

October 12, 2001

The Honorable John E. Sununu
United States House of Representatives
Washington DC 20515

Dear Congressman Sununu:

I am responding to your September 26, 2001, letter to Mr. Dennis Rathbun of the NRC's Office of Congressional Affairs. In your letter, you requested that NRC review a letter written by one of your constituents, Ms. Lorraine Morong, who objects to a proposed NRC rule concerning the licensing hearing process for nuclear power reactors. You also asked that the NRC provide you information on the status of the proposed rule.

The NRC published a proposed rule on April 16, 2001. 66 *Fed. Reg.* 19610. The proposed rule would make the NRC's hearing process more effective and efficient by fashioning hearing procedures tailored to the differing types of licensing and regulatory activities that the NRC conducts. Among other things, the proposed rule would establish general procedures for the conduct of hearings, and establish criteria for determining the specific type of hearing procedures (e.g., formal trial-type hearings with cross examination by the parties or less formal oral hearings with questioning of witnesses by the presiding officer) to be used in any given type of proceeding before the NRC. The proposed rule would not eliminate formal trial-type hearings, but unlike current NRC practice, the proposed rule would allow the use of informal hearing procedures in most reactor licensing proceedings, except for those reactor proceedings involving a large number of complex issues which the presiding officer determines can best be resolved through the application of formal hearing procedures.

The comment period for the proposed rule was originally scheduled to end on July 16, 2001, but was subsequently extended for an additional two months, to September 14, 2001 (see 66 *Fed. Reg.* 27045, May 16, 2001). The NRC's records show that Ms. Morong timely filed a postcard with the NRC expressing her opposition to the proposed rule (enclosed). The NRC has received

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a large number of postcards - similar to Ms. Morong's - which oppose the proposed rule. Ms. Morong's comments will be considered by the Commission along with all other comments on the proposed rule. If you have any specific questions on this rulemaking, your staff may contact Mr. Geary S. Mizuno of my office at 301-415-1639.

Sincerely,

/RA/

Stephen G. Burns
Acting General Counsel

Enclosure: As stated

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*See previous concurrence

DRathbun

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