

DOCKET NUMBER PR -50
PROPOSED RULE (53 FR 8924)



Pennsylvania Power & Light Company

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Mr. Samuel J. Chilk, Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attn.: Docketing and Service Branch

SUSQUEHANNA STEAM ELECTRIC STATION
COMMENTS ON PROPOSED RULE
LICENSEE ANNOUNCEMENTS OF INSPECTORS
PLA-3019 FILES R41-2/A17-11

Docket Nos. 50-387
and 50-388

Dear Mr. Chilk:

Pennsylvania Power and Light provides the enclosed comments on a proposed rule involving licensee announcements of inspectors (53FR8924). We understand NRC's concerns which the proposed rule attempts to address, but we do not believe that NRC fully appreciates the impacts of this proposed rule as written.

I strongly encourage the Commission to abandon this rulemaking. If a rule is deemed necessary, it should be expanded to provide a number of qualifications. The accompanying statements of consideration will need to address all of the specific concerns provided in our detailed comments.

PP&L appreciates this opportunity to comment on the proposed rule.

Very truly yours,

H. W. Keiser
Sr. Vice President - Nuclear

Attachment

- cc: NRC Document Control Desk (original)
- NRC Region I
- Mr. F. I. Young, NRC Sr. Resident Inspector
- Mr. M. C. Thadani, NRC Project Manager

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NRC REGION I
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DETAILED COMMENTS

As written, the proposed regulation would prohibit any form of announcement or communication as to the arrival or presence of an NRC inspector. The only exception would be where the inspector specifically requested that his arrival or presence be made known.

The proposed rule would inhibit station management in its responsibilities:

1. It has been a long-standing practice at Susquehanna for Security to notify the Plant Superintendent, Shift Supervisor, Compliance group and others upon the arrival of manager-level or higher personnel not stationed at the facility, visiting VIPs, and NRC personnel other than the resident inspectors. The reason for these notifications is not to change the way we conduct business, but to keep responsible station management personnel abreast of activities at the facility. These individuals have a variety of actions to take to support an NRC inspection. These activities include arranging entrance and exit meetings, ensuring appropriate personnel attendance, and ensuring appropriate support for the inspector so that the inspection can proceed smoothly. These activities are appropriate ones but would be difficult to accomplish without violating the rule as proposed. Even if the consent of the inspector has been obtained to perform these functions, there is a high risk of misunderstanding which could lead to violations.
2. The proposed rule would inhibit resolution of NRC concerns. Once a concern has been raised, the responsible employee may need to interface with any number of other employees to resolve the concern. He will also be obligated to inform his supervisor who may need to inform management, operations, compliance or others depending on the concern. To accomplish all this while protecting the presence of an inspector from disclosure may not be feasible and is not reasonable. Again, even if the consent of the inspector has been obtained to perform these functions, there is a high risk of misunderstanding which could lead to violations.
3. The proposed rule would require employees to lie to each other. If questioned about the presence of an inspector, the employee would be required to deny his presence. No regulations should require our employees to mislead each other.
4. The rule conflicts with other requirements. When an inspector enters the protected area, his presence is detected by the security computer. This information is accessible and represents a form of communication. Even the absence of the inspector's key card from its storage slot can communicate his presence to security personnel. In the event of a site evacuation, the inspector's name would be included on the list of personnel for accountability. This is necessary for his own safety.

The above examples represent only a sampling of our concerns. As a result, we strongly suggest that the proposed rule as written is unworkable and that compliance is not reasonable or possible. Therefore, the proposed rule should be abandoned.

If NRC feels that some level of secrecy is necessary, and that the rule must be issued, then we recommend the following:

- o NRC should consider restricting only general announcements. Communications between individuals should be exempted.
- o The rule should not apply to resident inspectors. The presence of the residents can be assumed by all employees.
- o The specific problems identified above must be addressed so that the rule does not unnecessarily inhibit or impact activities at the facility or conflict with other requirements.
- o The rule should be applicable only during off-hours. If an NRC inspector feels secrecy is needed, he should arrive after normal working hours. The rule should not restrict communication of his presence during normal hours the following day.

In summary, we understand and sympathize with the problem NRC is trying to solve. However, the proposed rule is a poor solution because it creates too many other problems.