

DOCKET NUMBER
PROPOSED RULE PR-2
46 FR 17216

Mr. Joseph Hendrie
U.S. Nuclear Regulatory Commission
1717 H Street N.W.
Washington D.C. 20555



Mr. Hendrie:

I am writing to express my concern with the decision by the Nuclear Regulatory Commission to streamline licensing procedures for new nuclear power plants. The question of licensing a new nuclear power plant involves many sensitive and complex issues that are of importance to the general public and especially to people who live close to the plant site. It is absolutely necessary that all matters pertaining to licensing be dealt with thoroughly and that information be made available to the public and that the public be invited to participate in licensing hearings.

I am particularly concerned with the Diablo Canyon nuclear power plant. There are several issues that need to be resolved before a low power testing license is granted for this plant. The plant lies less than three miles from an active earthquake fault and it is not certain that the plant has been designed, built, and altered to withstand an earthquake that this fault could deliver. Emergency planning is inadequate and the plan for plant security should be made available for public review. The issue of on-site waste disposal must be examined. The question of decommissioning should be included in licensing hearings. These issues must be resolved before any license is granted for the Diablo Canyon plant. Public hearings must be held to resolve these issues. The health and safety and economic well being of the public must not be sacrificed for streamlining licensing procedures.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tyler R. Ruffel".

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POOR QUALITY PAGES

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4-4-1 P1 2

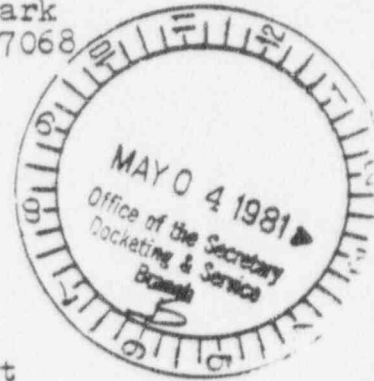
15502 Bonnie Park
Houston, Tx. 77068
22 April, 1981

Docketing and Service Branch
Nuclear Regulatory Commission
Washington, D.C. 20555

PROPOSED RULE

PR-2

661



Dear Commissioners:

46FR17216

I would like to register my individual protest against the proposal to speed up licencing of new nuclear power plants. I feel that the consequences of an accident at such plants is much too grave to justify their use. I do not feel that the safeguards are proven, and that we should do much more research into all aspects of nuclear technology before any more plants are built.

My personal background is that I am 43 years old, a wife and mother, and do not belong to any organizations, political or otherwise. I have done reading on this subject on my own, and these are the conclusions I have drawn.

If you have any information on the stance of the NRC on licencing of new plants, or anything else that would be useful to me in forming a rational opinion on nuclear power generation, I would be grateful.

Sincerely,

Claudia N. Higginbotham

L-4-1,17.2

659

DOCKET NUMBER
PROPOSED RULE PR-2
46 FR 17216

Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Mr. Chilk,

I object to the following proposed changes to the Rules of Practice for Domestic Licensing Proceedings, (10 CFR Part 2,):

1. The new rules of discovery do not apply to the NRC Staff. This would allow significant information to remain unexamined.
2. The allowing of summary disposition motions at any time is an unequal burden to intervenors, whose limited funds do not allow quick response.

These changes will make it even more difficult for citizens concerned about safe energy to receive a fair and just hearing before the NRC.

I live near the Big Rock Reactor; my views should be taken into account.

Sincerely,

A handwritten signature in cursive script that reads "Susan K. Moore".

Susan K. Moore
Traverse City, Michigan 49684

Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

44-1, PR-2

Dear Sir

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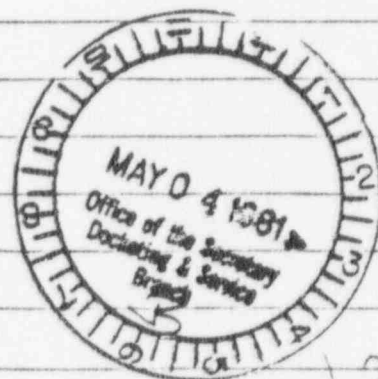
EXHIBIT NUMBER 1981
PROPOSED RULE PR-2

46 FEB 17 1981

I am writing to express my concern regarding the Nuclear Regulatory Commission's proposed amendments to its Rules of Practice. I oppose any move to speed up the licensing practice including: elimination of formal discovery procedures against NRC staff; not allowing the licensing board to reconsider pre-hearing orders it has issued; and authorizing the licensing board chairman to act alone on pre-hearing matters. As a nurse, a taxpayer, a homeowner and a member of People Against Nuclear Power I strongly condemn the use and misuse of nuclear power and technology.

Sincerely,

Rhonda Nichols
P.N., B.S.N.



L-4-1, P. 2

West Rumney Village
Rumney, NH 03266
April 20, 1981



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Secretary of the Commission
US NRC
Washington, DC 20555
Attn: Docketing and Service Branch

DOCKET NUMBER
~~PROPOSED RULE~~ PR-2
46 FR 17216

To whom:

I am writing in response to the April 3 request for public comment on "rule changes to expedite operation of nuclear power plants" - - News Releases No. 81-57. These changes would affect Appendix B to Part 2 of NRC regulations on operation licensing. My comment, as I wish it to appear in your records, follows:

1. The summary of this NRC NEWS RELEASE begins paragraph three with "following the Three Mile Island accident licensing reviews for plants under construction were delayed while NRC resources were directed at investigating the cause of the accident and developing new requirements based on the lessons learned." NRC NEWS RELEASE item 81-39, on TMI-clean up, emphasizes in "12.4 Benefit Balance" that there is still the possibility of "uncontrolled (emphasis mine) releases of radioactivity to the environment." Item 81-39 underlines the fact that TMI accident is ongoing. However, if the NRC has arrived at an "end-date" for TMI accident, what is that date? Then, how can Appendix B to Part 2 be amended with either of the two options when, TMI accident not yet completed, there cannot be given any time-frame for the NRC's investigation of the accident? Will the NRC admit to being unscientific, illogical in this request and to favoring, rather, the nuclear business community?
2. Does either amendment, given in detail, give accident liability, during any interim licensing, to the NRC, thus to the U.S. taxpayers? If yes, will the taxpayers be allowed to know this through the media? I say this because of the GPU lawsuit charging the NRC with negligence.

