



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

October 30, 1989

The Honorable Morris K. Udall, Chairman  
Subcommittee on Energy and the Environment  
Committee on Interior and Insular Affairs  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Re: Union of Concerned Scientists v. United States Nuclear Regulatory Commission and the United States of America, No. 89-1617 (filed October 3, 1989, D.C. Cir.)

This is to inform you of the initiation of the first phase of litigation in a lawsuit filed against the Nuclear Regulatory Commission by the Union of Concerned Scientists (Petitioner) seeking review of a Final Rule promulgated by the Commission that amends the NRC's rules of practice for domestic licensing procedures. This Final Rule, which modifies certain hearing procedures, was noticed at 54 Fed. Reg. 33,168 on August 11, 1989.

The amendments raise the threshold for the admission of contentions in NRC adjudicatory proceedings. More specifically, the amendments require a person seeking to intervene as a party in an NRC proceeding to file a list of contentions, a brief explanation of their bases, a concise statement of facts or expert opinion that support the contention and on which the person intends to rely upon in proving the contention, and references to the specific sources and documents on which the person intends to rely to establish facts of expert opinions. The information submitted must be sufficient to show that a genuine dispute exists between the intervenor and the applicant or licensee on an issue of law or fact. If these criteria are not satisfied, the contention is not admitted. Other amendments reduce unnecessary discovery, describe procedures by which a presiding officer may require parties to file a description of the purpose or nature of questions which they intend to ask witnesses during cross-examination, expand the time during which motions for summary judgment may be filed, and limit intervenor appeals and proposed findings of fact and conclusions of law to the issues which the party placed in controversy.

The Union of Concerned Scientists contends that by unduly restricting the public's ability to participate in § 189a licensing hearings, the Final Rule violates the Atomic Energy Act, the Administrative Procedure Act, and the

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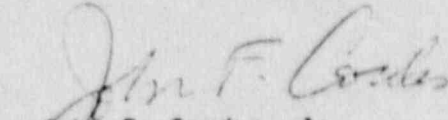
The Honorable Morris K. Udall

- 2 -

Fifth Amendment of the United States Constitution. It asks the Court to declare the Final Rule to be null and void.

We will inform you of significant developments in this appeal.

Sincerely,



John F. Cordes, Jr.  
Solicitor

cc: The Honorable James V. Hansen



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

October 30, 1989

The Honorable Philip Sharp, Chairman  
Subcommittee on Energy and Power  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

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John F. Cordes, Jr.  
Solicitor

cc: The Honorable Carlos J. Moorhead



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

October 30, 1989

The Honorable John B. Breaux, Chairman  
Subcommittee on Nuclear Regulation  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

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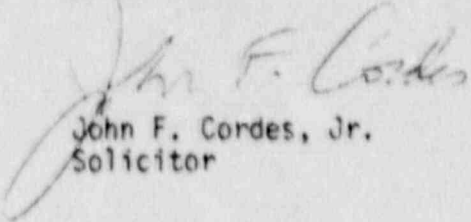
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John F. Cordes, Jr.  
Solicitor

cc: The Honorable Alan K. Simpson



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

October 30, 1989

The Honorable J. Bennett Johnston, Chairman  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

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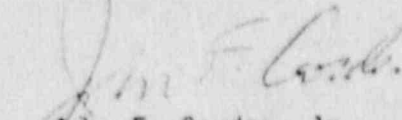
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John F. Cordes, Jr.  
Solicitor

cc: The Honorable Mark O. Hatfield





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The Honorable Tom Bevill, Chairman  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
United States House of Representatives  
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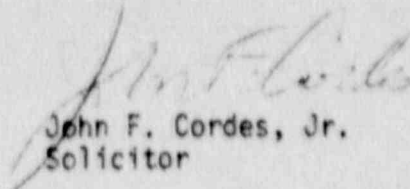
The Honorable Tom Bevill

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A handwritten signature in cursive script, appearing to read "John F. Cordes, Jr.", is written over the typed name.

John F. Cordes, Jr.  
Solicitor

cc: The Honorable John T. Myers