

MAX D. RYNEARSON
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130

March 31, 1981

DOCKET NUMBER PR-2
PROPOSED RULE
(46 FR 17216)



Samuel L. Chilk
Secretary of Nuclear Regulatory Commission
Washington D.C. 20555

Re: proposed amendments to commissioned rule of practice
per letter dated March 13, 1981

Dear Mr. Chilk:

Initially, my comment would be that the proposed schedule appearing at pages 3 and 4 of your letter of March 13, 1981, are much too short to give either the commission or the parties involved time for wise and considered judgment on all of the parts of process.

With respect to paragraph 1, appearing on page 4, since in many cases the staff lines up with the applicant and the staff has much information which would be unknown without discovery, I find the prohibition of discovery against the staff to be counterproductive and unfairly favoring the already favored applicant. All one would need to do in order to get around the prohibition of discovery is to file a Freedom of Information Act request which could conceivably extend the discovery and subject the NRC to attorneys fees should the FOIA request end up in court.

Additionally, what the staff may deem to be not relevant either the applicant or other parties in the hearing might believe it to be relevant.

Cross-examination of staff witnesses without prior discovery of documents places the cross-examiner at a great disadvantage and is not adequate to assure all pertinent facts would be brought out.

2-4-1, Pt. 2

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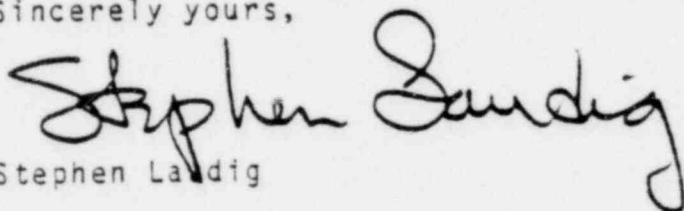
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In light of the fact that, as mentioned earlier, the staff is oftentimes objectively on the side of the applicant, it should not be left to the staff to decide whether to allocate resources to respond to discovery or provide witnesses at hearings. To close that source of information to parties at a hearing is unconscionable.

I fail to see the value of not requiring the licensing board to make written orders. The time saving here would seem to be minimal and the potential for confusion to be great.

I fail to see the benefit of not permitting parties to file motions to reconsider pre-hearing orders. It is allowed in most court's and there is no significant distinction between the role of the licensing board and the role of Courts.

Sincerely yours,

A handwritten signature in cursive script that reads "Stephen Landig". The signature is written in dark ink and is positioned above the typed name.

Stephen Landig

SL/df