



NORTHERN THUNDER-NORTH

P.O. Box 334, Turtle Lake, WI 54889

April 6, 1981

Secretary of the Commission
Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Docketing and Service Branch

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PROPOSED RULE

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U.S. NUCLEAR REGULATORY
COMMISSION

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Office of the Secretary
Docketing & Service

Dear Sir or Ms.:

I am writing to you to state our organization's opposition to the proposed NRC rule changes to expedite the hearing process. Taken together the rule changes represent a potential breach of public safety and another step backwards in a hearing process already weighted toward the well funded utility applicants.

We see no valid reason why the utilities should not be compelled to wait while the full NRC review proceeds. The utilities would certainly save money by rushing plants on line but that is not a sufficient justification for a potential compromise of health and safety. Utilities are already required to obtain NRC approval for plants, causing them to spend more money than if the plants were built without regulation. Since the regulation is obviously desirable, little is to be gained by gutting the process.

Two particularly bad proposals are to exempt NRC staff from discovery and to allow the Chair of the Licensing Board to decide alone on crucial procedural, discovery and admissibility of contentions questions. Through Northern Thunder, I intervened on the construction permit proceeding for the now defunct Tyrone nuclear plant proposal and found it already difficult to pry information out of the staff. By exempting them from formal discovery, the process will only worsen. Similarly, by allowing the Chair alone to decide crucial prehearing matters, citizen groups may be deprived of advancing certain contentions. The supposed knowledge of the other LB members may lend them particular insight and interest toward certain contentions citizen groups may advance. Often citizen groups, such as ours, intervene without benefit of counsel or a slate of scientists. The rule changes would make procedures even more difficult and less open for those parties.

I hope the NRC will reject its proposed rule changes and also the rule changes forthcoming that will attempt to reduce lag time between favorable LB rulings and issuance of operating licenses. In the wake of the TMI accident, the NRC should be contemplating more protection not less.

Sincerely,

Tom Calazen

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