

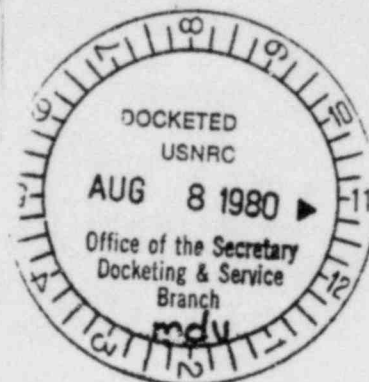


**Consumers
Power
Company**

DOCKET NUMBER
PETITION RULE PRM-2-10⁽¹³⁾
(45 FR 26071)

General Offices: 212 West Michigan Avenue, Jackson, Michigan 49201 • (517) 788-0550

August 5, 1980



Secretary of the Commission
U S Nuclear Regulatory Commission
Washington, D C 20555

Attention Docketing and Service Branch

The following comments concerning the "Publication of Petition for Rulemaking from the Citizens Advisory Board of the Omaha, Nebraska-Council Bluffs, Iowa Metropolitan Area Planning Agency", which appeared in the April 17, 1980, Federal Register, are presented for your consideration:

1. The subject petition to increase and facilitate public involvement in the licensing process presupposes that the current process does not afford the public adequate involvement. However, the Federal Register notice cites no evidence in support of such a contention, and Consumers Power Company believes that such a contention is unwarranted. Present NRC rules, as described in 10 CFR Part 2, provide numerous mechanisms and opportunities for public involvement. These include the current rules governing hearings and pre-notices which the petitioner proposes to change. Also, the current rules permit any member of the public to petition the NRC at any time, on any matter related to a nuclear facility. The NRC is required to review such petitions on their merit. In addition, current practice affords the public adequate access to all information pertinent to each plant. This is accomplished by NRC establishing a public document room near each plant and providing for that facility copies of all material included on the plant docket.
2. Two other items in the proposed changes are worthy of attention. The term "informal hearings" is ominously vague and it is equally worrisome that persons who are not a "party to the proceedings" should be allowed to participate. Consumers Power Company suggests that the term "informal hearings" be clarified and that all persons participating in the hearings be required to qualify as "parties to the proceedings". Clarification of "informal" will allow everyone to understand better the impact of the proposed changes and requiring all participants to operate under the rules applicable to "parties of the proceedings" would facilitate the ensurance of proper and adequate public involvement.
3. Consumers Power Company believes that the changes proposed by the petitioner would result in a significant addition of "red tape" and would complicate greatly the already cumbersome licensing process. Even though no cost/benefit

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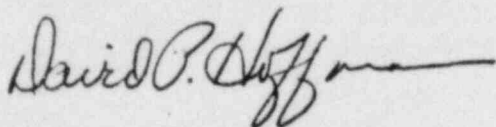
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analysis has been performed, it appears likely that the proposed actions would involve large costs to both the NRC and to the licensees. On the other hand, the benefits to be realized appear vanishingly small, especially in light of the existing NRC rules and the public availability of information.

4. For the reasons discussed in the preceding paragraphs, Consumers Power Company suggests that the petitioner's request be denied, in total.

Even though these comments are being submitted after the due date, please consider them in actions concerning the proposed changes to 10 CFR Part 2.



David P Hoffman
Nuclear Licensing Administrator

DPH92-80