

CP&L

Carolina Power & Light Company

DOCKET NUMBER

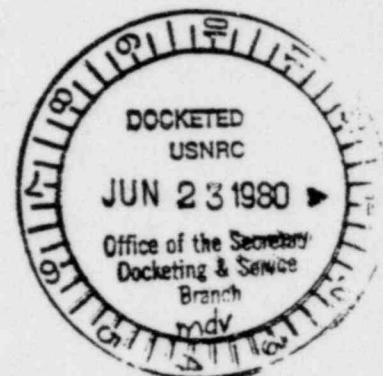
June 16, 1980

PETITION RULE PRM-2-10⁹
(45 FR 26071)

Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

PETITION FOR RULEMAKING
DOCKET NO. PRM-2-10



Dear Sir:

On April 17, 1980, the Commission published a Petition for Rulemaking filed by the Citizens Advisory Board of the Metropolitan Area Planning Agency of the Omaha, Nebraska-Council Bluffs, Iowa area (45FR26071). The petition requests that 10CFR2 be amended to "require an informal public hearing in every instance of issuance, amendment, modification, suspension, or revocation of a facility operating license." It is our opinion that such a rule change is not only unnecessary, but could prove counter-productive to the public health and safety. Ample opportunity is already provided in the existing regulations for intervention by the public in significant license modifications, and the Commission has established procedures for noticing license amendments in the Federal Register. The establishment of a minimum criteria on intervention should be designed to encourage only those with legitimate interest in the proceedings to participate. To permit groups which do not even meet the current minimal requirements for intervenors to participate in hearings would dilute the efficacy of the process and may, in fact, reduce the technical fiber of the entire licensing process to administrative gamesmanship.

It should be noted that such "informal hearings" would still require "formal" action by the NRC Staff, utilities, vendors, architect/engineers, court recorders, etc. Thus, substantial human resources and time would be required for each license modification. The diversion of this manpower from safety-related issues at a time when the industry and NRC are striving to maximize our efforts in these safety areas would represent an unwarranted diversion from issues bearing on the public health and safety and could prove highly deleterious to the public health and safety. A final consideration in this regard relates to license amendments issued on an expedited basis. Even with the best of intentions on the part of everyone involved, the informal hearings and their associated preparations, noticing, etc., required by this petition

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would make it impossible for any license technical specification change to be obtained on an expedited or emergency basis. Circumstances occasionally necessitate that utilities request emergency changes to their technical specifications. At the present time, these requests can be processed in a very short period of time if the needed change is a straightforward one, and in the best interest of the public health and safety. If the petition was adopted and the rule changed, this type of review would become essentially impossible and this could add substantially to the costs of power production or result in unnecessary power outages for utility customers without providing any increase in public health and safety.

We hope the preceding comments will be taken into consideration in the Commission's deliberations on this petition.

Yours very truly,



E. E. Utley
Executive Vice President
Power Supply and
Engineering & Construction

DLB/jc (154-084)