was completed using LS-DYNA.
2. Immediate Action IA-02: The 10 CFR 72.48 screening for the site specific tip-over analysis was revised.
3. Immediate Action IA-03: The PVGS 10 CFR 72.212 report for MAGNASTOR was revised to include the LS-DYNA site specific tip-over analysis.
4. Interim Action IA-01: Revise 93DP-0LC07, *10 CFR 50.59 and 72.48 Screenings and Evaluations*, to add a step to section 4.2.13 that states:

Enclosure
Communication Required by Conditions A and B of the
MAGNASTOR Confirmatory Order EA-20-054

- a. If a change involves a methodology, an input parameter, and/or an input to the methodology, and the answer to question 3 is “NO,” then contact the 50.59 program owner to assign a 50.59 Single Point of Contact to review the screening.
 - b. Update the basis for this procedure to identify this step as a root cause corrective action
 - c. Update any FSAR reference for dry cask to MAGNASTOR FSAR or UMS FSAR
5. Interim Action IA-02: Document that the Lead evaluator attended the 10 CFR 50.59 SPOC meeting and briefed 10 CFR 50.59 Single Point of Contacts (SPOCs) on the root cause event at program owner request. SPOCs were asked to provide mentoring on method of evaluation and how to tell the difference between a question 1 and question 3 response whenever possible on future screenings and evaluations.
6. Corrective Action CA-01: Revise NGS80, Initial 10 CFR 50.59 Screener Training, to add:
- a. This event as OE
 - b. What a good “Yes” and “No” response looks like for a method of evaluation question
 - c. Updating the method of evaluation and adverse change examples to contain more detail on how the questions were answered, while shifting the focus away from the consequence of the wrong answer. State the Why we got the consequence in more details.
 - d. Give examples of what a change in methodology looks like and how to approach recognizing a change to methodology
 - e. Emphasize recognizing your knowledge limitations and working with your leader to get the right expertise involved.
7. Corrective Action CA-02: Revise NGS03, 10 CFR 50.59/72.48 Screener Continuing Training, to add:
- a. This event as OE
 - b. What a good “Yes” and “No” response looks like for a method of evaluation question
 - c. Updating the method of evaluation and adverse change examples to contain more detail on how the questions were answered, while shifting the focus away from the consequence of the wrong answer. State the Why we got the consequence in more details
 - d. Give examples of what a change in methodology looks like and how to approach recognizing a change to methodology.
 - e. Emphasize recognizing your knowledge limitations and working with your leader to get the right expertise involved.
8. Corrective Action CA-03: Revise NGS59, 10 CFR 72.48 Initial and Re-Qualification Training, to add:
- a. This event as OE
 - b. What a good “Yes” and “No” response looks like for a method of evaluation question

Enclosure
Communication Required by Conditions A and B of the
MAGNASTOR Confirmatory Order EA-20-054

- c. Updating the method of evaluation and adverse change examples to contain more detail on how the questions were answered, while shifting the focus away from the consequence of the wrong answer. State the Why we got the consequence in more details.
 - d. Give examples of what a change in methodology looks like and how to approach recognizing a change to methodology.
 - e. Emphasize recognizing your knowledge limitations and working with your leader to get the right expertise involved.
 9. Corrective Action CA-04: Update Job Qualification Card (JQC) ESP27-XX-001 for the 50.59 Screener to add branching steps for questions 1-3, what to do if the answer is “yes,” what would a “yes” look like for each of the questions.
 10. Corrective Action CA-05: Update JQC ESP40-XX-001 for the 72.48 Screener to add branching steps for questions 1-3, what to do if the answer is “yes,” what would a “yes” look like for each of the questions.
 11. Corrective Action CA-06: Develop a briefing for all qualified 10 CFR 50.59/72.48 screeners and evaluators to discuss the root cause evaluation and training changes.
 12. Corrective Action CA-07: Initiate and record attendance of the briefing for all qualified 10 CFR 50.59/72.48 screeners and evaluators to discuss the root cause evaluation and training changes
 13. Corrective Action CA-08: Develop and present an Engineering Leader led workshop for all Engineers to review how to perform owner acceptance reviews, complete a dynamic learning activity on what an excellent owner acceptance review looks like, and restate all management expectations for owner acceptance reviews.
 14. Corrective Action CA-09: Revise EDG-01 to include owner acceptance review requirements in Appendix E- Vendor Oversight and which procedures are used to process the documents. Include:
 - a. How to perform Owner Acceptance Review inclusive of incorporating feedback from the workshop session. The proposed appendix is an expansion of what is already included in the industry Standard Design Process (SDP) procedure IP-ENG-001
 - b. How/where to document the Owner Acceptance Review comments and resolutions
 15. Corrective Action CA-10: Review and revise the Design Modification Package DMWO 4623203 to identify the tip-over analysis design requirements and the 72.48 that was completed
4. **The Additional Corrective Actions from the Confirmatory Order**

