



OHIO PUBLIC INTEREST RESEARCH GROUP

STATE OFFICE · 65 S. 4th ST. · COLUMBUS, OHIO 43215 · [614] 461-0136

OTHER OFFICES: OBERLIN COLLEGE, WITTENBERG UNIVERSITY

DOCKET NUMBER

PROPOSED RULE

PR-2

46 FR 17216

April 6, 1981

390

APR 13 1981

United States Nuclear Regulatory Commission
Washington, DC 20555

Dear Sirs:

Attached is a response to your request for comment on proposed amendments to the Commission's Rules of Practice. On behalf of OPIRG, I respectfully submit them for the Commission's review and assistance in rendering a decision on this proposal.

Sincerely,

Nancy Bartter
Nancy Bartter
Associate Director

NB/mp
enclosure

8104290831.

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

Position of the Ohio Public Interest Research Group with regard to proposed amendments to the United States Nuclear Regulatory Commission Rules of Practice, 10 CFR Part 2.

Comment on the proposed amendments will center on three areas, with which OPIRG is most concerned. OPIRG shall address the effect of these proposals upon the ability of citizens and organizations of limited resources to participate fully and meaningfully in NRC licensing proceedings.

OPIRG objects to the proposal that the Licensing Board be allowed to make verbal orders on written motions. This would seriously restrict the flow of information to those parties which, for lack of resources, were unable to attend all meetings and sessions of hearings during which such an order might be issued. Intervening parties are rarely if ever in complete agreement regarding important issues in the nuclear licensing process, and thus the presence of one intervening party, or several, should not be seen as guaranteeing a complete or accurate communication of the form and content of verbal orders to those parties not in attendance at the instant such an order is given. We hold, therefore, that the Licensing Board be required to continue to provide written orders in response to written motions.

OPIRG is also opposed to the elimination of reconsideration by the Licensing Board of prehearing orders. Those parties who are unable to afford the representation of counsel familiar with administrative law are already at a serious disadvantage in adversarial hearings. Reconsideration guards the ability of parties who may be initially ignorant of important issues with regard to a prehearing order to raise those issues, to the benefit of the quality of the Licensing Board's direction of licensing proceedings as well as its final judgment.

Finally, OPIRG would consider it a serious error were the Licensing Board Chairman granted the power of acting alone in issuing substantive orders on prehearing matters. The importance of prehearing matters with regard to the entire licensing proceeding is great indeed. It is at this time that contentions are accepted, and the pace and tone of the hearings themselves are determined. There is no evidence that past Licensing Boards have reached anything near unanimity on these issues, so that a single member could provide, without requisite consultation, the best judgment of the Board as a whole.

OPIRG thus recommends that the Commission not accept the proposals expounded upon in this opinion, in order to provide the people of this nation the best quality regulation that is attainable.