

March 31, 1981

Robert C. Witkowski
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Mr. Samuel Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555
Attn: Docketing and Service Branch

Re: Proposed rule of practice for domestic licensing proceedings as per
Federal Register, Vol 46, No 52, Wednesday, March 18, 1981

Mr. Samuel Chilk,

I appreciate the opportunity to comment on the proposal for "Rules of Practice for Domestic Licensing Proceedings; Expediting the NRC Hearing Process" as described in the March 18 Federal Register, pp 17216-17218. I only hope that this is not the last opportunity the public will have to comment on crucial issues concerning nuclear power. As I see it, if this rule passes that would be one of the tragic results.

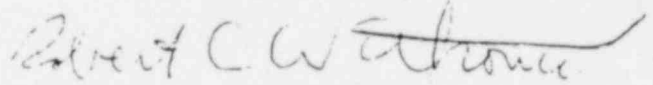
In general I would just like to say that I understand the NRC to be a regulatory commission in the interest of public safety and not a public relations firm for the nuclear industry. Since the industry has thousands of dollars to pay people to present their case while most public intervention is on a volunteer basis, every opportunity should be given to allow the public as much time as is necessary to present their case.

I will comment specifically on the several changes required according to the proposal:

- (1) A reduction of discovery would be bad enough, but elimination is absurd. It was through this process that an earthquake fault was discovered near a nuclear plant in California.
- (2) The use of written orders by the licensing board demands much more thoughtful consideration than would the freedom of oral orders.
- (3) Nuclear power is not yet perfected and as time passes and events occur, it may very well be necessary for the licensing board to reconsider prehearing orders it has issued.
- (4) The entire system of government in this country is based on checks and balances. By authorizing the licensing board chairperson to act alone this system of checks and balances would be eliminated.
- (5) Again, the idea of checks and balances comes into play by allowing 10 days for parties to reply to one another's findings of fact and conclusions of law. This would also give the advantage to the party which has paid staff.
- (6) Allowing a party to use summary disposition up to the time of the hearing could result in the possibility of a party waiting for just that moment to try to dispose of the entire case against them.
- (7) The quality of NRC hearings certainly cannot be enhanced by such a rush attitude. Again, unless the NRC is willing to provide people to help balance the paid staff of the utility, the question of unfairness must certainly be raised.

The last paragraph seems to reflect the whole proposal by implying that public comment may not always be appropriate. Again this is absurd. The idea of restricting the public from participating in hearings which affect their health and well-being as well as using their tax dollars is further demonstrated by the ridiculously short comment period allowed on this proposal. In a democratic nation an attempt must be made to allow the people with the opportunity to comment on such a crucial decision. The comment period should be extended to ninety days.

Respectfully yours,



Robert C. Witkowski

cc: President Ronald Reagan
Representative James Nelligan
Senator John Heinz
Senator Arlen Specter
Susquehanna Environmental Advocates
Susquehanna Alliance
Environmental Coalition on Nuclear Power