

July 10, 1981

The Honorable Samuel J. Chilk  
Secretary  
Nuclear Regulatory Commission  
Washington, D.C. 20555



Dear Mr. Chilk:

I am writing to express my concern about the proposed rules issued for comment by the Nuclear Regulatory Commission issued on June 2, 1981, which will limit the rights of potential interveners.

For many years, I have been very concerned about public participation in general and Nuclear Regulatory Commission licensing proceedings in particular. It is my assessment that this rule represents a serious limitation on the right of the public to appear in these proceedings. The requirement that potential interveners, as a precondition to raising a contention admitted for hearing, must plead all of the facts upon which the intervener will rely is extremely onerous and unworkable and unfair. It is especially unfair because it appears from these draft regulations that this requirement applies only to the interveners and not to the applicant or to the NRC staff. At the point at which intervener petitions would be filed most of the material that the intervener would use to raise his points has not even yet been prepared by the staff. At this time the applicant has not as yet completed a final version of the materials that he is required to present in the proceedings. Thus, it is completely unfair and unworkable to require interveners to specifically allege all of their concerns.

Both the Rogovin Report and the Kemeny Commission called for more public participation, not less. Thus, I am deeply disturbed at this second attempt by the Nuclear Regulatory Commission to decrease public participation in the licensing process. I strongly urge that the proposed rules not be adopted.

Sincerely yours,

Edward M. Kennedy