Sincerely,

Lyon Rudmin Chong

c/c THE WASHINGTON POST
THE PHILADELPHIA INQUIRER
Sen. Warren Rudman, NH

L-411 p.2

6653 Trigo Road A
Goleta, CA 93117
20 March 1981



DOCKET NUMBER
PROPOSED RULE PR-2
46 FR 17216

The Honorable Robert J. Lagomarsino
1117 Longworth Building
Washington, D.C. 20515

Dear Mr. Lagomarsino:

In the 18 March news, I read of some disturbing new proposed Nuclear Regulatory Commission regulations and legislation. Two aspects trouble me. First, the proposed regulations would significantly reduce the public's right to gather information in cases the NRC handles. Under the present "discovery" process, citizens can ask questions and receive documents relating to specific NRC cases, thus exercising their right to receive information. The proposed regulations seek to entirely eliminate the discovery process, with the NRC deciding if and what information to give citizens.

What this amounts to is a removal of United States' citizens right to question projects which have serious potential for extreme damages (damages to both property, and life itself). Without information, how can we participate in democracy? A democratic society must make information available to all citizens, and not have some body (the NRC) deciding what information should be available to its citizens; such a society which withholds facts reminds me of the Soviet Union. This proposed regulation is removing a democratic right. Rather like asking people to vote without knowing, seeing, or ever reading about the candidate.

Second, the prospect of issuing operating licenses before safety hearings are completed is absolutely ludicrous. Would any rational man drive a high-powered car on the freeway before safety checks were completed? Would we even let him drive, thus endangering our lives, without a thorough safety check? Quite assuredly, no. Yet the NRC has suggested we approve of legislation which would allow an extremely dangerous technology (dangerous not just to the individual, but to large segments of the population) to operate before safety hearings are finished. Such behavior is throwing reason to the wind.

Such irrationality may be acceptable if it affects only the man who chooses to be the fool. But when it affects significant quantities of other people, it is absolutely unthinkable. Yet this is what the NRC proposes.

L-4-1242

I urge you to reject the NRC proposed regulations and legislation. As responsible citizens, we must take the time to ensure, without a doubt, that a nuclear plant is safe. As United States citizens, our right to information so vital to our safety, and our right to participate in our government, must be upheld.

Again, I urge you to reject the NRC proposals. Democracy and reason go hand in hand. The NRC proposals disregard both.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred S. Etheridge".

Fred S. Etheridge

April 3, 1981

SECRET NUMBER

PROPOSED RULE PK-2
46 FR 17216

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



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Dear Mr. Secretary:

I am writing with regard to the proposed amendments to the Commission's Rules of Practice, 10 CFR Part 2. I have several objections to the proposed changes. First, the rigid time schedule proposed creates a significant hardship for citizen intervenor groups in licensing proceedings because often such groups must rely on volunteer efforts in preparing their submissions. Utility and government parties to proceedings have paid staff who can meet these deadlines, but citizens' groups often cannot afford to retain lawyers on a sustained basis; a sufficient amount of time should be allowed to at least partially redress this inequity.

Second, the removal of the opportunity to engage in formal discovery against the NRC staff increases the likelihood that inadequate attention will be paid to problems. Third, if parties are no longer permitted to file motions to request that prehearing orders be reconsidered, the possibility of rectifying errors made in the prehearing stage is removed. This is clearly absurd.

It is my feeling that the NRC is making a grave error in trying to curtail the licensing process. If the rationale is that staff have been reassigned to investigate the TMI accident and learn lessons from it, then I ask: When are these lessons learned to be applied to enhancing the care with which the licensing process is carried out? As a utility ratepayer, I would far rather have the assurance that all safety and environmental issues have gotten a thorough review than to see the process rushed to save dollars. This proposal to change the rules sounds as though the NRC would never entertain the idea of refusing a utility an operating license no matter how powerful the arguments for so doing might be. This "business as usual" attitude, the very attitude that the Kemeny Commission Report warned about, deeply concerns me.

Sincerely,

Jane Doughty
Jane Doughty

cc: Governor Hugh Callen
Senator Gordon Humphrey
Senator Warren B. Rudman
Rep. Norman E. D'Amours
Rep. Judd Gregg
Attorney Robert Backus

APR 10 1981

L-4-1, PK-2

NRC Commissioners
1717 H St.
Washington, D.C. 20555



DOCKET NUMBER
PROPOSED RULE
PR-2
46 FR 17216

51 Westside Drive
Exeter, N.H. 03833
April 2, 1981

Hear Nuclear Regulatory Commission Commissioners: Mr. John Ahearns, Mr. Peter Bradford,
Mr. Victor Gilinsky, and Mr. Joseph Hendrie;

I was astounded to read of your proposed "rules-of-practice" changes intended to speed up legal proceedings on applications to construct or operate nuclear electric generating facilities!! My naive astoundment metamorphosed into absolute incredulity when I read the tenor of your justification for these procedural changes... one aspect of which was reportedly due to having reassigned so many people within your organization to assess the NRC's ^{role} in Three Mile Island, that not enough personnel were left to deal with current practice procedural licensing matters.

First of all, I can't believe that you have more applicants for licensing today than you had anytime in the recent past! I say this considering the huge number of nuclear plant cancellations that have occurred in the past few years. The work load on the NRC should actually be LESS today, if anything. In addition, I am assuming that the actual size of your staff has increased in the last four or five years also.

