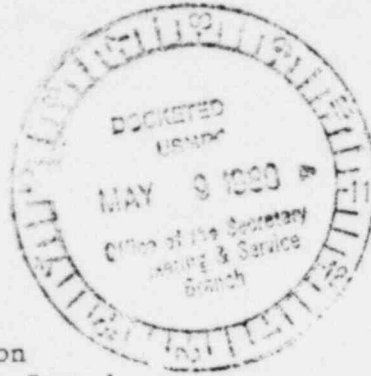


Alabama Power Company  
600 North 18th Street  
Post Office Box 2641  
Birmingham, Alabama 35291  
Telephone 205 323-5341

JESSE S. VOGTLE  
Executive Vice President

DOCKET NUMBER  
PROPOSED RULE PR-19 (12)  
(45 FR 19564)



  
Alabama Power  
the southern electric system

May 8, 1980

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Attention: Docketing and Service Branch  
Washington, D.C. 20555

Re: Proposed Rule Entitled "Informal Conference  
During Inspection"

Dear Sir:

Alabama Power Company files these comments in response to the proposed rules relating to "Informal Conferences During Inspection" as published in 45 Federal Register 19564 on March 26, 1980. Alabama Power Company is the holder of an operating license for the Joseph M. Farley Nuclear Plant Unit No. 1, as well as a construction permit for Unit No. 2, and desires to assure that its operations are conducted with the utmost attention to safety and in an orderly manner which does not disrupt procedures and practices designed to fulfill such objective. In that respect we support the objective of the NRC inspection program which is currently in place, but are concerned over certain aspects of the proposed rule which could have a counter productive effect.

Section 19.14 of the Commission's Regulations which would be added by the proposed rule would permit the NRC inspector to require a conference with the holder of an operating license, construction permit or limited work authorization at any time during an inspection. Such proposed change in Section 19.14 would further authorize the inspector (as well as the licensee) to invite "individuals with legitimate interest" in the matter to which the inspection relates. We are disturbed over the lack of any control on the people who may be invited to such conferences, and the destructive impact which such unlimited invitation authority would have on the purpose of such conferences. It would indeed be unfortunate if the conferences between NRC inspectors and the licensee's management were permitted to deteriorate to the point of becoming adversary proceedings in which the parties feel compelled to take legalistic and formalistic positions.

The term "individuals with legitimate interests" is so broad as to encompass lawyers for a disgruntled individual who is attempting to prepare a case for trial. It could include workers whose presence on the job at the time of the conference is essential for safe conduct of reactor operations. It could include individuals who simply enjoy confrontations over nuclear power safety issues in general.

Acknowledged by card.....

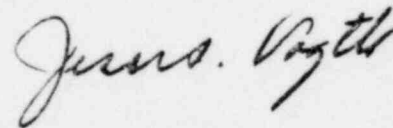
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May 8, 1980

While we recognize that the proposed rule is written on the assumption that the NRC inspector will exercise discretion as to the individuals invited to the conference, our concern is that the power to invite people to the conference is absolute and is subject to abuse in practice. In order to avoid the possibility that such conferences will result in non-productive, adversary confrontations, we would urge the Commission to revise its proposed rule so as to permit either the NRC inspector or the licensee, with the concurrence of the other, to invite individuals with a legitimate interest in the subject matter to be discussed. We would hasten to add that any lack of concurrence by a licensee to participation of a named individual should in no way impair the inspector's ability to conduct his investigation. Presumably, there are no restraints on such inspector's ability to interview any individual or seek the advice or opinion of any individual with respect to the matter in question. What would be avoided in most instances by such concurrence process is the loss of the value of such informal conferences. Where adversary confrontations are contemplated, procedures exist under the NRC regulations to afford protection to all interested parties. Obviously, such procedures would not be followed in the informal inspection conferences contemplated in the proposed changes to the rules. We submit that it would be counter productive if a licensee found it necessary, because of the personalities of the individuals invited by the NRC inspector to the conference, to conduct such conferences in a guarded, non-committal, combative atmosphere.

Our other concern relates to the site of any such inspection conference. We presume NRC would not insist that such conferences be conducted in areas of the plant where increased security or radiological monitoring burdens would be imposed. We would suggest that this point be made clear in any final rule adopted by limiting such conferences to locations other than in radiologically controlled or vital areas of the plant.

Yours very truly,



JSV:st