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

DOCKET NUMBER
PROPOSED RULE **PR-19 (43)**
(45 FR 19564)
May 12, 1980

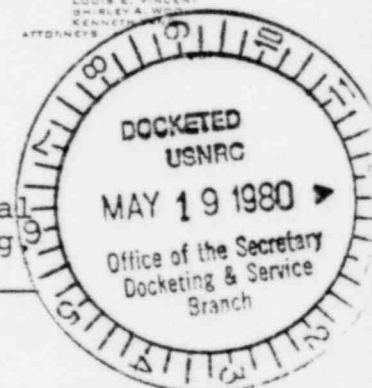
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Re: Comments on Proposed Rulemaking: Informal
Conference During Inspection (45 Fed. Reg.
19654, March 26, 1980)



Dear Mr. Chilk:

Pacific Gas and Electric Company ("PGandE") has reviewed the proposed rule changes published in the Federal Register and has the following comments on proposed changes to 10 C.F.R. Part 19.

In our view, the rule as drafted is ambiguous and, therefore, potentially overbroad in its scope and application. Under the proposed rule, the licensee and the NRC inspector both have the option of inviting to the informal conference "...individuals with legitimate interests in matters pertaining to the inspection." The critical question is who has a "legitimate interest?" While the supplementary information in the Notice suggests a narrower scope to the proposed rule by using the words "specific and legitimate interest," the proposed language of the rule is far broader. In fact, the supplementary language explains that employees of the licensed contractors and NRC consultants are the categories of people contemplated by the NRC as having legitimate interests in participating in the inspection conferences.

We believe the rule should clarify this point and by its terms narrow the scope of persons having a "legitimate interest." Otherwise, the language of the new rule could be misinterpreted to mean that anyone could attend the inspection conferences and cause the Commission to be subjected to pressure from too broad a spectrum of persons requesting attendance at the meeting. A corollary problem would encompass security considerations involving access by "invitees" to the site during the inspection. Accordingly, we propose that clarifying language defining invitees as "...workers or worker representatives, or contractors or expert consultants retained by NRC with legitimate and specific expertise pertaining directly to the inspection" should be added.

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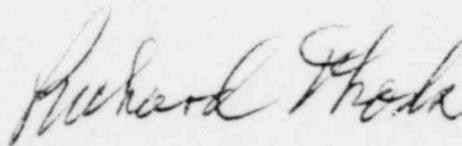
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A second issue concerns the extent of participation by persons invited by the NRC. This is divided into two questions: (1) invitee accessibility to go on the walk-through inspection and (2) invitee access to the premises, licensee's records, etc.

As to the former question, since the wording of the proposed rule allows for an informal conference to be held "...at any time during an inspection...", the NRC should clarify whether their invitees are to go on the walk-through inspection or only participate in the meetings regarding the inspection. The supplementary information suggests that the invitee is present only at the meeting. The language of paragraph (f) of the existing rule, however, produces some confusion since it allows a licensee's consultant or a worker's representative to accompany NRC inspectors on their tour of the plant. We believe that the appropriate scope of participation on the walk-through should be dictated by the specific and legitimate interest of the invitee. That is to say, the invitee should be restricted to only those items in which a specific interest has been acknowledged by NRC and which require participation in the walk-through inspection in whole or in part. The invitee should not be allowed to participate in the walk-through merely to engage in a wide-ranging inquiry unrelated to his specific and legitimate point of interest.

A similar constraint should be exercised in the wording of the rule regarding the invitee's scope of access to materials, activities, facilities, premises, and records. While the present rule states in Section 19.14(a) that "each licensee shall afford to the Commission ... opportunity to inspect materials, activities, facilities, premises and records pursuant to the regulations in this chapter," it seems clear that NRC invitees' access to the above should, as noted above, be restricted commensurate with their specific and legitimate interests. To allow otherwise would needlessly complicate and hinder the inspection process, allow for "fishing expeditions" by individuals, and, as noted above, possibly produce security problems.

In conclusion, we appreciate the opportunity to participate in this rulemaking and hope that these comments will aid in promulgation of a rule which adequately protects the legitimate interests of all concerned parties.



RICHARD F. LOCKE

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