

DOCKETED
USNR Environmental Law Project
School of Law 064A
University of North Carolina
82 NOV 22 11 58 Hill, NC 27514

November 17, 1982

3

Secretary
U.S. Nuclear Regulatory Commission
ATTN: Docketing and Service Branch
Washington, DC 20555

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

DOCKET NUMBER PR-2.
PROPOSED RULE (47 FR 47260)

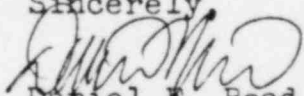
SUBJECT: Proposed rule, Revise Immediate Effectiveness
Rule with Respect to Construction Permits, 10
C.F.R. Part 2

Dear Sir/Madam,

The proposed rule was published for comment on Oct-
ober 25, 1982, Federal Register Vol. 47. No. 206, 47 F.R.
47260. On behalf of the Environmental Law Project I would
like to comment on the proposal.

As the proposal points out, no construction permits
have been issued since the suspension of the original rule
following the accident at Three Mile Island. Nor is it
likely that applications for construction permits will be
forthcoming in the near future--in fact, the only actions
lately have been cancellations of permits (or at least the
underlying plans to build) (e.g., Hartsville, Phipps Bend,
Cherokee, North Anna). In the present fiscal climate, and
with national energy demands virtually frozen, a sudden
spate of applications is only wishful thinking.

Therefore, the only possible result that the proposal
might have is in the rare and unlikely instance that an
application is received and progresses to the initial dec-
ision stage. The rule would in effect ensure that the order
became effective within thirty days absent a Commission stay
decision, and allow construction work to go forward even
though there are still disputed issues on appeal that the
Board may not feel are "serious close issues" or that the
Commission may not feel have sufficient "gravity" to warr-
ant a stay. It is my position that the public interest would
be much better served by maintaining the status quo, partic-
ularly since so many plants have been cancelled recently.
Cancellations do not benefit the affected utility, the NRC,
the nuclear industry, or the public, and it seems on recent
experience that the risk of them is sufficiently great that
granting immediate effectiveness to construction permit
decisions is far outweighed by the public interest in full
and exhaustive scrutiny of the substantive issues before con-
struction is fully underway (the concern addressed by Sea-
brook). Therefore I oppose the proposal.

Sincerely,

Daniel F. Read

DS 10
add: Richard Parrisk
1035 H

8212020383 821117
PDR PR
2 47FR47260

Acknowledged by card... 11/30/82 emp