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PROPOSED RULE **PR 50**  
(53FR21981) (11)



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OFFICE OF THE SECRETARY  
DOCKETING AND SERVICE  
BRANCH

JOHN D. LEONARD, JR.  
VICE PRESIDENT - NUCLEAR OPERATIONS

July 14, 1988

VFNO88-102

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

Attn: Docketing and Service Branch

Policy Statement on Cooperation  
With States and Commercial Nuclear Power Plants

Gentlemen:

We have carefully reviewed the proposed policy which was published in the Federal Register (53FR21981) on June 13, 1988, and wish to submit comments thereon.

We recognize that the states can have legitimate concerns regarding the safety and operation of nuclear power plants. We believe that these concerns can be addressed in the currently prescribed licensing process through the offices of the NRC. Our major concern with this revised policy is understanding the role of qualified state inspectors. Since the Atomic Energy Act has delegated to the NRC sole authority to regulate nuclear power plants, any policy which could possibly weaken this authority must be avoided.

The proposed policy on NRC/State Cooperation is not entirely clear. We believe that if the NRC feels State input is essential, it should on a case-by-case basis:

- (1) consider a State's concerns regarding safety of a nuclear power plant responding, when necessary, with an inspection which could include State observers;
- (2) provide a State with timely information regarding its concerns, providing the information is not proprietary or does not pertain to security matters;

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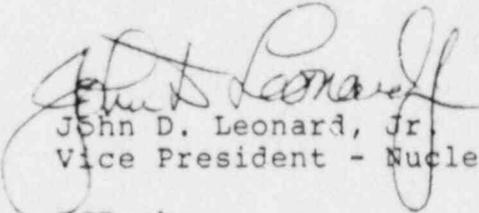
- (3) include State representation in public meetings with the licensees;
- (4) obtain State assistance when such assistance would be a benefit to the NRC in its regulatory duties; and
- (5) have complete oversight of State activities regarding nuclear safety.

The NRC should not:

- (1) permit independent State inspection programs or reviews; and
- (2) delegate responsibility for performing NRC inspections to State representatives.

The proposed policy statement is ambiguous with regard to the above requirements. This ambiguity can lead to a situation where a State, for whatever reason, could hinder the NRC in its regulation of nuclear power.

Very truly yours,

  
John D. Leonard, Jr.  
Vice President - Nuclear Operations

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