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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Sept. 13, 2001

Attention: Rulemaking and Adjudications Staff

As a long time observer of administrative rulemaking, I'm shocked by how the rules proposed in The Federal Register, April 16, 2001, Vol. 66, assault the public's rights to meaningfully raise questions, contentions, and comment on a variety of reactor licencing procedures. Specifically, the following proposed changes need to be dropped:

1) The proposal to create a new Subpart C Hearing Selection Process which would channel virtually all reactor licencing into informal hearings rather than formal hearings where the public has a number of important due process rights, such as mandatory discovery of documents for disclosure of opposing evidence and cross examination of witnesses. Current rules and procedures need to be maintained and strengthened in terms of procedural due process and access to information by citizens.

2) The proposal to reduce the time allotted to citizens and potential intervenors after publication of a hearing notice to examine licencing applications so as to be able to document their public safety concerns for the hearing and the record. Rather, there is a need to maintain or extend the current time available to citizens as well as state and local governments to examine the documents and issues involved so that the hearing will be meaningful.

The proposed rule is a radical attempt to change the procedural and due process rights of citizens, communities, and state and local governments to fully and thoughtfully examine and require the NRC to fully address the various aspects of nuclear reactor licencing. It seeks through rulemaking to usurp rights and practices established in such basic pieces of legislation as the Atomic Energy Act. These proposed rules represent some the most undemocratic proposals that I have seen. They need to be rejected.

Sincerely,

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SECY-02