Confirmatory Order EA-20-054 was issued by the NRC on Tuesday, November 17, 2020. The Confirmatory Order modified the Operating Licenses for Palo Verde (NPF-41, NPF-51 and NPF-74) and was effective upon issuance. The Confirmatory Order identified the actions agreed to during the Alternative Dispute Resolution (ADR) mediation session held on September 16, 2020, and included actions in the areas of Communications, Training, Reviews, Training Assessments, Effectiveness

Enclosure
Communication Required by Conditions A and B of the
MAGNASTOR Confirmatory Order EA-20-054

Reviews and Administrative Items. The final wording of the Conditions in the Confirmatory Order was revised slightly from the wording that was initially agreed upon at the ADR mediation session. These changes were agreed upon by the NRC and APS during the final review. The specific conditions from the Confirmatory Order are as follows:

Condition A: Within 2 months of the issuance date of the Confirmatory Order, APS will develop a communication that will include: a summary of the ISFSI event that resulted in the Confirmatory Order, the root and contributing causes, the corrective actions from the root cause evaluation, and the additional corrective actions from the Confirmatory Order, and APS will submit the proposed communication to the NRC for its review. The NRC will provide any comments to APS on the communication within 1 month from the date of the submittal. APS will consider the NRC's comments and incorporate those comments that APS agrees are appropriate.

Condition B: Within 4 months of the issuance date of the Confirmatory Order, APS will issue the Condition A communication as a stand-alone communication from the Chief Nuclear Officer to all qualified personnel in the development, review, and approval of 10 CFR 50.59/72.48 "Changes, test, and experiments" documents. APS will retain a copy of the communication presented and verifiable evidence of the personnel receiving the communication. APS will document the reason for any person not obtaining the communication and the additional efforts used to provide the communication.

Condition C: Within 6 months of the issuance date of the Confirmatory Order, APS will develop a presentation and will submit the proposed presentation to the NRC for its review. The NRC will provide any comments to APS on the presentation within 1 month from the date of the submittal. APS will consider the NRC's comments and incorporate those comments that APS agrees are appropriate. The presentation will:

1. Include a summary of the ISFSI event that resulted in the Confirmatory Order, the root and contributing causes, the corrective actions from the root cause evaluation, additional corrective actions from the Confirmatory Order, and a discussion on what a Methodology is and what are input parameters.
2. Emphasize a General Licensee's requirement to adequately review a vendor's 10 CFR 72.48 analysis through its 10 CFR 50.59/72.48 program for acceptance prior to being implemented at the General Licensee's site.

Condition D: Within 15 months of the issuance date of the Confirmatory Order, APS will deliver the presentation developed in Condition C to: (1) the INPO Engineering VP Forum, (2) the NEI Used Fuel Conference, and (3) the NEI High Level Waste Working Group (subject to acceptance

Enclosure
Communication Required by Conditions A and B of the
MAGNASTOR Confirmatory Order EA-20-054

of the forum or conference organizing committee) as allowed by current COVID-19 considerations.

