

15184

DUKE POWER COMPANY

POWER BUILDING

422 SOUTH CHURCH STREET, CHARLOTTE, N. C. 28242

WILLIAM O. PARKER, JR.  
VICE PRESIDENT  
STEAM PRODUCTION

TELEPHONE AREA 704  
373-4083

April 17, 1980

PROPOSED RULE PR-19,30,40,<sup>(15)</sup>  
50, 70, 71, 150  
(45 FR 15184)



Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Chilk:

Regarding the proposed rule the NRC published in the Federal Register, (FR Doc. 80-7343 Filed 3-7-80, 8:45 a.m.), Duke Power Company wishes to provide the following comments.

One of the major thrusts of the proposed regulation is to prohibit licensees from taking punitive action against an employee for reporting certain protected activities. The rule also reiterates the actions the NRC may take against a licensee for such acts. We are concerned that an employee may take actions to release sensitive security information to the public (or to the Department of Labor which may not be able to protect such information), and be shielded from any possible disciplinary actions. The allowed "providing to the Commission" or "testifying in any Commission proceeding" could be interpreted quite broadly to permit any employee to intentionally (or unintentionally) release the most sensitive security information with impunity. As a minimum, the regulation should not apply to an individual who releases proprietary security information to the Commission in a manner where the information is disseminated outside of the NRC.

To this end we would suggest a new subsection (e) under Part 50.7 as follows:

"(e) If an employee provides proprietary information to the Commission in such a manner that all or portions of the information are disseminated outside of the NRC, the provisions for employee protection do not apply."



ACKNOWLEDGED BY CHIC 5/9/80...mdv...

8005280 240

r. Samuel J. Chilk  
April 17, 1980  
Page 2

In addition, we feel the proposed regulations should require the NRC to provide, to appropriate licensee management personnel, the identity of individual(s) providing such information since the individual(s) could possibly constitute an "inside" threat to the station. Information related to the identity of the individual(s) would only be used by the licensee to protect against the possibility of a viable "inside" threat and would not be used as a basis for punitive action against the individual(s).

Although our comments pertain to nuclear power reactors, similar language may be appropriate for other licensing activities. If you have any questions or comments, we would be pleased to discuss them with you.

Very truly yours,



William O. Parker, Jr.

WRC:bb