Secondly, and more importantly, if so much NRC manpower is being spent assessing TMI and the NRC's role in TMI, wouldn't it make sense to pull back on the technological nuclear throttle just a bit to be able to assess the "vehicle's engine" performance more accurately and reliably?? I think prudence and common sense dictate that as your course of action, not blind acceleration into the unknown!!

For the life of me, I can't understand how presumably reliable and responsible government officials can seek to emasculate a workable legal procedure... to "deliberately" the process by which citizen and organizational intervenors can participate in their government, ESPECIALLY in light of the uncertainties and criticisms raised by the Rogovin Report. Furthermore, I am distressingly aware of the nine month delay on the part of the NRC in responding to a "Seacoast Anti-Pollution League" sponsored "Show Cause" order/request, and of the 193 day delay in your review of the Director's decision which was totally

4-4-1981

supposed to have been made within 22 days!

How can you possibly justify this kind of totally irresponsible behavior on one hand, and on the other, state that the public comment period on these proposed rules changes will not be extended beyond April 7th...which gives the public not much more than three weeks to think about the proposal and formulate a response ?? It is no wonder that so many people, intelligent, rational, and patriotic people, come to a complete feeling of frustration and injustice in trying to cope with the NRC's actions; they are virtually driven to acts of protest, demonstration, and occasionally, lawlessness. It is no wonder at all, even though I disagree with these practices.

Gentlemen, please reassess your role in this American democracy. Be willing to consider the justice, the democratic impact, the very wisdom of what you have tentatively proposed! If not, be ready to accept the responsibility for a more tumultuous public outcry than you have ever heard from Americans who are absolutely fed up with government agencies which: seek not their participation in the process of government; neglect their legally directed responsibilities to protect and preserve the safety and the rights of its citizens; and which fail to adequately disclose to the citizen pertinent information.

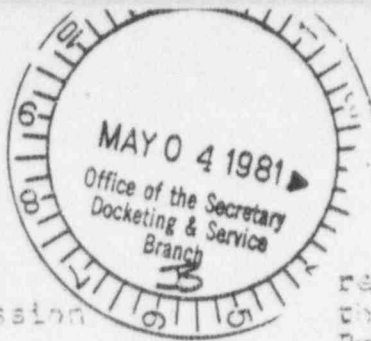
Your potential for abuse is disheartening! Your capability to reaffirm the essential of our democracy provide enlightened hope!

Respectfully,

Herbert S. Moyer

Herbert S. Moyer
Citizen's Safety Committee

cc to: President Reagan
Vice-President Bush
Senator Gordon Humphrey
Senator Warren Rudman
Senator George Mitchell
Senator Robert Stafford
Congressman Norm D'Amours
NRC Director Harold Denton
N.H. Governor Hugh Callen
Mr. Brian Grimes - NRC
Mr. Mitchell Rogovin
Mr. John Kemeny



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

re: Proposed amendments to
the Commission's Rules of
Practice 10 CFR Part 2

DOCKET NUMBER
PROPOSED RULE **PR-2**
46 FR 17276

Mr. Secretary,

Regarding the proposed amendments which would eliminate licensing procedures, I must first of all say that I feel the changes are highly inappropriate. The first part of the background information explains that the slowdown in the licensing process is largely due to the placing of safety considerations first. If the post-TMI lessons involve a slower, more cautious licensing process in the future, then this is the most appropriate course of action. The mentioned "delay costs to utilities and, ultimately, rate payers" which "could run into billions of dollars" are completely irrelevant if our primary concern is safety and no more accidents due to regulatory failures. In the two years since Three Mile Island, many large public demonstrations and opinion surveys have clearly stated the public's opinion: if nuclear power generation is to continue, safety must be the first priority. The economics must be secondary, then, based on the costs of licensing nuclear plants as safely as possible, not as quickly. Clearly, then, all of the proposed changes are objectionable compromises of safety. It is not the NRC's part to respond to the economic considerations of a new executive administration, in my law.

Specific points of the changes most inappropriate are those which make citizen intervention more difficult, and in reality do reduce the quality and fairness of the hearing, since citizen groups do not have the financial and organizational power that the industry can marshal. The input of citizen groups is crucial to a high quality hearing, which would otherwise reflect largely the priorities of the industry, not necessarily those of the people living in the area. Some of the proposed changes which are most detrimental include:

- #1) It is absolutely essential that parties continue to have formal discovery opportunities against NRC staff. The public must have the right to decide what material is important for it to have for its case. The discretion of NRC staff as to what is "discoverable" can serve only to prevent information, perhaps vital information, from coming out in public, and is not worth whatever time savings may be possible.
- #2) It is important to keep open the possibility of motions requesting the Licensing Board to reconsider prehearing orders. Important mistakes may be prevented at an early stage by this procedure.
- #3) One of the greatest flaws in NRC decision making processes is centralizing responsibility on one chairman. Although this may be necessary in times of crisis (major accident, etc.), advance licensing proceedings are the place where the time and care can and must be taken to discuss every major decision. Again it is not enough to leave it to the "discretion of the chairman to consult with the members." At least the Licensing Board members must continue to be required to "participate in each substantive order issued."

L-4-1 p42

Though I single out these specific points as chief examples of flaws, let me again stress that I am opposed to the entire notion of changing licensing proceedings for the sole purpose of speeding up the process. Safety in as complicated a system as a Nuclear Station requires all the time and forethought we can allow and we must accept the costs of safety, not seek shortcuts which allow less room to correct human oversights.

