

Congress of the United States

House of Representatives

Washington, D.C.

May 13, 1981

Mr. Carlton C. Kammerer
Office of Congressional Affairs
Nuclear Regulatory Commission
Washington, D.C. 20555
Sir:

The attached communication
is sent for your consideration.
Please investigate the statements
contained therein and forward me
the necessary information for re-
ply, returning the enclosed corre-
spondence with your answer.

Yours truly,

Allen E. Ertel
Allen E. Ertel M. C.
1211 Longworth HOB

attn: Bob Hall



5/19 To OCA for Direct Reply--Suspense June 5. Docket..81-0705

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March 25, 1981

424 Laurel Drive
Hershey, PA 17033

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

Attention: Docketing & Service Branch

Dear Sir:

I note with deep interest and grave concern the Nuclear Regulatory Commission's and temporary Chairman Hendrie's proposal to amend the Rules of Practice, 10 CFR Part 2, "To facilitate expedited conduct of adjudicatory proceedings on applications to construct or operate nuclear power plants." The Three Mile Island accident should have been the warning signal, but, I fear, the lessons have been totally ignored. These proposed changes will make it even clearer that the NRC, Congress, and the Reagan Administration wants to continue with "business as usual."

The real threat posed by these proposed changes is the destruction of any processes in which individuals and/or groups and the general public have any say or control over their own future. There will be no freedom of information because the rule changes will see to it that the public cannot get any information. The nuclear industry and its backers will have complete anonymity to do what they want without public scrutiny. The NRC's legal charge to "protect the health and safety" of the public will continue to be perverted to "protect the dollars of the nuclear industry and its backers."

Timely information will no longer be accessible, the public will no longer have a right or opportunity to challenge the NRC or its industry, nor will the public any longer have meaningful involvement in the licensing proceedings regarding the construction or operation of a nuclear power plant. This is a blatant attempt to muzzle opposition to the nuclear industry as can be readily seen by reading the attached summary from the document titled, "Nuclear Regulatory Commission, 10 CFR Part 2, Rules of Practice for Domestic Licensing Proceedings Expediting the NRC Hearing Process."

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Secretary to the Commission

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I must protest these proposed changes in the most strenuous terms. Health and safety issues, not money and the nuclear industry's desire to barge ahead, are the prime concerns. To illogically destroy a formal process and move ahead at the expense of health and safety is to be completely callous and ignorant of the real lessons of Three Mile Island and the nuclear industry's problems. We must forget the dollars of the utilities and the bankers and begin to think of the health and safety issues first and foremost. Doing what is proposed will insure that more accidents are in our future and that the people living by a nuclear power plant or who are concerned with health and safety issues will have no opportunity for input and control over some major issues affecting their lives.

Honesty and fairness have never been the prime concerns of the NRC, the nuclear industry, or the utilities. However, perhaps it is time to realize that your constituents are the general public and not the industry. You serve through government, the people not the industry. Not adopting these proposed rules changes would at least show some symbolance of concern for the general public's health, safety, and rights.

Sincerely,

Warren L. Friesnik

Attachment

cc: President Ronald Reagan
Senator H. John Heinz, III
Senator Arlen Specter
✓ Rep. Allen E. Ertel

Revised Contentions, if any, Filed	25
Prehearing and Settlement Conference	40
Licensing Board Rules on Revised Contentions	50
Parties File Testimony	80
Hearing Begins	95
Hearing Ends	135
All Proposed Findings Filed	175
Licensing Board Decision	240

In order to meet this proposed eight-month schedule, several changes in the Commission's Rules of Practice would be required.

1. Currently, parties to NRC licensing proceedings may engage in formal discovery against the NRC staff. Under the amendments as proposed for comment the opportunity to engage in formal discovery against the staff would be eliminated. Staff, however, would produce relevant documents and would respond to telephone and written requests for information wherever practicable. It is contemplated that most of the discoverable information can ultimately be produced at the hearing on cross-examination of staff witnesses. The rule change would essentially leave the decision to staff whether to allocate resources to respond to informal discovery or provide resources in the form of witnesses at hearings.

2. NRC regulations require the Licensing Board to prepare written orders on those motions submitted to it in writing. The proposed regulations would permit the Boards, when appropriate, to rule upon motions orally.
3. Under the present regulations, parties are permitted to file motions requesting the Licensing Board to reconsider prehearing orders it has issued. The proposed rules would not permit such motions.
4. Currently, at least two Licensing Board members participate in each substantive order issued. The proposed amendments would authorize the Licensing Board Chairman to act alone on prehearing matters. Despite this delegation of authority it would be within the discretion of the Chairman to consult the other members on appropriate matters before action.
5. NRC regulations provide for filing of proposed findings of fact and conclusions of law. After all parties (including the applicant) have submitted proposed findings, the applicant is given ten days to reply. Under the proposed rules, the right of the applicant to file a reply to the other parties' submissions would be eliminated.

6. Currently, parties to proceedings must file any motions requesting summary disposition at least forty-five days prior to the start of the hearing. In order to provide the opportunity for greater use of such motions, and to provide the boards more flexibility in conducting the proceeding, the proposed rules would permit motions for summary disposition to be filed at any time. However the Board could use its authority over the conduct of the proceeding to set time limits on summary disposition tailored to the circumstances of the proceeding.
7. If the Commission adopts any of these revisions described above, it would make the appropriate conforming changes to 10 CFR Part 2, Appendix A.

In proposing for comment these changes aimed at shortening the hearing process, the Commission wishes to emphasize that it does not intend to make changes which reduce the overall quality of NRC adjudicatory proceedings or which are inconsistent with basic fairness. Because these changes, if adopted, would be applicable to pending NRC adjudicatory proceedings, where parties have been proceeding in accordance with the current rules, the Commission is particularly interested in obtaining the views of participants in NRC hearings on how the proposed schedule and rule changes would affect: (1) the quality of the various proceedings; and (2) the parties' participation in such proceedings. Copies of this notice