

# UTILITY WORKERS UNION OF AMERICA

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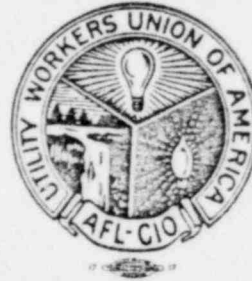
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DOCKET NUMBER **PR-19 (28)**  
PROPOSED RULE  
**(45 FR 19564)**

May 12, 1980

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

ATTENTION: Docketing and Service Branch



RE: 10 CFR Part 19  
Proposed Rule  
Informal Conference  
During Inspection

Dear sirs:

The Utility Workers Union of America, AFL-CIO is in general support of the NRC's proposed rule providing for an informal conference and the presence of workers, workers' representatives and other appropriate individuals having a legitimate interest in the matters involved in the NRC inspection. While we believe the proposed rule is valid, necessary and desirable, it is believed that certain additional conditions and improvements will make it much more valuable to the NRC and to the workers and their safety and protection.

Paragraph 19.14 entitled: "Presence of Representatives of Licenses and Workers During Inspections" is being changed to provide the NRC with the same option as the licenses to "invite individuals with legitimate interests" into an informal meeting during an inspection. This wording does not seem to fulfill the stated purpose outlined in the supplementary information. It would be much better to state the language of the rule as precisely what is meant rather than to use such a broad phrase as "individuals with legitimate interests" since there are no defined perimeters with such a statement and may lead to continual litigation to determine the legitimate interest and will always leave open the door for a challenge by the other party as to the legitimacy on an individual's interest.

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ACKNOWLEDGED BY CARD. 5/14/80. mdv...

Secretary of the Commission  
May 12, 1980

On the other hand, a more definite phrase clearly specifying the legitimacy and entitlements of individuals to be present will eliminate such problems. We would, therefore, suggest that the two examples cited in the "Supplementary Information" be incorporated into the language of the proposed rule. We would suggest that the phrase "individuals with legitimate interests in matters pertaining to the inspection" be deleted and replaced by examples a. and b. The second sentence of the rule would then read:

"The NRC Inspector and the Licensee shall each have the option of inviting as either determines appropriate its own representatives and in addition the representative of the workers who has submitted a request for inspection. A worker who has expressed interest in the inspection which has been brought to the attention of the NRC will be invited to any meeting held in conjunction with such inspections."

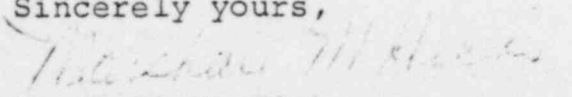
There should also be, in addition to the above suggested change, additional provisions to provide for follow up procedures to determine whether or not the changes deemed necessary by such inspections expeditiously and a final report made available to all parties involved.

There must be a procedure to provide assurance to the workers that once violations or problems with the regulations which specifically pertain to his safety and exposure to radiation are corrected and not continually repeated.

We would also suggest that additional provisos be included that would permit the worker or worker's representative to appeal the determination of the NRC Inspector and the License Management in those cases where it is felt the proposed corrective action for regulatory violations are not adequate to protect the worker when matters of safety and health are involved.

We would request that the above suggested additions and improvements be given consideration with the final draft and adoption of the proposed rule.

Sincerely yours,

  
Marshall M. Hicks  
National Secretary-Treasurer

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