Sincerely yours,

Vincent J. Rubeo

March 30, 1981

Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

DOCKET NUMBER
PROPOSED RULE PR-2
46 FR 17216



Dear Persons,

I am writing in response to your request for public reaction to current consideration of modifications in the licensing policies for nuclear power plants. I was amazed to read in the Los Angeles Times and hear on the radio of possible elimination of the discovery rule. I think it is vital that information on safety issues at any specific plant be available to the public for assessment prior to the licensing hearings. I would think this change would seriously interfere with the goals of such hearings, tending to make them more a formality than a genuine attempt to evaluate the safety and appropriateness of licensing.

I am also very concerned about the possibility of some nuclear reactors beginning operation at low levels of power even before the public licensing process is completed. Again, this seems highly antagonistic to the goals of the hearings and licensing process, not to mention the potential danger to the public in surrounding areas.

I strongly protest these changes. I view them as reflective of reduced concern over the safety of power plants, with higher priority on the speed and number of plants licensed. As a citizen very much concerned about radiation and the immediate and longterm effects any leakage would have on us and the generations to come, I voice my strong objections to priorities which do not put safety first. I know the Commission is under pressure because of anticipated increased demands for energy sources, but an every source which does longterm damage to the consumers is an obvious tragic failure. If the citizens of our country cannot depend upon the government agency delegated to control and regulate nuclear development to pursue an approach in these matters which we can trust will protect the health and wellbeing of us and our children, our country and its values are in serious trouble.

Sincerely,

L-4-1, P-2

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March 30, 1981



Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

DOCKET NUMBER
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46 FR 17216

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Sincerely,

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Since a Nuclear Power Plant poses such a great threat to the community which surrounds it I am very much apposed to any action which prevents the community/public ability to question and gain information. The "discovery" process is the only process we as the general public have to insure that the plant meets established safety standards.

Bob E. [Signature]

L-4-1, p. 2



104 Wendale Drive
Chapel Hill, N.C. 27514
April 13, 1981

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

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DOCKET NUMBER

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PR-2

46FR17216

Dear Sir:

I am co-chairman of one of the sub-committees of the Mayor's Task Force to Assess the Effects of the Shawboro Heavy Nuclear Plant on Chapel Hill. The concern of the committee is to insure that the civil liberties of citizens are maintained despite the construction of the plant nearby.

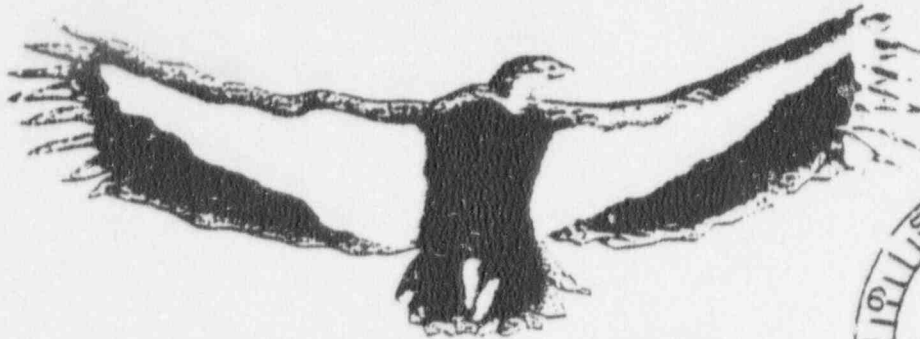
Of immediate concern to the committee is one of those "well founded rumors" which it seems only you can refute or explain. What has come to us from various sources is that the Nuclear Regulatory Commission is intending to impose some new rules that will effectively curtail the public's right to find and collect information necessary for its participation in licensed hearings. The rumor is that in an attempt to speed up the licensing procedure these new rules are about to be imposed despite the apparent circumvention of the public's right and privilege to ask legitimate questions at a public hearing.

It is possible that our committee has been misinformed, but we would appreciate it if you would supply us with full information on this matter as soon as possible.

Thank you for your assistance.

C. Canale Hollis

L-4-1, p. 2



TO: SECRETARY OF THE COMMISSION
ATT: DOCKETING AND SERVICE BRANCH
FR: LANE AND MIKE KRAUSE
RE: PROPOSED REGULATION CHANGE

642



DATE: 4/16/81

DOCKET NUMBER
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46 FR 17216

We (the public) do not need any decreased input into the licensing of future nuclear plants. To do so would be an action diametrically opposed to public service. During this time of general distrust of nuclear business it would be a bad P.R. move of the part of the NRC.

Keep the existing rule. (appendix Bto Part 2 of NRC Regulations.)

For now,

Lane Krause,

Mike Krause,

[Handwritten signature: Lane Krause]
[Handwritten signature: Mike Krause]

L-4-1, p. 2.

504 S. Wall, Apt. 228
Carbondale, IL 62901
March 21, 1981

Senator Alan Dixon
Room 456
Russell Senate Office Bldg.
Washington, DC 20510

DOCKET NUMBER
PROPOSED RULE **PR-2**

641

46F217216

Senator Dixon:

This is to express my dissatisfaction with some rule changes proposed for the Nuclear Regulatory Commission. Both these rules seem designed to bypass public hearings on whether certain nuclear plants can be built.

In the first case, the NRC is proposing a removal of the public's right of discovery. By this measure, any public interest group opposed to the licensing & construction of a nuclear power plant has access to information about the plant, and can use this information to argue a case against the plant. The elimination of right of discovery in effect would bypass the public will by denying the public information on which to prepare a case.

While that proposal disenfranchises the public in effect, we would be disenfranchised in reality by the second proposal: a rule that would permit nuclear power plants to begin operating before a license has been granted. This in itself is bad enough--if this rule is adopted, we might as well not arrest anyone who drives or hunts without a license--and it is a slap in the face of the rule of law. Taken with the other proposal, it speaks of a willingness on the part of the current administration to govern by fiat, rather than by consultation with the governed.