- Condition E: Within 6 months of the issuance date of the Confirmatory Order, APS will develop a refresher training on 10 CFR 50.59/72.48 requirements and processes and will submit the proposed training to the NRC for its review. The NRC will provide any comments to APS on the proposed training within 1 month from the date of the submittal. APS will consider the NRC's comments and incorporate those comments that APS agrees are appropriate.
- Condition F: Within 9 months of the issuance date of the Confirmatory Order, APS will provide the training developed in Condition E above to all qualified personnel in the development, review, and approval of 10 CFR 50.59/72.48 changes. APS will continue to provide the refresher training at intervals not to exceed 15 months until December 31, 2024. APS will retain a copy of the training and verifiable evidence of the personnel receiving the training. APS will document the reason for any person not obtaining the training and the additional efforts used to provide the training.
- Condition G: Within 4 months of the issuance date of the Confirmatory Order and until December 31, 2024, APS will create a challenge review board consisting of three 10 CFR 50.59 program single point of contact (SPOC) members who will review 10 CFR 72.48 screenings and evaluations prior to the implementation of a design change. By March 31 of the calendar year following the Condition G reviews, APS will send a copy of the previous calendar year reviews and a copy of any additional corrective actions developed from the reviews to the NRC.
- Condition H: Within 4 months of the issuance date of the Confirmatory Order and until December 31, 2024, APS will utilize a design review board to review NAC's design changes with experienced, qualified 10 CFR 50.59/72.48 individuals on both NAC MAGNASTOR and NAC UMS systems applicable to APS prior to all loading campaigns. By March 31 of the calendar year following the Condition H reviews, APS will send a copy of the previous calendar year reviews and a copy of any additional corrective actions developed from the reviews to the NRC.
- Condition I: Within 12 months of the issuance date of the Confirmatory Order, APS will perform a training needs analysis to determine what training should be provided to engineering personnel relative to software quality assurance. The training needs analysis will consider procedures and processes related to the APS software quality assurance program and aspects of NUREG-2215, "Standard Review Plan for Spent Fuel Dry Storage Systems and Facilities," Appendix 4A, "Computational Modeling Software Technical Review Guidance," NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML20121A190. APS will send the results of the training needs analysis and proposed training to the

Enclosure
Communication Required by Conditions A and B of the
MAGNASTOR Confirmatory Order EA-20-054

NRC for its review. The NRC will provide any comments to APS on the training within 1 month from the date of the submittal. APS will consider the NRC's comments and incorporate those comments that APS agrees are appropriate.

- Condition J: Within 24 months of the issuance date of the Confirmatory Order, APS will provide the training resulting from the training needs analysis discussed in Condition I to qualified personnel in the development, review, and approval of 10 CFR 50.59/72.48 changes.
- Condition K: By December 31 of calendar years 2021 and 2023, APS will perform an effectiveness review of the implemented root cause evaluation corrective actions, and actions associated with the Confirmatory Order. The effectiveness review will include lessons learned from each action implementation or completion, new operating experience since issuance of the Confirmatory Order, and training feedback associated with 10 CFR 50.59/72.48 which occurred during the effectiveness review period. APS will modify its corrective actions, as needed and consistent with the Confirmatory Order, based on the results of the effectiveness review. By March 31 of each year following the effectiveness review, APS will send a copy of the effectiveness review and a copy of any additional corrective actions developed from the effectiveness review to the NRC.
- Condition L: Until December 31, 2026, APS will retain a copy of all documentation created during the implementation of the Confirmatory Order Conditions.
- Condition M: Documents that are required to be sent to the NRC as a result of the Confirmatory Order Conditions will be sent to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011-4511 and emailed to R4Enforcement@nrc.gov.
- Condition N: In consideration of the Conditions delineated above, the NRC agrees that the issuance of this Confirmatory Order will not be considered as escalated enforcement. However, for any future escalated enforcement actions involving 10 CFR 72.48 or 10 CFR 72.146, the NRC will consider this Confirmatory Order for the civil penalty assessment purposes as discussed in the NRC Enforcement Policy.
- Condition O: In consideration of the Conditions delineated above, the NRC agrees not to issue a notice of violation and not impose a civil penalty for the apparent violations discussed in the NRC inspection report to APS dated July 6, 2020.