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From: Brian Templeton <btemp@ra.msstate.edu>
To: <mtl@nrc.gov>, <dam2@nrc.gov>
Date: 10/29/02 2:21PM
Subject: COMMENTS on LES "White Papers"

(1) It is unacceptable that the NRC is even considering this effort by an intending license applicant to manipulate the licensing procedure in its favor.

(2) The content of the white papers reveals that LES is seeking prejudgment on issue areas that have caused it trouble in the past, or on issues which are potentially problematic. The submission of these memoranda is an overt attempt on the part of LES to evade thorough public and government investigation in areas where the company knows itself to be vulnerable.

(3) The specific issues raised by LES in the white papers are themselves problematic. To restrict or exempt full consideration of such weighty matters as the comparative environmental impact of a "no action" alternative, environmental justice, the consortium's financial qualifications, anti-trust concerns, foreign control and ownership issues, and the disposition of tailings, would reduce NRC's licensing procedure to a flimsy rubber-stamp and further erode public confidence in the agency as an effective regulator.

(4) A dangerous precedent would be set if the NRC allows LES to manipulate the licensing procedure in this way. It is highly improper for the NRC to allow a potential license applicant to define the parameters of licensing considerations, in effect, calling for prejudgment in their favor. This violates NRC's own licensing regulations, undermines even the pretense of objectivity in the agency's licensing activities, and calls into question the ability of the NRC Commissioners to be a dispassionate appeals body for Atomic Safety and Licensing Board actions.

(5) Also, the comment period on these white papers should be extended to at least 90 days. The allotted period is insufficient, if meaningful public participation is the goal, especially given the breadth of issues dealt with in the white papers, difficulties in accessing these documents, and the level of controversy surrounding the LES proposal.

ERIDS
ADM-03
add T. Johnson
(TCJ)

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