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Rules and Directives Branch

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To: sportzline@home.com
Subject: Re: the new Regulatory Process is a CONTINUING sham
References: <001601c0bfad$05af5d00$a21e2818@harris1.pa.home.com> <20010408.002250.7222.1.marvlew
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Please distribute as comment.
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4/13/2001

To: Mr. David Meyer
Rules and Directives Branch, Mail Stop T6 D59
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Washington, D. C. 20555-0001

GAO-RCED 95-10 STX Nuclear Power Plants:
"According to NRC , it rarely detects major problems before its licensees." Page 3.

Dear Commissioners:

The quote above is exactly the sentiments and information expressed in hearings before the NRC Licensing Boards and the Congressional investigators concerning the Three Mile Island "accident." This hide your head in the sand approach to regulation continues to this day in the reactor oversight process, ROP. The ROP is a continuation of the lack of enforcement and oversight that the NRC spells out in the NRC Inspection Manual,

"(A)ppropriate enforcement actions consistent with the NRC's Enforcement Policy should (!) be taken."

"should" makes the Enforcement Policy a matter of convenience , not necessity. I guess that means that if an action inconveniences a licensee, the NRC need not perform that action. This lack of action reflects what little the NRC has done at Salem, IP2, and SONGS, recently, and at other problem sites in the past.

Join with other commenters:

Both David Lochbaum and Scott Portzline have sent me copies of their comments on ROP. I, respectfully, request that the NRC accepts my joining in their comments. I agree wholeheartedly and fully with their statements and sentiments. I wish to add my own comments wth this letter.

Regulation by edict without appropriate justification.

A consistent theme goes through the NRC regulatory actions: Regulation by edict without appropriate justification.

I have often worked with NGOs such as neighborhood groups, environmental groups, small government entities and private businesses. Whenever the issue of elementary paperwork has surfaced, these certifications, lot numbers, heat treatment specifications, and procedure and lab manuals become 'proprietary to the licensee.' Without these very elementary and originating documentations, anyone can say anything about

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anything and they do!

Any solution or prime cause which the licensee or NRC wishes to spout cannot be challenged. The only recourse is a long, drawn out, expensive court case which the intervenors have little chance of winning as the NRC staff lines up with the licensee.

I actually 'won' such a set up in the Lewis Contention before the TMI # 2 Restart Hearings before Judge Smith. Subsequently, and I suspect consequently, 10CFR 2.206 was changed to make a 'pro se' intervention most impossible.

So much for the public's right to know.

Conclusion:

NOI is just more of the same: a sham

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Marvin Lewis.

Marvin Lewis
8 April 2001