

**FENOC**

FirstEnergy Nuclear Operating Company

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B. Boeckhardt64FR 61142  
Nov. 9, 1999  
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December 9, 1999

Mr. David L. Meyer  
 Chief, Rules and Directives Branch  
 Division of Administrative Services  
 Office of Administration  
 Mail Stop: T6 D59  
 U.S. Nuclear Regulatory Commission  
 Washington, D.C. 20555

**RE: Revision of the NRC Enforcement Policy (64 Fed. Reg. 61142, November 9, 1999)**

Dear Mr. Meyer:

On behalf of the Perry Nuclear Power Plant, the Davis-Besse Nuclear Power Station and the Beaver Valley Power Station ("the FirstEnergy Plants"), the FirstEnergy Nuclear Operating Company ("FENOC") hereby submits the following comments on the revisions to the NRC Enforcement Policy. FENOC operates the FirstEnergy Plants for the plant owners; the Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company and Pennsylvania Power Company. As such FENOC has great interest in the development and consistent application of the new NRC oversight process.

In general, FENOC supports the revisions to the Enforcement Policy as published on November 9, 1999 particularly the revisions to Section IV "Significance of Violations", the recodification of the factors to be used by the NRC in assessing the significance of a violation. The elimination of the term "regulatory significance" as an assessment factor is long overdue and will lend objectivity and clarity to the Enforcement Policy.

However, while the term "regulatory significance" is being eliminated, the proposal nonetheless retains some of its "underlying concepts". FENOC urges the NRC to revisit the use of escalated enforcement action in the context of regulatory policies, such as the NRC policy regarding maintaining a safety conscious work environment, that have no measurable, articulated criteria for licensees to follow. While FENOC unequivocally agrees with the need for such a safety conscious work environment at commercial nuclear power plants, the use of a subjective and undefinable concept as a basis for enforcement action under 10CFR 50.7 is fundamentally unfair to the regulated industry and to individual employees who must manage human resources within the industry.

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Overall we support the NRC's recent efforts to make enforcement actions more risk informed and urge that further revisions to the Supplements to the Policy occur in light of changes being developed to integrate enforcement with the new overall reactor oversight program. FENOC welcomes further opportunities to participate in the development of an enforcement process that is more predictable, less subjective and fundamentally fairer for commercial power reactor licensees and their employees.

Respectfully submitted,



John P. Stetz  
President, FirstEnergy Nuclear Operating Company

JPS:MEO:lms

cc: Lew Meyers, Senior Vice President FENOC - Beaver Valley  
John K. Wood, Vice President FENOC - Perry  
Guy Campbell, Vice President FENOC - Davis-Besse