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CITIZENS AWARENESS NETWORK

DOCKETED
USNRC

September 7, 2001

September 19, 2001 (3:52PM)

U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Commissioners,

The Citizens Awareness Network declines to participate in a hearing on the license transfer of Indian Point Nuclear Generating Units 1 and 2, offered by Commission Memorandum and Order CLI-01-19. Your rejection of the systemic safety problems at Indian Point 2 as outside the scope of this license transfer hearing makes our participation in the process meaningless.

By offering the public an informal hearing that precludes addressing the nuclear safety issues at IP2 which affect them and their children, you are abdicating your responsibility to protect the public health and safety in favor of promoting nuclear power. We are aware that you have proposed changing your rules under 10 CFR Part 2 to make formal hearings on all matters under your jurisdiction discretionary. Under the proposed rule change, hearings on nuclear safety matters from licensing new reactors and dump sites to decommissioning and license termination would be informal, as license transfers are under Subpart M. CAN will not suggest that this process is legitimate through our participation.

Your actions protecting nuclear corporations from accountability violate your mandates under the Atomic Energy Act – both in terms of nuclear safety and hearing rights. Your directives to NRC staff to ease the licensing process for new reactor designs, construction of new reactors, and license extensions for old reactors to comply with the industry's timelines exemplify your attempt to promote nuclear power by abdicating responsibility to protect worker and public health and safety and the environment. COMJSM-00-0003 ("Staff Readiness for New Nuclear Plant Construction and the Pebble Bed Reactor"), COMSECY-00-0026 (REVISED FY 2000-2005 STRATEGIC PLAN).

THE EXPERIMENT IS OVER

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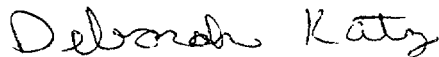
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Your agency's actions make the IP2 debacle a case study in how far the NRC is willing to go to rescue the nuclear industry from its well-earned demise. The Petition Review Board has also used the IP2 license transfer proceeding to justify curtailing an investigation into the safety problems at the reactor by refusing to review a set of internal documents submitted by a whistleblower. Apparently the NRC is afraid of what the public has known to be true: that if the regulations were enforced and the industry were held accountable to the letter of the law, nuclear reactors would have been shuttered to protect the public health and safety.

The industry has lobbied the NRC to eliminate formal adjudicatory hearings in order to promote consolidation of existing reactors and construction of new reactors. However, the NRC has to legitimate such a radical violation of the Atomic Energy Act. While the NRC is violating the Atomic Energy Act, it is holding a handful of *pro forma* hearings to give the appearance of public participation. Your offer of a hearing in which questions of nuclear safety are outside the scope of the proceeding is arbitrary, capricious, and utterly irrational. We will not elevate form over substance by joining you in this proceeding.

Sincerely,



Deborah Katz, Executive Director
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