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PROPOSED RULE

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Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C.

DOCKETED  
USNRC

September 13, 2001 (5:48PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

RE: Proposed rule changes to 10 CFR Part 2

Dear Ms. Vietti-Cook:

Please let the Commission know that I believe that their proposed rule changes referenced above are ill-conceived and ill-advised. While it may be true that there is something wrong with the NRC hearing process, what is wrong is the hurdles and barriers placed upon public access to that process. This is not to be solved by making the hearing process less formal. For example, intervenors rely on cross-examination and the extensive discovery guaranteed under the formal hearing process because they often cannot afford to obtain the polished, expensive experts used by nuclear utilities and do not have access to the utility company's studies and documents. Take away extensive and complete discovery and the right to cross examine these witnesses and the engines for getting at the truth disappear. This loss is significant when the bottom line issue is occupational and public health and safety in licensing the most ultra hazardous activity undertaken by humankind.

If the Commission is serious about building public confidence, taking away the public's right to formal hearings is not the way to go. First, if there are changes to be made, take them to the public. Hold meetings all around the country. Ask the people who participated in the process--not a bunch of lawyers, lobbyists, and folks from beltway NGOs--what the public, the people want out of the process and how they think it should be improved. Second, study your own adjudication records to see where the delays really arise. My experience tells me that NRC staff and licensees cause most of the delays in the process. No hearing should take place on a license application until all of the necessary studies, evaluations, documentation, EAs, EISs, SERs, and other necessary licensing materials are in the docket file and available to the public for at least 60 days. If licensees want faster service, they should speed up their processes, particularly responding to NRC Staff RAIs. If the NRC need more staff, its should go to Congress and ask for the funds.

If changes are made to Part 2 they should only assure greater public access to formal process, not less and not informal. In informal process truth loses out to those who can afford the most loose-taking professional witnesses.

Sincerely,  
/s/  
Jon Block

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