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Assembly California Legislature

COMMITTEES:
CRIMINAL JUSTICE
RESOURCES, LAND USE, AND
ENERGY
WAYS AND MEANS
JOINT COMMITTEE ON THE
REVISION OF THE
PENAL CODE

MEL LEVINE
ASSEMBLYMAN, FORTY-FOURTH DISTRICT
CHAIRMAN
SUBCOMMITTEE ON ENERGY

April 7, 1981

Samuel J. Chilk
Secretary of the Commission
Attn: Docketing and Service Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20005

Dear NRC Commissioners:

We have reviewed the Commission's proposed amendments to its Rules of Practice (10 C.F.R. Part 2) for Nuclear Reactor Construction and Licensing Hearings and would like to express to you our deep concerns with this proposal. A detailed response to your solicitation for comments is attached.

In summary, it is our conclusion that the proposed changes to the Commission's Rules of Practice may produce results directly opposite to that which is intended.

Elimination of formal discovery against NRC staff and oral rulings on motions could lead to misunderstandings, prevent the Commission from learning of valuable information and analysis often developed in discovery, and could actually lengthen the process by substituting lengthy cross examination as the vehicle for investigating the basis for the NRC staff's position in proceedings.

The hearing schedule which the Commission's legal offices have developed, and published in the Notice of Proposed Rules 7590-01, are unrealistically short. For example, twenty-five days is provided to review multi-volume modified documents, analyze them, prepare discovery, receive discovery responses



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DOCKET NUMBER PD-2
PROPOSED RULE PR

46 FR 17216

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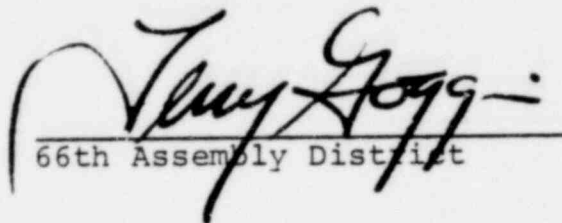
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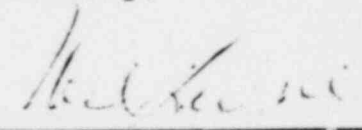
and revise contentions. This schedule defies the skills of even the most experienced and well-prepared interested parties, let alone the capability of the U.S. mail to enable those of us on the west coast to begin to participate.

Finally, authorizing the Chairman of the Atomic Safety and Licensing Boards to rule for the full board on the admissibility of parties' contentions, which are normally complex and technical in nature, circumvents the basic safeguards which lead to having interdisciplinary specialists serve on hearing boards.

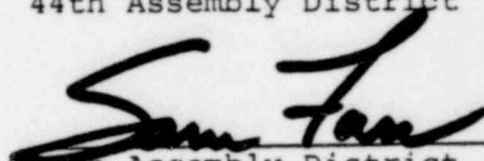
Thank you for the opportunity to provide you with our comments.

Respectfully,


66th Assembly District


44th Assembly District

/s/ Tom Bates
12th Assembly District


20th Assembly District

/s/ Elihu Harris
13th Assembly District

Enclosure