SHELLEY BLUM
ATTORNEY AT LAW

1402 VICKERS AVENUE
DURHAM, N.C. 27707
OFFICE: (919) 833-2539
RES: (919) 493-2238

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DOCKET NUMBER PR-2
PROPOSED RULE
46 FR 17216

Mr. Samuel Chilk
Secretary to the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20556

Attention: Docketing and Service Branch

Re: Comments on amendments to 10 CFR part 2, NRC hearing process

In my opinion, as an attorney who has participated in several contested NRC hearings, the new procedures would severely limit public participation, in quality, and would result in little savings in time. They ought not be adopted.

I have always thought that an Atomic Safety and Licensing Board should consider safety as its first priority, as the Board's name indicates. This may be a play on words, but I think there was reason and meaning in changing the Commission's name from Atomic Energy to Nuclear Regulatory. These new rules will tend to change it to Nuclear Industry Commission, and that of the Board to Atomic Licensing Board.

In particular, our experience in discovery has been that we were enabled to shed light on staff/applicant actions using their own work, which they had wrongly interpreted. This is the function of discovery, when a small, underfunded Intervenor takes on two giants, both operating with our (taxpayer) money. It is difficult to cross examine, without preparation based on gaining prior information. Note that the information is available anyway, through Freedom of Information, but that the delay in the FOI process renders it late and therefore useless.

4-14-81

I understand further that there is a proposal to limit the role of the Board to consideration of the contentions filed by the Intervenor, rather than allowing it to examine the full safety program of the applicant, once that is made known to them. That is, Boards now can raise, sua sponte, issues they feel are pertinent, as has been done, for example, with issues involving hydrogen generation in ice condenser plants. E.g., in the McGuire hearings, the Board requested the staff to provide a witness on a recent Sandia Labs report on Sequoyah which raised safety issues at the similar McGuire plant.

I understand that it may be difficult for the Commission to resist the utility prompted outpouring of Congressional mail calling for the immediate licensing of plants. It may also be difficult to resist the economic logic of two billion dollar plants sitting idle and utilities being unable to add them to the rate base. But there are good reasons for resisting cutting the hearing process short. The design of the hearings process has been deliberate and intended to keep the Commission from aligning itself with utility wishes, diminishing cognitive dissonance, to use the sociologists' term. There should be two independent bodies within the Commission, Board and staff. The Boards' still retain independence. Staff, in my opinion, has completely bought the proposition that since the law states that an atomic power plant can be designed safely, they are being designed safely. They rubber stamp the utility. Only the hearings process as it presently exists can keep the staff honest and provide some brakes on the railroad.

The process as it is now designed unduly favors the utilities and staff in any case. One example is the harsh requirements for subpoena of staff witnesses. Another is the magic language required of lay representatives. A third is the enactment of debatable propositions of safety into regulation, prohibiting their challenge until staff comes up with evidence allowing them to be challenged (radon is an example of that).

The result of haste, pressure to get the plants on line, and inadequate attention to safety aspects is summarized by three words: Three Mile Island. The only thing lost by paying adequate attention to these factors will be some utility profits as unneeded plants are kept out of the rate bases of their owners. The benefits far outweigh the costs.

Yours truly,

Shelley Blum

SB:pc