



May 16, 1980

DOCKET NUMBER PR-19 (52)
PROPOSED RULE (45 FR 19564)



Secretary Of The Commission
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Attention : Docketing Service Branch

Subject : Proposed Rule 10CFR19
Informal conference during inspection.

Our comments on the subject proposal are as follows:

1. Regarding the codification of the practice of having meetings between management and NRC Inspectors during or following an inspection, we have no objection. It is our experience that such meetings are helpful to both parties.
2. Regarding the granting of the right to an inspector to invite anyone he wants to such a meeting we have many objections.
 - a. In our experience, NRC Inspectors have been a knowledgeable and thoroughly professional group but this proposal gives a blank check to an inspector to invite reporters, cameramen, or, for that matter, anyone, who, by any stretch of the imagination, could claim a "legitimate interest" in the matter and the licensee has no right to refuse admission to such a meeting. The pressure on an inspector could be politically unstoppable.
 - b. If the inspector were to invite any, or all, of the employees of the company to such a meeting, and nothing prohibits that, the issue of who is responsible to pay for their time arises. We don't believe the NRC should have the right to pull employees off the job with no commensurate responsibility.
 - c. The proposal also provides for the NRC to call in outsiders such as consultants. Who pays their fees?
 - d. The cover information, but not the proposed language, says there is no intent to open the conference to the general public, yet there is no employee, no neighbor, no reporter who cannot claim a "legitimate" interest in the alleged violations of a licensee as they could conceivably affect his or the public's well-being. The inspector, then, is in the position of having to refuse admission to some and grant it to others.

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e. The proposed rulemaking is a response to requests from labor unions, according to the proposal. Since Part 19 already permits the licensee to invite representatives, it seems to us that this is a subject for contract negotiations between such unions and the licensees and the NRC should not be put in the position of granting something that a labor organization could not get in collective bargaining

f. The NRC Office Of Inspection And Enforcement indicates a belief that the right of the inspector to invite outsiders should increase the effectiveness of the meeting. We do not agree.

The objective of such a conference is to get the parties to agree on the problems and to arrange for their solutions.

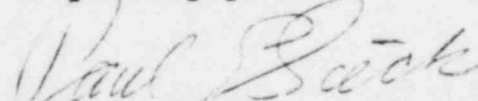
The inspector, by virtue of his position and the licensee, by granting of the license, are presumed to be knowledgeable and responsible. Third parties cannot be so presumed.

Since many apparent violations are just that - "apparent" - and since even those which are agreed to be real may not be agreed to at that meeting the potential damage to the licensee and the potential level of panic in the community caused by an irresponsible third party is enormous.

No executive and probably no inspector is going to discuss any subject in the presence of a potential adversary as freely as he might otherwise. In our opinion this proposal, if enacted, would make these meetings less effective rather than more.

We believe that if the inspector and the licensee cannot agree on what third party participation is required the chances of any such participation improving the results of a meeting are virtually nil. We believe it will simply result in choosing up sides and that the real objective - resolution of the problems - will not be reached.

Very truly yours,



Paul E. Sieck
Vice President - Manufacturing
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