



Wisconsin Electric POWER COMPANY
231 W. MICHIGAN, P.O. BOX 2046, MILWAUKEE, WI 53201

DOCKET NUMBER

PETITION RULE PRM 50-47
(52 FR 1200) (29)

DOCKETED
USNRC

'87 MAR 19 P4:04

(414) 221-2345

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

VPNPD-87-107
NRC-87-030

March 13, 1987

Mr. Samuel J. Chilk
Secretary to the Commission
U. S. NUCLEAR REGULATORY COMMISSION
Washington, D. C. 20555

Attention: Docketing and Service Branch

Gentlemen:

COMMENT ON QUALITY TECHNOLOGY COMPANY
PETITION FOR RULEMAKING

The Nuclear Regulatory Commission has requested public comments on a petition for rulemaking filed by Quality Technology Company. The petition, which was docketed on November 14, 1986, requests the Commission to add to its regulations the requirements that all utilities involved in a nuclear program (1) report to the NRC's Office of Investigation all employee-identified concerns related to "wrongdoing activities" and (2) establish and maintain an employee concerns program. We believe such regulations would be redundant to existing regulation and are, therefore, unnecessary. We urge that this petition be denied.

Presently the NRC regulations in 10 CFR 19, "Notices, Instructions, and Reports to Workers; Inspections", at Section 19.16, both permit and encourage any worker or representative of workers who believes that a violation of the Act, the regulation in 10 CFR, or license conditions exists or has occurred in license activities to request an inspection by giving notice to an NRC office or to any Commission inspector. Paragraph 19.15(b) states, "During the course of an inspection any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which he has reason to believe may have contributed to or caused any violation of the Act, the regulations in this

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Mr. S. J. Chilk
March 13, 1986
Page 2

chapter, or license condition." Section 19.20 of 10 CFR 19 prohibits an employer from taking any discriminatory action against an employee who engages in such activities as permitted by Part 19. These employee-protection provisions are repeated or expanded upon in 10 CFR Parts 30, 40, 50, 70, 72, and 150.

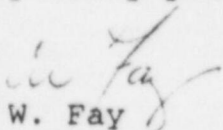
In addition to providing these guarantees, the NRC's regulations also require that licensees inform employees of these rights. Each licensee is required to post on its premises at locations sufficient to permit employees on the way to or from work to observe a copy of Form NRC-3, "Notices to Employees", which reiterates those rights of employees to report to the NRC any evidence or allegations of nuclear safety concerns.

In addition to those rights already guaranteed by the Commission's regulations, it has been our observation as an operator of a facility licensed by the NRC that the NRC Resident Inspectors at our facility have encouraged an "open door" policy for all licensee employees. These inspectors are easily accessible, maintain an office on site, and, through daily tours and inspections, engage in frequent conversations with many of our employees.

Beyond those guarantees currently resident in the Commission regulations, we and most other licensees maintain our own programs for initiating examinations and reviews of potential safety concerns. These programs include modification requests, control of non-conformances, corrective action systems, and operating experience reviews. All of these programs include provisions for employees to initiate notifications of safety concerns, as well as mechanisms for formal notifications to the NRC under 10 CFR Part 21 or 10 CFR 50.72 or 50.73 when applicable.

In summary, we maintain the rulemaking called for in this petition is not only unnecessary but also is, indeed, redundant to existing regulations. We believe the basis for this proposal is unfounded and that licensees have in place adequate measures to identify and resolve employee concerns. This patently self-serving petition has no merit and should be rejected.

Very truly yours,


C. W. Fay
Vice President
Nuclear Power

Copy to NRC Resident Inspector



MAINE YANKEE ATOMIC POWER COMPANY •

DOCKET NUMBER
PETITION NO. FRM 50-47(28)
(52 FR 1200)
DOCKETED
USNRC

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'87 MAR 19 P3:56 (207) 623-3521

March 13, 1987
MN-87-33 OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH GDW-87-58

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

Attention: Docketing and Service Branch

Subject: Quality Technology Company; Petition for Rulemaking -
Employee Concerns Program

Gentlemen:

As a NRC licensee, Maine Yankee would like to offer comments concerning the petition for rulemaking which dealt with an employee concerns program.

Maine Yankee believes that the NRC and utility programs which are already in place provide sufficient opportunity for employees to identify and resolve concerns. The recent NRC initiative to increase the resident inspector's visibility at all nuclear power plant sites through video tapes should increase employee awareness of an avenue available for airing concerns. The reporting required by the proposed rule appears to duplicate reporting currently required under 10 CFR 21 and 50.55 (c).

In our opinion, the proposed rule is unnecessary and would not result in any improvement in the protection of public health and safety. We, therefore, recommend that this petition be denied.

Maine Yankee appreciates this opportunity to comment on this petition for rulemaking.

Very truly yours,

MAINE YANKEE ATOMIC POWER COMPANY

G. D. Whittier, Manager
Nuclear Engineering and Licensing

GDW/hbg

cc: Mr. Ashok C. Thadani
Dr. Thomas R. Murley
Mr. Pat Sears
Mr. Cornelius F. Holden

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MAR 23 1987
Acknowledged by card.....



Duquesne Light

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DOCKET NUMBER

PETITION RULE PRM

(52 FR 1200)

DOCKETED
USNRC

50-47(27)

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Telephone (412) 393-6000

OFFICE OF SECRETARY
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BRANCH

March 11, 1987

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, DC 20555
Attn: Docketing and Service Branch

Reference: Petition for Proposed Rulemaking Federal Register,
52 FR 1200

Gentlemen:

Published in the Federal Register on January 12, 1987 (51 FR 1200) was a notice of receipt of a petition for rulemaking and request for comments. The petition requests amendment of the regulations to require that all utilities involved in a nuclear program report to the NRC's Office of Investigation all employee identified "wrong doing activities" and establish and maintain an employee concerns program.

We feel that adequate controls exist to assure quality concerns are properly identified. 10 CFR 19 establishes the requirements for notices, instructions, and reports by licensees to employees participating in licensed activities, and options available to employees in connection with Commission inspections of licensees to ascertain compliance with the regulations. The provisions in this section give the employee the opportunity to privately bring to the attention of the NRC inspectors, either orally or in writing any past or present condition he has reason to believe may have contributed to or caused any violation of the regulations.

Existing regulations in 10 CFR 50.72 and 50.73 identify actions to be taken once notified of an activity that is determined to not meet NRC or license requirements.

We feel that adequate controls exist to assure quality concerns are properly identified and therefore believe the petition should be denied.

Very truly yours,

J. D. Sieber
J. D. Sieber
Vice President, Nuclear

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add: M. Desai, 4000 MNRB

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