Mr. Reagan's advocacy of nuclear power is well-known; what is not well-known, especially in light of the Three Mile Island incident and other lesser accidents, is whether nuclear power is as safe as its proponents claim. The proposed rule change would seem to want to settle the issue without examining the evidence. It would be an unconscionable move, and I ask you and your colleagues to speak out and vote against this proposal. It's an insidious trend, short-circuiting government via the consent of the governed. This is a principle which no administration should turn its back on, however big its "mandate".

Yours,

Patrick Drazen
Patrick Drazen





DOCKET NUMBER
PROPOSED RULE **PK-2**
46 FR 17216

R 1 Box 183
Durham NC 27705
20 April 1981

(639)

To: US Nuclear Regulatory Commission
Re: "Immediate Effectiveness Rule" proposals A and B of 1 April, 1981

Comments of Wells Eddleman, General Energy Consulting *W.E. Eddleman*

1. It is confusing, to say the least, that the bulk of the proposed changes are for construction permits, not operating licenses. Nowhere in the introduction nor in the summary are any reasons why changes in the procedures for construction permits would be desirable or required. With lead times of 10 to 20 years (Shearon Harris Unit 3, near my home, was proposed in 1971, set up with the old AEC by 1973, and is now scheduled for completion in 1994), a delay of a few days or even a few months for safety review is surely inconsequential. And with nuclear units being delayed and cancelled all the time, the uncertainty as to date of possible completion, if any, is on the order of several years. Again, a few weeks or a few months won't change anything significantly.

2. It is not very practical to conduct a post-TMI safety review of any final nature at the construction permit stage anyway. There, the debate is over paper designs. What needs to be carefully and thoroughly examined, preferably by Failure Modes & Effects Analysis or a similar procedure incorporating all possible failures and their consequences, not just those thought "likely" or "conceivable", is the actual construction and operation of the plant as built. Nevertheless, the Commission is right to retain the option, in review of any construction permits considered from now on, to "determine that compliance with existing regulations and policies may no longer be sufficient to warrant approval of a license application and may alter those regulations and policies." This feature of both options A and B re construction permits is the only one that has any merit. But it should never preclude the Commission, the ASLB, or the Appeal Board from making further inquiries into any safety matter at the operating license stage. There is no reason for expediting the Construction Permit (CP) review and the Commission has given none.

L-4-1 p. 2

Therefore there should be no expediting of CP reviews. Only the flexibility to change existing regulations found inadequate (including policies) should be implemented. This would aid somewhat in heading off future nuclear accidents.

I hope the Commission realizes by now that the nuclear industry cannot afford another significant accident, even one that can be labeled "harmless" from a radiological effects standpoint. You must pursue a policy of zero defects. The Commission should use procedures such as were developed in the aerospace programs for making sure there are no identifiable deficiencies in nuclear systems, and thoroughly analyzing all possible failures, their consequences, and what can be done about them. The example of the space shuttle, recently delayed many times to assure safety and performance, which then performed well, should be your guide.

3. The Commission's declared intent to issue operating licenses faster is the same kind of thinking that caused TMI and will cause more accidents if you don't abandon it. If you don't have enough staff to analyze TMI (the accident, its causes, and the cleanup and how to prevent future accidents), hire more staff. Don't rush your review process.

I am seriously disturbed by reports the NRC is understaffed now, particularly in inspection in the field. To the extent that you cannot fill positions you must exercise greater caution in licensing and in operations. This is so elementary I would not mention it, except that the NRC has a long record of ignoring managerial common sense about safety.

A number of studies of Three Mile Island (TMI), including the "Kemeny Commission" and the "Rogovin Report" identify serious management and safety-attitude deficiencies in the NRC. These are what you must remedy. Instead, you say you have your new rules "sufficiently settled". There isn't even a claim, much less any evidence put forward, that the deficiencies in the NRC have been remedied to the extent that it is safe to go back

to "business as usual" licensing of nuclear plants, some of which belong to utilities with no nuclear experience in Commercial Operation, e.g. South Carolina Electric & Gas.

As I've said, you can't afford another accident. Therefore you should drop the proposed immediate effectiveness rule changes at the operating license stage entirely. Taking more time is no guarantee you'll catch all the mistakes in a plant design or license. Taking less time is a virtual guarantee you'll catch less of them. The fewer errors you catch, the more safety and efficient operation are compromised. Fixing the errors after operations begin is a much harder job, especially since many parts and areas become highly radioactive in operation and thus repairs and changes must involve more workers, more precautions, more time and more costs. Therefore you should not have any form of immediate effectiveness rule or expedited test licenses or low-power licenses at the C.L. stage. You should, however, take jurisdiction (if the Commission doesn't already have it) to determine in any operating license case that "compliance with existing regulations and procedures may no longer be sufficient to warrant approval of a license application" and to alter those regulations and policies accordingly. This is a vital safety procedure to have, and can avoid the problems of trying to fix reactors after they start up, which I have alluded to above and which are currently plaguing the U.S. nuclear industry (except for the spare parts people, who are doing good business).

4. I strongly question the statement on page 7 that this rule (either proposal or both) "will not, if promulgated, have a ~~xxx~~ significant economic impact on a substantial number of small entities." The effect of speeding up licensing of nuclear units will be to raise rates (through the larger amount of plant cost then in rate base for their owners). This will certainly hurt the small customers, who are a substantial number (millions) of small entities. To give one example, Duke Power Company now seeks an expedited license for its McGuire nuclear unit #1. The effect of

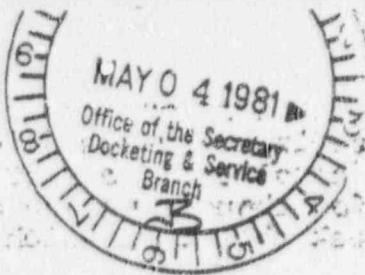
licensing this unit will be a \$110 million rate increase (10.4%) for Duke Power's 2 million North Carolina residents. A similar percentage increase will apply in South Carolina and to wholesale customers, a total of about 4 million persons. The \$110 million per year is Duke Power's own number, supplied to its stockholders, and filed in North Carolina Utilities Commission Docket No. E-7 sub 4 314, Duke's latest general rate increase. Each of the 2 million persons whose families are served at retail by Duke Power will pay an additional \$55 per year if McGuire^{#1} comes into operation.

