

YANKEE ATOMIC ELECTRIC COMPANY



20 Turnpike Road Westborough, Massachusetts 01581

May 8, 1980

DOCKET NUMBER PR-19 (24)
PROPOSED RULE (45 FR 19564)

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



Attention: Docketing and Service Branch

Subject: Informal Conference During Inspection - Proposed Rule
(45FR19564-3/26/80)

Dear Sir:

Yankee Atomic Electric Company appreciates the opportunity to comment on the Nuclear Regulatory Commission's proposed rule on informal conferences during inspections. Yankee Atomic owns and operates a nuclear power generating plant in Rowe, Massachusetts. The Yankee Nuclear Services Division also provides engineering services for other nuclear power plants in the Northeast including Vermont Yankee, Maine Yankee, and Seabrook 1 and 2.

It is not clear to us that the proposed rule change is necessary since NRC can interview anyone and in fact already has informal conferences during inspections. We are not aware of incidents where NRC inspectors have not received total cooperation and have not been allowed to invite plant personnel to meetings as they desired. Thus, we see little real need to have these current practices codified in greater detail.

The "supplementary information" section describing the proposed rule does not appear unreasonable. We agree with NRC's desire to optimize the efficiency and improve the effectiveness of the inspection conferences. Our major concern is that the proposed rule, as written, does not reflect the "supplementary information" description and may be misinterpreted in the future. Our specific comments are provided below and our recommended clarifications to the proposed rule change are provided in Attachment 1.

- NRC inspectors may interpret or use the rule to generate additional meetings which may be unnecessary and have negative impact on plant operations. Specifically, we are concerned that key plant personnel will be required to participate in these unnecessary additional meetings during inspections rather than performing their primary role of operating the plant safely. The proposed rule should spell out that most conferences will be held at the conclusion of the inspection as presently the case. More frequent conferences should be the exception to the rule.

8005290 122

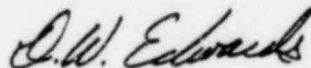
Acknowledged by card. 5/14/80...mdv...

- A more definitive description of "individuals with legitimate interests" is needed otherwise future interpretation may allow anyone claiming interest to be invited to meetings or create additional unnecessary meetings. As stated in the "supplementary information" section the NRC intent is to have present individuals that have a specific and legitimate interest such as workers or worker representatives, or expert consultants to increase the effectiveness of the inspection conferences. It further states that the proposed rule is not intended to open inspection conferences to the general public since inspection findings and the licensee positions are expressed in correspondence and become matters of public record under existing practice. Our recommended changes in Attachment 1 clarifies NRC's intent and could prevent future misinterpretation.
- Further clarification to the proposed rule is required in order to define the scope of invitees participation and access to materials, activities, facilities, premises, and records. Invitees should not have the privileges of paragraph 19.14(a) and should participate only in that portion of the inspection and conference pertaining to their specific interest.

Should you have any questions with regard to our comments, please contact us.

Very truly yours,

YANKEE ATOMIC ELECTRIC COMPANY



D. W. Edwards, Director
Operational Projects

JHM/kaf

Attachment 1

S 19.14 Presence of representatives of [~~licenses~~] licensees and workers during inspections.

* * * * *

(h) At the request of the NRC inspector, an informal conference with a representative of licensee (including holders of construction permits and limited work authorizations) management [~~shall~~] may be held at any time during an inspection to discuss tentative inspection findings, complaints of individuals involved in the licensed activities concerning radiological working conditions, safety, safeguards and environmental impacts and [~~resolution~~] resolution of matters pertaining to inspection findings. However, usual practice is to hold conferences at the conclusion of the inspection. The NRC inspector and the licensee shall each have the option of inviting, as either determines appropriate, workers or worker representatives, or contractors or expert consultants [~~individuals~~] with legitimate interests and specific expertise [~~interests in matters~~] pertaining directly to the inspection. NRC invitees shall not be afforded the privileges of 19.14(a). Workers or worker representatives, or contractors or expert consultants shall only participate in that part of the inspection and conference pertaining to their specific and legitimate interest. (Action taken under this subparagraph shall not affect the option of confidentiality afforded any individual who provided information to the NRC, to the extent authorized by law.)