KERR-McGEE CORPORATION
KERR-McGEE BUILDING • OKLAHOMA CITY, OKLAHOMA 73102

DOCKET NUMBER
PROPOSED RULE PR-G
Instructions To Employees of Licensees

February 16, 1973

GEORGE B. PARKS
EXECUTIVE VICE PRESIDENT



Secretary of the Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545

Attention: Chief, Public Proceedings Staff

Dear Sir:

This is in reference to your February 1st Notice inviting AEC licensees to comment on the proposed new regulation, 10 CFR Part 19, "Notices, Instructions, and Reports to Employees of Licensees; Inspections", and associated amendments to 10 CFR Part 20. Kerr-McGee Corporation as operator of several licensed facilities is, we feel, well qualified to comment on the proposed regulation, considering Kerr-McGee's broad experience in maintaining license conditions at operating facilities and the extensive manpower requirements for these operations.

We believe everyone would agree that these regulations should be written so that the desired benefits will be obtained without disruption or unwarranted interference with the sensitive relationship, and the necessary spirit of cooperation and confidence, between an employer and its employees and without unreasonable expense to the licensee. We submit that the regulations as now proposed fail this test.

First, Kerr-McGee feels strongly that the general references to the Act, regulations and license conditions made in the 19.11(d) provisions for posting of Subpart B of Part 2 notices, orders and responses, the 19.15 provision regarding private conferences of an employee with AEC inspectors, and the 19.16 provisions regarding an employee's right to request inspections, should in each case be limited by appropriate words making clear the reference is only "insofar as such Act, regulations or conditions directly pertain to and affect the employee's working conditions". There is a clear distinction between the OSHA regulations and AEC regulations and license conditions, in that working conditions of the employee is only one of many areas regulated by the latter. The present text of these proposed regulations ignores this distinction even though the published explanatory notes indicate the intent is to provide for inspection of working conditions comparable to that under OSHA.

The employee has no legitimate specific personal concern with these other AEC regulation and license condition areas, many

of which involve highly technical matters. Determinations as to compliance require judgments the average employee is not qualified to make, measurements with sophisticated instruments he is not capable of operating, and involve a multiplicity of factors of most of which he would be unaware. Under these circumstances the dissident employee, or even the well-meaning but unqualified employee, can by malicious or uninformed complaint cause wasteful expenditure of untold amounts of time from all echelons of management personnel in the making of additional surveys, explanations and justifications to compliance inspection personnel.

The bulk of all license and regulatory matters (we estimate in excess of 75%) have to do with the performance of the duties of management, i.e. survey of emissions, promptness of submitting notifications and accepting receipts, revisions to licenses to reflect current organization, and other non personnel-safety related matters. Management is required to train personnel specifically in radiological and nuclear safety fundamentals for the purpose of detecting license violations. Management and these specially trained personnel are responsible for maintaining compliance and the AEC through its inspectors is responsible for inspections to confirm compliance.

Particularly considering the considerable potential for propagation of misinformation in a field as new and complex as the nuclear industry, responsibility for regulatory inspections must be clearly vested in a restricted number of skilled personnel who are adequately supervised, aware of the public impact of unqualified statements as to the nuclear industry's performance, and able to differentiate between "nit-picking" and substantive compliance problems.

We do not see how any benefit can flow from these provisions inviting the employee to become a self-appointed "policeman" in these areas where he is neither qualified nor has any identifiable personal interest (other than as a member of the public at large, which interest is represented by the AEC) or from the requirement that employees be informed by posting of matters between management and the AEC in the areas of compliance unrelated to the employee's working conditions. We do see in these provisions potential for substantial disruption of the employer-employee relationship and of the productivity and efficiency of nuclear plant operations.

Conscientious nuclear facility management desires thorough indoctrination of its employees into the hazards of radioactivity and toxicity of materials associated with nuclear activities, and active interest in AEC regulations by well-trained employees of

employees. Such a goal, however, cannot be attained by making available to all employees, irrespective of the level of qualification, the unjustifiable right to be exposed to any difficulties or disagreements with regulatory agencies in which management is engaged.