For people earning under \$10,000 per year, that is more increase than the proposed ^{Reagan} ~~Reagan~~ tax cut. For those on Social Security, disability, pensions and so on, that amount of money is even more significant. Many of these people cannot buy food, medicines they need, and energy even as things now stand. To squeeze them out of even more money is certainly a significant economic impact on them. New nuclear plants generally have such high capital costs that they will raise rates similarly, regardless of operating performance.

The NRC appears to intend (as in its previous proposal to speed up licensing hearings) to support the cash flow interests of a few very large entities (power companies) at the expense of both the safety and the economic interests of small entities (consumers, small businesses, etc.). This is both wrong and very dangerous to the nuclear industry.

In sum: There is no reason to change the Construction Permit process, and it is a foolish paper exercise to try to finally OK safety systems at that stage. At the Operating License stage, thorough safety review is vital. This proposal (both A and B options) makes it harder to give a thorough safety review. It will also have substantial ^{adverse} economic impact on small consumers, those on fixed incomes, and others. The only suggestion of any merit in these proposals is that the NRC have authority to revise its rules and procedures whenever current ones are not sufficient, and to deny or modify licenses and change rules and policies to ensure greater safety. This last suggestion should apply at the operating license stage also.

Submitted by Wells Eidleman pro se and for Kudzu Alliance, Box 531,
Durham NC 27702 as authorized



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

638

re: Proposed amendments to
the Commission's Rules of
Practice 10 CFR Part 2
DOCKET NUMBER

PROPOSED RULE PR-2
46 FR 17216

Mr. Secretary,

Regarding the proposed amendments which would expedite licensing procedures, I must first of all say that I feel the changes are highly inappropriate. The first part of the background information explains that the slowdown in the licensing process is largely due to the placing of safety considerations first. If the post-TMI lessons involve a slower, more cautious licensing process in the future, then this is the most appropriate course of action. The mentioned "delay costs to utilities and, ultimately, anyone" which "could run into billions of dollars" are completely irrelevant if our primary concern is safety and no more accidents due to regulatory failures. In the two years since Three Mile Island, many large public demonstrations and opinion surveys have clearly stated the public's opinion: If nuclear power generation is to continue, safety must be the first priority. The economics must be settled; then, based on the costs of licensing nuclear plants as safely as possible, not as quickly. Clearly, then, all of the proposed changes are objectionable compromises of safety. It is not the NRC's part to respond to the economic considerations of a new executive administration, in my view.

Specific points of the changes most inappropriate are those which make citizen intervention more difficult, and in reality do reduce the quality and fairness of the hearing, since citizen groups do not have the financial and organizational power that the industry can marshal. The input of citizen groups is crucial to a high quality hearing, which would otherwise reflect largely the priorities of the industry, not necessarily those of the people living in the area. Some of the proposed changes which are most detrimental include:

- #1) It is absolutely essential that parties continue to have formal discovery opportunities against NRC staff. The public must have the right to decide what material is important for it to have for its case. The discretion of NRC staff as to what is "practicable" can serve only to prevent information, perhaps vital information, from coming out in public, and is not worth whatever time savings may be possible.
- #2) It is important to keep open the possibility of motions requesting the Licensing Board to reconsider prehearing orders. Important mistakes may be prevented at an early stage by this procedure.
- #4) One of the greatest flaws in NRC decision making processes is centralizing responsibility on one chairman. Although this may be necessary in times of crisis (major accident, etc.), advance licensing proceedings are the place where the time and care can and must be taken to discuss every major decision. Again it is not enough to leave it to the "discretion of the chairman to consult the other members." At least two Licensing Board members must continue to be required to "participate in each substantive order issued."

L-H-1, PL-2

Though I single out these specific points as chief examples of flaws, let me again state that I am opposed to the entire notion of changing licensing proceedings for the sole purpose of speeding up the process. Safety is as complicated a system as a Nuclear Station requires all the time and forethought we can allow and we must accept the costs of safety, not seek shortcuts which allow less room to correct human oversights.

Sincerely yours,



TARIK ABU-JABER

110 S. Quarry St.

Ithaca, NY 14850

J.S. NUCLEAR REGULATORY COMMISSION
DOCKETING & SERVICE SECTION
OFFICE OF THE SECRETARY
OF THE COMMISSION

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PR-2 (636)
(46 FR 17216]

April 14, 1981

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

50-275/32



Dear Sir:

I believe that the licensing procedure for Nuclear Power plants should continue to require the 80 day review period.

There are still many serious questions left unanswered concerning nuclear power plants in general and Diablo Canyon in particular. There should be no rush to license the Diablo Canyon plant simply because the power plant is in financial trouble and putting extra pressure on the commission.

Also the appeals board should not be eliminated from the licensing procedure. Since nuclear power plants directly affect the health of the people surrounding the plant, these people should be given every opportunity to speak out.

Please if you must adopt new rules concerning nuclear power, make them stronger and tougher rules, not weaker ones as these new proposed rules.

Sincerely,

Linda Warren Seek
Linda Warren Seek

L-4-1, P. 2

P 13

Senator Robert C. Byrd
United States Senate
Washington, D.C.



