

CS OH 939-1

DUKE POWER COMPANY

POWER BUILDING

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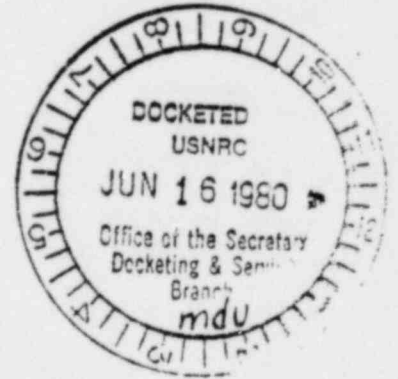
June 4, 1980

DOCKET NUMBER
PROPOSED RULE PR-19 (56)
(45 FR 19564)

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

Subject: U. S. Nuclear Regulatory Commission
Proposed Rule - 10CFR Part 19
"Informal Conference During Inspection;
Notice of Proposed Rulemaking"
Duke Power Company, Comments



Re: Federal Register, Vol. 45, No. 60
Wednesday, March 26, 1980
Pages 10564 and 65

Dear Mr. Secretary:

The proposed amendment to 10CFR Part 19 regarding informal conferences during inspections is not necessary in that the present rule (Part 19.15 provides ample opportunity for workers to contact Commission inspectors relative to matters of safety or compliance by the licensee. The proposed rule, Part 19.14(h) would permit the NRC to require informal conferences be held at any time during inspections to discuss tentative inspection findings. In fact, this type of conference has been conducted by applicants, licensees and inspectors for many years. The results of these conferences have been generally accepted as being very beneficial to all concerned, and we support the continuation of this practice.

It should be noted, however, that the success of these conferences is largely due to their informal nature which allows candid discussion between the NRC and licensee management. The proposed amendment would allow either the NRC inspectors or the licensee to unilaterally invite additional "individuals with legitimate interest" to these conferences. In general, the introduction of third parties into the informal conference would clearly inhibit the candor usually present and could change the conference to an adversary proceeding.

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Additionally, the discussion could easily and rapidly evolve into labor relations issues if a third party is a worker representative, or into a contract interpretation or negotiating session if a contractor or sub-contractor is involved or even into a debate on the merits of nuclear power if a public interest group attends. With a third party present, it would also be difficult to limit discussions to non-proprietary matters or even to reach an agreement on which matters are proprietary. Under the present rule such a determination is not necessary.

The proposed rule also is ambiguous in that it does not define "legitimate interest." A determination made under Part 2.714 which is favorable to an intervenor could be interpreted to constitute a legitimate interest. It would then be extremely difficult to bar such individuals from attending conferences on the basis that he or she did not have a legitimate interest.

Nothing stated above, however, should be interpreted as opposition to a contractor or consultant participating in a conference if he was involved in the inspection activities either for the inspector or the licensee and is therefore bound by the proprietary agreements. No rule changes are needed to continue this practice.

In conclusion, we consider the present rule and current practices to be adequate and effective in addressing concerns which may arise during or following on-site inspections. The proposed rule is not only unnecessary, it would reduce the effectiveness of informal conferences as presently conducted. The proposed rule, as presently worded, represents a clear intrusion on management's authority and responsibility to manage.

Very truly yours,

William O. Parker, Jr.
William O. Parker, Jr. *By [Signature]*

RFJ:vr