



DOCKET NUMBER PR-2 (1)
PROPOSED RULE (46 FR 17216)
*Expediting the NRC
Hearing Process*

March 17, 1981



Chairman Joseph M. Hendrie
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, DC 20555

Dear Chairman Hendrie:

My office has obtained a copy of a Federal Register Notice which will be published some time this week concerning the licensing of commercial nuclear power plants. This proposal reveals that the Reagan administration's solution to the "problem" of increased concern about building more atomic power plants is to cripple public participation in the licensing process.

Instead of heeding the lessons of Three Mile Island--exercising greater caution and instituting broader public participation in the licensing process--your leadership as demonstrated by this particular proposal, is marching the Nuclear Regulatory Commission in the opposite direction. It is a path that paves the way for less thorough safety work, of reduced reactor inspections and a restricted public role in licensing proceedings by limiting access to important safety information.

The record does not need to be recited in its entirety since the Pennsylvania accident of nearly two years ago. But some highlights can put into perspective the constant movement within the NRC toward an attitude of the "public be damned" and a persistence to ignore the common recommendations of the many TMI investigations.

First, the Three Mile Island accident was not merely another accident; it was an emergency in which no operating procedures had ever existed. Through a series of operator errors and equipment malfunctions, the TMI radioactive core had been uncovered for an extended period of time, temperatures within the core had become superheated, rising from 700 degrees Fahrenheit to 2,500°F, a hydrogen explosion had occurred within the containment building, and some radiation readings were being recorded at 50,000 rems/hour. A general emergency had been declared at Three Mile Island. The accident that "couldn't happen" did. It befuddled and stymied your agency for three days. As you yourself confessed to your colleagues on March 30 while you served as the nation's top federal nuclear official, your agency was like "blind men staggering in the dark."

3/17..To OGC for Appropriate Action...Cpys to: Chm, Cmrs, OPE, EDO, ASLAP, ASLBR, OPA
D&SB, SECY....81-0368

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Since the accident a Presidential Commission, two congressional inquiries and a special NRC investigation have been completed. And their conclusions are remarkably similar: there needs to be more public input, not less; there needs to be more federal inspection of nuclear power plants, not less; there needs to be more attention to crucial safety problems, not less; there needs to be more fairness in the licensing process, not less; and there needs to be greater resources applied to and responsiveness to concerns raised by the general public.

In short, every study stressed the "public-be-damned" attitude so prevalent among many NRC staff and Commissioners had to dissolve. NRC promotion of nuclear power, long barred by congressional mandate in 1974, was supposed to cease and in its place there needed to be strict, rigorous regulation of a sloppily run industry.

In the last two years, however, the NRC has steadily marched backwards. Fundamentally, the agency's "Action Plan" was the product of a long series of informal negotiations with the nuclear power industry. No public comments were solicited in the same manner. Regrettably, the "Action Plan" basically incorporates the industry's agenda, not those of the pro-safety experts.

Under your direction and with your approval, NRC safety personnel are being taken off safety work and reassigned to licensing more reactors. NRC inspectors through attrition are being lost at a rate of 7 to 10 per month and as former NRC Chairman John Ahearne bemoaned, the vacancies are not being filled. Within four months there could be as many as 100 vacancies within the Inspection & Enforcement Division out of a total force of only 400.

Now you have published a proposed set of regulations which fly in the face of all of the recommendations presented by the many TMI Commissions and investigations.

In short, your proposed regulations will:

- a) eliminate the right to formal discovery against the NRC staff on safety questions;
- b) abandon written orders in favor of oral ones;
- c) bar any motion to reconsider rehearing orders, regardless of merit;

March 17, 1981

- d) prevent NRC officials from being subpoenaed, or otherwise compelled to provide information to the public;
- e) allow the chairman of the Licensing Boards to take action without consultation with the other Board members or attainment of a quorum on such important pre-hearing issues as contentions, discovery, scheduling, limiting the issues or defining the controversy.

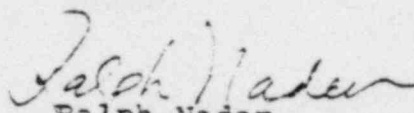
Accompanying this set of procedures is an effort by your office to narrow this particular proposal by limiting public comment to a brief 20-day period.

It is bad enough for the NRC to permit the diffusion of an unsafe nuclear power industry. But to try and exacerbate this catastrophic risk pattern through the imposition of dictatorial procedures which prevent the American people from participating and challenging your policies is unconscionably reckless.

Your proposal will try to destroy many years of administrative procedures designed to invite and respect the public's concerns and insights.

This irresponsible behavior should not be countenanced in any quarter. It is clear that you have violated the public trust in favor of the narrow, self-serving interest of the commercial nuclear industry. Public service is a trust to be faithfully carried out. It cannot be so recklessly abused without inviting the prospect of your removal from office.

Yours,


Ralph Nader