145 Dorsey Avenue
Morgantown, WV 26505
March 20, 1981

635

PROPOSED RULE PR-2
46 FR 17216

Dear Senator Byrd:

I am writing to voice my opposition to the proposed changes in the NRC licensing regulations, especially those changes relating to restricting the discovery procedures and allowing nuclear plants to begin operation before final licensing approval is obtained. It seems to me that the NRC, in proposing these changes, is confusing the aims of safety and public protection and speed. The regulations were designed not to save time in licensing but to allow an adequate forum for the examination and debate of safety risks and public dangers. If the real goal -- the only goal -- is speed in licensing, why doesn't the NRC simply push to abolish all existing regulations rather than trying to gut the structure which already exists? I believe the existing regulations work to the benefit of the public, especially to the benefit of those who live near proposed reactor sites. Using nuclear power should not be a casual undertaking. If something goes wrong in a fossil-fuel system, there is a localized disaster. The risks of nuclear power are substantially greater, and we must constantly be aware of that fact. Therefore, all due caution should be exercised in licensing and operating such plants. (I personally am opposed to using nuclear power, but if it must be used, let us employ all the safety mechanisms we can.)

Furthermore, we know from past experience that, human nature being what it is, agencies and corporations will invariably do their best to obscure, mis-represent or conceal information detrimental to their particular interests. (And the NRC, like most governmental regulatory agencies acts more as an advocate for the nuclear industry than for the public good.) Consequently, the process of discovery is vital and ought not to be limited, as the NRC proposes. On a broader basis, restriction of the discovery process at the behest of one agency will make the process that much weaker when another agency (for example, the EPA) decides to attack it. Thus, restriction could begin a dangerous erosion of the public's right to know.

In closing, I would like to tell you that I thoroughly applauded your vote against the Haig nomination. I think it is deplorable that with many qualified people from whom to choose, the new President selected a candidate who re-opened the old wounds of Watergate, dividing us anew at a time when we should be trying to heal divisions.

Sincerely,

Sandra R. Woods
Sandra R. Woods

L-4-1, P 4.2



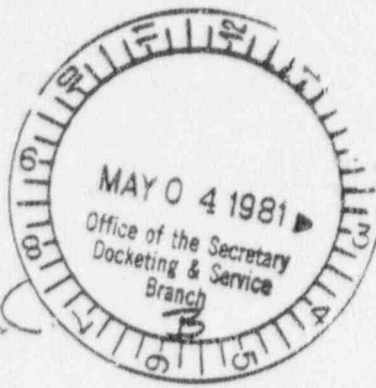
631

DOCKET NUMBER PR-2
PROPOSED RULE
46 FR 17216

Dear Sir,
Issuance of interim
operating licenses to
nuclear power plants
— and even before
complete hearings —
seem that sound like
representative govern-
ment to you?

Mrs. B. Lee
Lipshutz

L-4-1, p. 2



April 21, 1981

630

Dear N.R.C.

DOCKET NUMBER
RECORDED RULE PR-2
46 FR 17216

I'm writing in concern with the possibility of an elimination of the Discovery Bill. I realize that with this elimination that the public would no longer have a voice in our concern with Nuclear Power. It would be a sad state of affairs in the country when the public no longer has a voice in it's own welfare & health.

Are we not living in the United States of America when we the people have a voice and freedom of speech. That is how this country begin and should be. I hope that there will be no elimination of the pl. 2



RD-1, Clearview Drive
Bradford, R. I. 02808
April 28, 1981

629

DOCKET NUMBER
PROPOSED RULE PR-2
46 FR 17216

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

Attention: Docketing and Service Branch

Re: NRC 10 CFR Part 2, Rules of Practice for Domestic Licensing
Proceedings - Expediting the NRC Hearing Process

Dear Sir:

I have studied the essential features of the NRC Proposed Interim Licensing Legislation as discussed in News Release 91-46, dated Week ending March 24, 1981. It is my judgement that what is being proposed is precisely opposite to the direction that should be taken - we need more careful rather than fewer regulatory restrictions. Particularly, the importance of public hearings and the Hearings in the Congress on nuclear issues remain vital, and due process rights of intervenors and the general public must not be ignored. The regulatory process must not deteriorate to autocratic decisions by the NRC chairman.

A temporary expedient in behalf of industry to speed up licensing based on economic grounds at the expense of full safety review reflects the continued short-sightedness of industry in calculating its own interests. It is my view that industry cannot, and the public will not, tolerate another Three Mile Island. In view of the total costs of a major accident including plant retrofits for improved safety, replacement power, the sociological and economic impacts on a community, and the decreased confidence in the NRC and the nuclear industry, one would expect industry to adopt the slogan, "Safety is Cost Effective". Evidently industry has not learned that nuclear safety is essential to both public health and to the financial risks in nuclear investment.

This proposed legislation adds fuel to the deteriorating confidence by the public that the NRC knows what it is doing. Instead of taking actions that will strengthen the trust of the public that NRC has concern for nuclear safety, this proposed action forces the public to question the motives and the responsibilities of the NRC. Confidence in the nuclear industry is not high owing to the continued problems that beset nuclear plants. These proposed licensing changes being pressured on the NRC by this same industry, will undermine even more, the confidence that this industry needs to go forward. More than this, I find it difficult to reconcile this action by NRC in behalf of industry when industry itself has been questioning the adequacy of NRC regulation. The claim filed by the TMI owners against the NRC for four billion dollars for their failure to alert them to design and equipment inadequacies suggests industry desire for more paternalism but fewer regulatory restrictions.

I would urge that the NRC withdraw this proposed legislation as being against the best interests of the public and the NRC itself.

Sincerely yours,

SS/s

Samuel Seely, R.D.

L-4-1, p. 2

DOCKET NUMBER PR-2 627
Dear Secretary: PROPOSED RULE
46 FR 17216
I am strongly opposed to the arti-
ficial speedup of nuclear power plant licensing
by eliminating public hearings. This is no time
to make safety cutbacks; I have written my
senators on this subject.



