

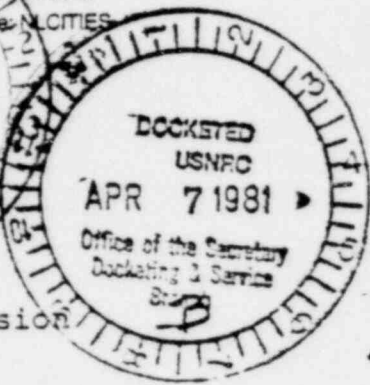
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April 7, 1981

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



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40 FR 17216

Dear Mr. Secretary:

I am deeply concerned as to the motives for and the effects of your agency's proposed rulemaking to expedite the adjudicatory proceedings for nuclear plant licensing.

First of all, I am dismayed that, of all possible techniques for expediting the licensing proceedings, you have chosen to eliminate discovery, thus scaling back public access. There is increasing concern among our 15,000 member cities about steps the NRC is taking to insure the safe operation of nuclear plants and the safe and orderly evacuation of their communities in the event of an emergency. They would like more access to the licensing process, not less.

Locally elected officials know that the participation of citizens in municipal governance is critical to effective local government. Likewise, public participation in the nuclear licensing process is essential to ensure the safe and efficient operation of nuclear power plants. Additionally, given the NRC's current lack of credibility with the public, it does not make sense to further insulate the agency's decision-making process from public scrutiny.

Secondly, it is not clear that your proposal to eliminate formal discovery would in fact expedite proceedings at all. Your proposal states that "most of the discoverable information can ultimately be produced at the cross-examination." (PR 7590-01, p4) I disagree. Without pre-hearing discovery, the public will not be in a position to know what information is available or what questions to ask to elicit this information at the hearing. Additionally, the public will not have the opportunity to review NRC staff analyses in advance, thus impairing effective cross-examination. This will result in delays and inefficiencies, and will tend to string out the hearing process, thus offsetting any time-savings derived from the elimination of discovery.

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Thirdly, it has come to my attention that much of the licensing delay is due to the failure of the NRC staff to produce its basic review documents, the Safety Evaluation Report and the Environmental Impact Statement, until months after the outset of the licensing process. Yet this delay is not even addressed in your proposed rulemaking.

Additionally, the NRC proposal ignores all other delays in the overall planning, construction, and licensing of nuclear plants, which could save much more time and money. Significant delays can be attributed to late delivery of materials during construction, financing problems, labor problems, poor workmanship, and poor inspection. It seems odd that you instead have chosen to focus on the one area which may account for the least amount of delay.

In conclusion, I would feel much more assured of the NRC's concern for public safety if you abandoned your present attempt to scale back public participation in the licensing procedure. It is questionable whether or not the discovery process contributes to licensing delays, but even if it does, that is not a sufficient justification for its elimination. The country learned from the Three-Mile Island accident that safety considerations should be a top priority, if not the top priority in the granting of an operating license. I sincerely hope that this priority is not replaced or compromised by your desire to expedite the licensing proceedings.

Sincerely,



Alan Beals  
Executive Director