I.S.E.A. ILLINOIS SAFE ENERGY ALLIANCE

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August 19, 1986

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington D.C. 20555
Attn: Docketing and Service Branch

Dear Mr. Secretary:

It has come to our attention that the NRC plans to resubmit slightly modified versions of a series of rule changes proposed in 1984. It appears that once again these rule changes are being submitted under the guise of 'reform' which they clearly are not. To reduce the role of public intervention in the licensing process is not reform. The proposals you have made would give a decided advantage to the license applicant in the hearing process. In view of past decisions by the NRC we feel these latest proposals reflect an overall trend towards a sympathetic, if not vicarious, relationship between the NRC and the nuclear industry. In that sheilding the nuclear industry from public scrutiny is neither wise, nor safe, nor the intended function of the NRC, we feel you should reconsider your decision to propose licinsing hearing rule changes.

We suggest you revise or reject the following proposals for the following reasons:

1) Admission of Contentions (Section 2.714)

Because of the vast disparity of resources and preparation time that exists between the license applicant and public intervenors raising the threshold of admissibility for contentions, requiring a detailed reporting of sources and contentions to be made before the actual hearing, will eliminate intervention by public interest groups which are often understaffed, less well-funded and therefore less able to finalize all aspects of their cases before the hearings begin.

2) Limits on Subpeonas and Discovery Against NRC Staff (Sec. 2.720)

As a party to the licinsing hearing, like the applicant and intervenors, NRC staff should be required to justify their opinions and assertions with explanation and documentation. Furthermore, to not require NRC staff to provide to intervenors information they have relied upon in making their judgements as it may be "reasonably obtainable from any other source" will greatly inhibit the flow of information, and may prevent some information from ever coming under review at all. We have had sporadic success with Public Document Rooms in attempts to obtain information necessary to successfully intervene. In addition, while FOIA laws do make information more

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accessible, it often takes weeks, even months, to get the information requested. We feel it is imperative for information to be made readily available for public scrutiny.

3) Cross Examination (Section 2.743)

Cross examination is an essential part of the intervention process. It is the one aspect of the system, more than any other in our opinion, which allows for "full and true disclosure of (the) facts." To restrict cross examination by requiring intervenors to obtain special permission from the hearing judge to cross examine a witness is to attack the very purpose of intervention, which is "full and true disclosure of facts."

4) Motion for Summary Disposition (Section 2.749)

Once again the gross disparity in resources and preparation time which exists between the license applicant and the intervenors is being used to give advantage to the multi-billion dollar backed licnese applicant. Allowing motions for summary disposition at any time will open intervenors to pre-hearing barrages which divert resources away from preparing for the actual hearing. This proposal appears to be an attempt to sheild applicants from intervenors by allowing an intervenor's contentions to be quietly dismissed before the hearing ever takes place.

5) Confining Appeals to One's Own Contentions (Section 2.762)

By prohibiting one intervenor from representing their interests as voiced by the contentions of another intervenor prevents the formation of a united front on all points raised by all intervenors. Alliance and networking are two of the strongest tools of the issue organizer. It is often the case where one expert will represent the contentions of one groups and also be called upon to testify on behalf of another group. To divide and conquer is not to reform.

The Illinois Safe Energy Alliance is a state-wide coalition of anti-nuclear, environmental and alternative energy advocate groups. The Alliance has signed on many petitions as intervenors to the licensing of a nuclear power plant. We feel your 'reform' proposals will greatly hinder our chances of successfully intervening in the future, and for that matter, from participating in the licensing process in the future. These latest proposals seem to echo Commissioner Paul Asselstine's claim that "the commission believes its job is to protect the industry and not the public." It also reiterates the claim that the industry exhibits "a willingness to accomodate industry wishes and a reluctance to take a strong and aggressive role to enforce regulation." We strongly urge you to rethink your proposals for licinsing "reform." Minimizing the public's role in the licensing process is clearly not in the public's best interests.

Sincerely,

Kurt D. Torres
Administrative Director