Sincerely,

John P. Morgan
John P. Morgan
79 Oakwood Place
Kearnsburg, N.J.
07734

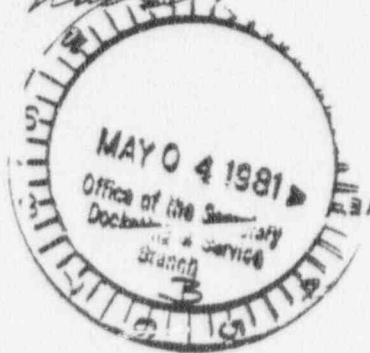
L-4-1, P. 2

Docket Number
PROPOSED RULE PR-2

46 FR 1246

626

I wish to express my opposition
to the proposed NRC speedup
of licensing of nuclear reactors.
I feel any speedup of the
licensing procedure is an undue
haste.



George J. Messersmith
RT 2, BX 45
Butler, Mo 64730

L-4-1, P. 2

Dear Sir,

DOCKET NUMBER

PROPOSED RULE

PR-2

6.25

46 FR 17216

I'm writing to express my
opposition to the proposed NRC speedup
of licensing of new reactors. This
speedup could result in premature licensing
that ~~will~~ endangers the public safety.



Peggy Mesene

RT 2 Box 48

Butler, mo 64730

L-4-1, P. 2

April 23, 1981



Nuclear Regulatory Commission
Docketing and Service Branch
Washington, D.C.

623

SECRET NUMBER
PROPOSED RULE PR-2
46 FR 17216

Dear sirs:

The proposed changes in the Commission's regulations to speed up the licensing of nuclear power plants would preclude the thorough investigation of late-surfacing problems, and seriously limit the right of the public to full hearings.

The potential hazards to public health and safety are too great to permit any short-cuts in the licensing procedure.

Sincerely,

Catherine Warren

Catherine Warren
70 Rodeo Ave.
Sausalito, CA 94965

L-4-1, Pl. 2

April 22, 1981
502 Tremont Street
Chattanooga, TN 37405

620

DOCKET NUMBER
~~PROPOSED~~ RULE PR-2
46FR17216

Secretary of the Commission, NRC
Washington D.C. 20555

Dear Mr. Secretary,

It has recently been brought to my attention that the NRC is considering changing its regulation concerning the final review period between NRC licensing approval for a plant and the date that new license becomes effective. At the very least, with public safety being your main concern, this regulation should not be changed. The licensing time should not be shortened at all, but in fact lengthened if we are to have acknowledged that we have learned anything from our nuclear experience. In my own territory, the licensing of Sequoyah Nuclear plant has proven that a great deal of careful observation and practice must be observed to give a minimal impression of safety to the community. It is my belief that nuclear power is not needed for the production of electricity in this country but considering that we do have to deal with this outrageous problem, then those in charge of policy making should act with utmost responsibility to the public they serve. Therefore, shortening the licensing review time would only prove to convince me that the NRC does not act with the safety of the public in mind but rather with the profit of the nuclear industry in mind. I urge you to act responsibly and reject this proposed change to existing regulations.



Sincerely,

Debra Durkin
Debra Durkin

L-4-1, Pl. 2

April 23, 1981

Box 772

Marshall, CA.

94940

ADAMS NUMBER

PROPOSED RULE

PK-2

Secretary, NRC

Washington D.C. 20555

46 FR 17216

Docketing and Service Branch

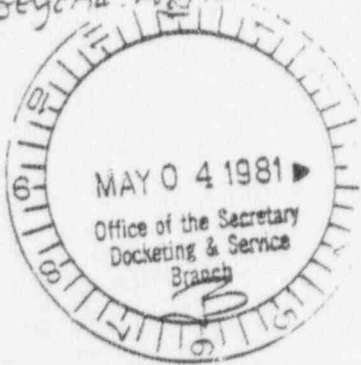
To whom it may concern:

I'm writing to protest a change in NRC regulations which would permit The Atomic Safety & Licensing Board Review on specific nuclear power plants to take place after the plant was actually in operation. Not only does this negate the purpose of the Review, what if the review finds a clear and present danger? What if there's an accident?

Not only is there the possibility of real danger, but your credibility will be tarnished beyond repair. Think about it.

Sincerely,

David Clarkson



L-4-1, p. 2

4-21-81

(621)

DOCKET NUMBER PR-2
PROPOSED RULE
46 FR 17216

Dear Secretary of the Commission,

I understand that there is a push on speeding up the licensing process for Nuclear Power plants.

I would like it to be known that I am not in favor of this. Safety is a higher priority than speed when it comes to Nuclear Plants and in light of their past performance & many unknown or unconfessed mishaps I would hardly consider Nuclear Power plants safe.

Jill Gibson



L-441, Pt.



Ginna Station
April 15, 1981

662

DOCKET NUMBER
PROPOSED RULE **PR-2**
46 FR 17216



Mr. J. Hendrie, Chairman
U.S. Nuclear Regulatory Commission
1717 H. Street, NW
Washington, DC 20555

Dear Sir:

The enclosed letter was sent to Senators Bevill, Moynihan and D'Amato to express my concern over Nuclear Power Plants which are ready to operate, but have not yet received their license. I note your concern in this matter as evidenced by your request for interim licensing authority.

It is a shame that these plants are sitting idle, when they could be producing power and saving oil which is now being used to produce electricity. The decision to build these plants and operate them in a safe manner was made many years ago by competent technically qualified persons. Now is no time to allow obstructionists to "hold up" the public and the utilities.

Your efforts to move forward the licensing process will be greatly appreciated by the majority of utility customers.

Very truly yours,

E.L. DeMeritt
Technical Assistant for Emergency Planning

ELD:eez
Enclosure

4.2