M-32

OFFICE OF
JAMES L. PICKERING.
P.O. BOX 51
ARCADE NY. 14009-0051

JAN 5, ~~199~~ 2000

TO:
JACK PARROTT
PROJECT SCIENTIST,
OFFICE OF NUCLEAR MAT. SAFETY & SAFEGUARDS
MAIL STOP T.8F37
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON D.C. 20555

DEAR MR PARROTT,

RECEIPT IS ACKNOWLEDGED CHAMBERLAIN LETTER. 12,21,99 INCLUDING, JAN. 5 AGENDA & DRAFT POLICY STATEMENT. VIA P.O. DEPT FORWARDING ON 1-4-2000

COMMENTS ARE AS FOLLOWS:

① ATTENTION IS DIRECTED TO PAR-2-J CRITERIA WITH RESPECT TO 2 "ALARA CONSIDERATIONS (10 CFR 20.1402)".

② IT IS RECOGNIZED THAT THE PUBLIC AT LARGE AND INDIVIDUALS AS CITIZENS WILL.

NMSS01 Public

HAVE THE FINAL SAY REGARDING
CLOSURE BOARDS

A). THERE IS A COMMON LAW CONTRACT BETWEEN "WE THE PEOPLE" (PREAMBLE & CONSTITUTION of THE UNITED STATES) AND THE UNITED STATES GOVERNMENT.

B). STATE of NY. IS A THIRD PARTY BENEFICIARY TO (A) ABOVE BY VIRTUE of ITS RATIFICATION ON DEC 21, 1789

C). FOURTEEN of THE EIGHTEEN GENERAL POWERS of CONGRESS ARE EITHER DIRECTLY OR INDIRECTLY RELATED TO MONEY.

D) NOT WITHSTANDING "C" ABOVE NO POWER EXISTS WITHIN THE CONSTITUTION PERMITTING THE GOVERNMENT of THE US. TO MURDER, MAIME OR OTHERWISE IMPAIRE THE HEALTH OF ANY OF THE CITIZENS OF THE UNITED STATES.

E). THE USE of "ALARA" UNDER 10 CFR 20.1402. IS THEREFOR UNACCEPTABLE

F). (E) ABOVE MUST BE CHANGED SUCH THAT IT IS OPEN ENDED AND REFINEMENT IS CONTINUOUS.

6 B ABOVE HAS BEEN PRECIDENTIALLY SET BY THE STIPULATION & COMPROMISE of 1986 IN WESTERN DISTRICT COURT OF N.Y.

3). IT IS NOT THE DESIRE OF THIS COMMENTOR TO SEE THE CLEANUP AND CLOSURE DELAYED BY ADMINISTRATIVE RULES, REGULATION OR LAWSUITS.

4) A POWER NOT SPECIFICALLY DELEGATED TO THE UNITED STATES BY THE CONSTITUTION CANNOT BE TRANSMITTED BY ITS CONGRESS TO SOME AGENCY SUCH AS THE NRC.

5). THE NRC THEREFOR HAS NO POWER TO IMPLEMENT AMBIGUOUS CRITERIA TO THE CLOSURE OF WVDP OR NDA AND SDA.

6). RESPECTING NEPA RESPONSIBILITIES INVOLVING EIS.

a). CLOSE ANALYSIS OF 4 ABOVE CLEARLY SHOWS THAT NRC MAY NOT TRANSFER ITS NEPA OBLIGATIONS TO DOE/NYSERDA OR PREPARING ITS OWN EIS. RESPECTING CLOSURE CRITERIA.

b). NRC'S OWN EIS IS NECESSARY RESPECTING WVDP TO DETERMINE IF ANY "SITE SPECIFIC" ASPECTS EXIST THAT ARE NOT ENCOMPASSED IN THE DOE/NYSERDA EIS.

NOW THEREFOR IN CONSIDERATION OF ALL OF THE ABOVE THIS COMMENTATOR BY VIRTUE OF THE ABSOLUTE RIGHT OF CITIZENSHIP HEREBY DEMANDS ~~THAT~~ IN GRIEVANCE FOR SET FORTH BY THIS LETTER THAT NRC ~~BE~~ PERFORM ITS OWN EIS. AND STRIKE FROM ITS POLICY AND REGULATIONS ALL AMBIGUOUS PHRASES.

COMMISSION, NYSERDA AND DOE ARE TO BE COMMENDED FOR THE CLEANUP THUS FAR BUT MUCH REMAINS TO BE DONE

PLEASE EXCUSE PENMANSHIP AND LACK OF TYPE PRINTED COMMENTS AS SUCH IS NOT AVAILABLE TO THIS TRAVELING COMMENTOR/GRIEVANT

RESPECTFULLY SUBMITTED
James L Pickering J.D., PH.D.

c/c WEST VALLEY COALITION
OTHER SOLICITED STAKEHOLDERS
FILE.

P.S. CTP (P-2-PAR 5) WAS A MEMBERSHIP, PARTICIPATION RESTRICTIVE BODY BY NATURE OF ITS CONSTRUCTION, IT THEREFORE FACTUALLY ELIMINATED A PROPORTION OF STAKEHOLDERS THAT SHOULD HAVE BEEN CONTACTED.