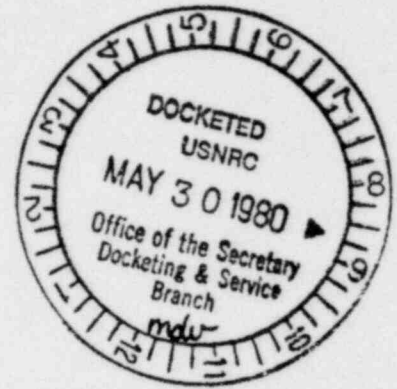


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DOCKET NUMBER May 27, 1980  
PROPOSED RULE PR-19 (54)  
(45 FR 19564)

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



Attention: Docketing and Service Branch

Dear Sir:

In the Federal Register of March 26, 1980 (45 F.R. 19564) the NRC invited comments on a proposed amendment to 10 CFR Part 19, Informal Conference During Inspection.

The Atomic Industrial Forum's Committee on Power Plant Design, Construction and Operation has reviewed the proposed rulemaking and offers the following comments for your consideration.

The proposed amendment to 10CFR Part 19 regarding informal conferences during inspections is not necessary since the present rule (Section 19.14 and 19.15) provides ample opportunity for workers to contact Commission inspectors relative to matters of safety or compliance by the licensee. The proposed amendment, Section 19.14(h) would permit the NRC to require informal conferences be held at any time during inspections to discuss tentative inspection findings. In fact, informal conferences of this type have been conducted by applicants, licensees and inspectors for many years in that other appropriate individuals have been invited as mutually agreed to by the NRC inspector and licensee/applicant. The results of these conferences have been generally accepted as being very beneficial to all concerned, and we support the continuation of this practice.

It should be noted, however, that the success of these conferences is largely due to their informal nature which allows candid discussion between the NRC and licensee management. The proposed amendment would allow either the NRC inspectors or the licensee to unilaterally invite additional "individuals with legitimate interest" to these conferences. In general, the introduction of third parties not mutually agreed to by the NRC and the licensee into the informal conference could constrain the flow of information and could change the conference to an adversary proceeding. Additionally, the discussion could easily and rapidly evolve into labor relations issues, contract interpretation, or even into a debate on the merits of nuclear power, depending on the interests represented by the third party.

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With a third party present, it would also be difficult to limit discussions to non-proprietary matters or even to reach an agreement on which matters are proprietary. For example, the security plan could not be discussed. Under the present rule such a determination is not necessary.

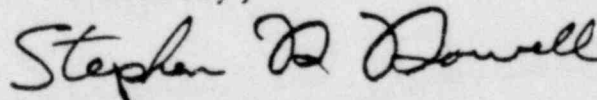
The proposed rule also is ambiguous in that it does not define "legitimate interest." A determination made under Section 2.714 which is favorable to an intervenor could be interpreted to constitute a legitimate interest. It would then be extremely difficult to bar such individuals from attending conferences on the basis that he or she did not have a legitimate interest.

Nothing stated above, however, should be interpreted as opposition to a contractor or consultant participating in a conference if he was involved in the inspection activities either for the inspector or the licensee and is therefore bound by the proprietary agreements. No rule changes are needed to continue this practice.

Furthermore, the proposed rule as written would involve the NRC inspector in worker safety issues on construction sites. This is more properly the jurisdiction of OSHA. The involvement of two federal agencies in one issue is counterproductive to both productivity and safety. Implementation of the Resident Inspector program gave workers easy access to the NRC which is completely adequate in serving the needs of nuclear and radiological safety.

In conclusion, we consider the present rule and current practices to be adequate and effective in addressing concerns which may arise during or following on-site inspections. The proposed rule is not only unnecessary, it would reduce the effectiveness of informal conferences as presently conducted. The proposed rule, as presently worded, represents a clear intrusion on management's authority and responsibility to manage.

Sincerely,



Stephen H. Howell  
Chairman,  
Committee on Power Plant Design,  
Construction and Operation

ACB:cls