Kerr-McGee also disagrees with the philosophy of the proposed regulations which deem it responsible conduct for an employee to raise a question of compliance initially with the AEC or its inspectors. Certainly the giving of immediate notice to management of an observed problem is of the essence and is a principle any conscientious employee would observe. Any regulation issued should enforce the need for such prompt reporting by an employee to his supervisor. We ought not to ignore the fact of the occasional existence of a malcontent employee and the harm which such an employee might do by withholding notice of (or even concealing) the existence of a problem until able to cause his employer maximum embarrassment by initially raising the matter with an AEC inspector. Thus, although the AEC inspectors must of course be free to talk with employees in the course of making their inspections, it seems essential that the provisions for an employee's bringing possible noncompliance matters privately to the attention of an inspector or permitting the employee to request an inspection be limited in such a manner that these actions are available to the employee only after he has brought the matter to the attention of his supervisor and the employer has then failed to take remedial action within a reasonable time.

The 19.14 provisions for an employee representative to accompany the AEC inspector during physical inspection of working conditions serves no useful purpose, is costly and is another unwarranted disruption or interference in the employer-employee relationship. Such a representative should only be permitted to accompany the inspector upon specific written authorization of the employer or during an inspection specifically for the purpose of checking a possible noncompliant condition reported to the AEC by an employee after notice to and failure to remedy by the employer. Posting requirements under 19.11(d) should be limited to notices, orders and responses in connection with a working condition compliance matter raised by an employee in the prescribed manner.

There are several other miscellaneous points that should be noted. One is the fact that the 24 hour period allowed for posting documents under 19.11(d) is impractically short, since in many cases the document would be received at a home or district office and then have to be forwarded by mail to the facility involved. Additionally the provision of 19.14(d) having reference to mandatory information should be clarified to add after the language the word "authorized" so that its concluding phrase would read

"only if authorized by the licensee to do so". Another concern is with the intended meaning of the reference to "the operating procedures applicable to the licensed work" found in 19.11(a). We believe this reference should be deleted but, if kept, then at a minimum it ought to be clarified. As written it could be expanded into a veritable, and wholly unneeded, employee document library requirement involving a mass of highly technical quality assurance manuals and the like.

In summary we submit that these proposed regulations are violative of the principles of good management practice and employee motivation, as well as of the clear principle that inspections should be performed by objective qualified third parties. Our facilities are subject to frequent inspection by various governmental agencies, each of which has the responsibility of inspecting for compliance with its regulations using well qualified personnel. There should never be any implication that such an agency has attempted to delegate any of its inspection responsibility to employees who are neither qualified nor objective.

Very truly yours,

George B. Parker

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AEC FORM 783 (5-71)

U.S. ATOMIC ENERGY COMMISSION

# MATERIALS DATA INPUT

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SECONDARY PROGRAM CODES:

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INDIVIDUAL LICENSEE

| NAME | NAME |
|---|---|
| NAME | NAME |
| NAME | NAME |

ORGANIZATION LICENSEE

ORGANIZATION NAME: Kerr-McGee Corporation

DEPARTMENT OR BUREAU:

TYPE OF ORGANIZATION: U. S. GOVERNMENT AGENCY | EDUCATIONAL INSTITUTION | MEDICAL INSTITUTION X | INDUST | OTHER

ADDRESS

| BUILDING, STREET | CITY | STATE | ZIP CODE |
|---|---|---|---|
| | Oklahoma City | OK | 73102 |

| APPLICANT'S COMMUNICATION DATED: | CLASSIFICATION | ASSIGNED TO: | RESULTING AMD. NO. |
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| 02/16/73 | U | | |

ENCLOSURES:

Process Description Raffinate Treatment Sequoyah Hexafluoride Plant

UNCLASSIFIED DESCRIPTION:

Ltr., request for amendment to SUD-1010

DISTRIBUTION:

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OTHER REFERRALS

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