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

ATTENTION: Docketing and Service Branch

Secretary:

This correspondence is in response to a notice in the Federal Register 10-4-96 regarding Deliberate Misconduct by Unlicensed Persons. While I may agree with the proposed change to the Code of Federal Regulations regarding who is bound by the Misconduct Rule, I certainly disagree with your thinking on arriving at this change. The 10CFR 72.12 clearly states:

Any licensee or any employee of a licensee; and any contractor (including a supplier or consultant), subcontractor or any employee of a contractor or subcontractor of any licensee who knowingly provides to any licensee, contractor or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's activities subject to this part may not.....etc. etc.

I do not appreciate the interpretation, as the Code currently reads, that a holder of a Certificate of Compliance and that holder's contractors and subcontractors are not bound by the regulation as it reads now. The licensee of a nuclear power plant contracts with the holder of the CoC for the purpose of supplying casks. As stated above "any contractor, subcontractor or any employee of a contractor or subcontractor" is bound by CFR. Why then do you make the distinction that there is a difference.

For an example, Toledo Edison contracted with Vectra for the purpose of supplying the Nuhems 24P. Vectra subcontracts parts of the work out. Where is the distinction that Vectra is not under contract with a licensee? Where is the distinction that a QA program by a subcontractor is not bound by CFR? Certainly, the intention of CFR applies to contractors and subcontractors just as it states.

I would appreciate a clarification.

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cc: Senator John Glenn
Congresswoman Marcy Kaptur
NRC Chairperson Shirley Jackson

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