



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

JAN 19 1971

Mr. Lee M. Talbot
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, D.C. 20006

Dear Mr. Talbot:

This is in response to your memorandum of December 21, 1970, addressed to Joseph J. DiNunno requesting comments on a letter to Mr. Train dated November 30, 1970, from Miss Vicki Evans regarding the Commission's public hearing on the application for a construction permit for the Davis-Besse Nuclear Power Plant.

Since the date of Miss Evans' letter, the factual situation described in her letter has substantially changed. At the hearing on December 8, 1970, the Coalition for Safe Nuclear Power was permitted to intervene and become a party to this proceeding. The Coalition was also granted until January 5, 1971, to complete the preparation of its case. During the course of the reconvened hearing on January 5-7, 1971, the Coalition, which was represented by qualified counsel of its own choice, cross examined witnesses and presented its direct case.

Prior to the hearing on December 8, 1970, L.I.F.E. withdrew as a member of the Coalition and petitioned to intervene in its own right. On December 9, 1970, the presiding atomic safety and licensing board denied the petition because of lack of timeliness. On December 26, 1970, L.I.F.E. submitted to the board a request that the board's denial of L.I.F.E.'s petition to intervene be reconsidered. On January 5, 1971, the atomic safety and licensing board granted the request and permitted L.I.F.E. to intervene and become a party to this proceeding. L.I.F.E. is now represented by qualified counsel of its own choice, and the atomic safety and licensing board has given L.I.F.E. until January 25, 1971, to prepare its case for presentation at a reconvened hearing presently scheduled to begin on that date.

The Commission's "Rules of Practice" set forth in 10 CFR Part 2 are designed to provide an orderly procedure for members of the public to participate in public hearings scheduled by the Commission on license applications. These regulations do not impose substantial burdens on any persons desiring to participate in these hearings. However, in a contested proceeding in which complex technical questions must be resolved, each party to the proceeding, including the intervenors, must

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be prepared to present their respective cases by means of competent witnesses. The presentation of such evidence may be both time consuming and expensive. This situation is, however, no different than in any other type of legal proceeding in which complex technical issues are the subject of the proceeding.

. If you would like any additional information on this matter, please let me know.

Sincerely,

Original Signed by
Chris L. Henderson
C. L. Henderson
Assistant Director of Regulation
for Administration

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