

July 23, 1984

Mr. Darrell G. Eisenhut, Director  
Division of Licensing  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Eisenhut:

By this letter Ohio Citizens for Responsible Energy ("OCRE") is objecting to the NRC's new policy on Board Notifications on the Transamerica Delaval diesel generator problem, as related in Board Notification 84-127, dated July 5, 1984. Therein you stated that TDI Owners Group reports will no longer be transmitted to parties in proceedings via Board Notifications, but will be available in the LPDRs.

This new policy creates an undue hardship on public interest intervenors like OCRE. The LPDR, with its inconveniences of location and hours, is not the best vehicle for volunteer researchers, upon which OCRE, a small public interest organization with limited resources, must rely. Nor does the availability of the reports in a library satisfy the evidentiary purposes for which we will eventually need the documents. I.e., we must have hard copy. The cost of copies of these reports, even from the PDR (with its new higher prices) is prohibitive.

The problem of delay must also be considered. The Commission has often voiced concern over delay in licensing proceedings. The TDI Board Notifications have been of great help to us in participating in a timely manner in the Perry OL proceeding, in which the reliability of TDI diesels is a contested issue. Imagine the delay engendered in all such proceedings if the intervenors must wait for the document to appear in the LPDR, and then order a copy from the PDR (copying costs for the LPDR is over twice that at the PDR). The PDR has been notoriously slow of late in responding to requests for copies. The delay will not be the fault of the intervenors; it is a natural result of your new policy.

There is another dimension of this as well. Parties to proceedings (and the Staff is always a party) have an affirmative obligation to keep the Boards and parties informed of information relevant to the proceeding. Does the Staff now intend to default on this obligation? Presumably the Board Notification is the Staff's vehicle for informing the Boards. Or will the Boards continue to be informed, but not the parties (i.e., intervenors, since the utilities are generating the reports), thereby constituting ex parte communication? Your new policy may not be legal.

The policy is most assuredly not in the public interest. Please consider reverting to your former policy. Justice and fairness demand nothing less.

Sincerely,



Susan L. Hiatt  
OCRE

Susan L. Hiatt  
8275 Munson Road  
Mentor, OH 44060

8407270256 840723  
PDR ADOCK 050 0440  
H PDR

cc: Commissioner Asselstine

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Add: D. Eisenhut