

CP&L

Carolina Power & Light Company

LOGIC NUMBER
PROPOSED RULE **PR-50** (3)
(50 FR 11884)

MAY 23 1985

SERIAL: NLS-85-180

Mr. Samuel J. Chilk, Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, DC 20555

ATTENTION: Docketing and Service Branch
Room 112i, 1717 H Street, NW
Washington, DC 20555

DOCKETED
USNRC

'85 MAY 29 A11:45

PROPOSED RULE REGARDING
COMMUNICATIONS PROCEDURES AMENDMENTS
(50 FR 11884, MARCH 26, 1985)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Dear Mr. Chilk:

Carolina Power & Light Company appreciates the opportunity to comment on the proposed rule, *Communications Procedures Amendments* (50 FR 11884, March 26, 1985). We recognize the need for guidance pertaining to administrative matters associated with the exchange of information between licensees and NRC. However, we disagree with the Commission with regard to the need for codification of such issues (e.g., address requirements, distribution requirements, form of communications, delivery of communications, and citation of regulatory requirements). We consider that the proposed rule diverges from the directives of the *Atomic Energy Act of 1954* and is diametrically opposed to the spirit of the *Paperwork Reduction Act of 1980*.

DIRECTIVES OF THE ATOMIC ENERGY ACT

The *Atomic Energy Act of 1954* authorizes the Commission to:

establish by rule, regulations, or order, such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable to promote the common defense and security or to protect health or to minimize danger to life or property; (Chapter 14, Section 161, b.).

The administrative duties of the Commission, such as photocopying, do not impact the health and safety of the public, and as such should not be managed by rule, regulation or order.

Congress recognized that the Commission, in order to carry out its function, would require resources to perform administrative functions. For this purpose it authorized the Commission to:

appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission . . . (Chapter 14, Section 161, d.) [and to,] acquire such material, property, equipment, and facilities . . . as it may deem necessary (Chapter 14, Section 161, e.).

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Acknowledged by card.....

In our judgment, the Commission should continue to reserve the regulations for provisions which protect the health and safety of the public and to those which require strict adherence.

PROVISIONS OF THE PAPERWORK REDUCTION ACT

We also consider that the proposed rule does not meet the intent of the *Paperwork Reduction Act*. The Act was intended to:

minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons . . . (§ 3501) [and to] ensure that paperwork required from the public is first checked to see whether information requested is: (1) needed; (2) not duplicative; and (3) collected efficiently (Legislative History).

Contrary to this, the proposed rule will elevate administrative guidelines to regulatory requirements. Consequently, the licensees will have to develop strict procedures to assure strict compliance. Implementation of such procedures will require allocation of additional resources.

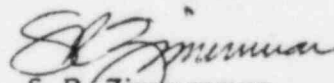
Additionally, the proposed rule will not reduce the number of copies submitted. The rule requires correspondence to be submitted to the Document Control Desk. Our experience is that it takes weeks for information to filter through the system to the NRC organization that requires the information. In the past, we have submitted copies (sometimes via telecopy and express mail) directly to the cognizant parties, at their request. We believe that the NRC Staff will continue to request such additional copies, thus creating unnecessary duplication.

CONCLUSIONS

Consequently, we recommend that the Commission not issue this proposed rule. In our judgment, these administrative matters should be treated with guidance documents, as is presently done (e.g., Generic Letter 82-14 and Regulatory Guide 10.1). Furthermore, we urge the Commission to purge from the existing regulations those administrative requirements that have found their way into the regulations throughout the years and incorporate them into the guidance documents.

If you have any questions, please contact Mr. Pedro Salas at (919) 836-8015.

Yours very truly,



S. R. Zimmerman
Manager

Nuclear Licensing Section

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cc: Mr. T. E. Tipton (AIF)