From: "Jonathan Caws-Elwitt" <jce@epix.net>
To: "Chief, Rules Review and Directives Branch Michael Lesar" <mtl@nrc.gov>
Date: 11/3/02 11:12AM
Subject: Comments on LES

Jonathan Caws-Elwitt
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(92)

November 3, 2002

Chief, Rules Review and Directives Branch Lesar:

In response to the comment period announced in the Federal Register on October 2, 2002, I am writing to express my objection to NRC's proposal to consider the "white papers" submitted by Louisiana Energy Services (LES) that call on the NRC to restrict consideration of certain contentious issues in order to expedite the licensing process for the company's proposed uranium enrichment facility in Hartsville, Tennessee.

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

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.

Furthermore, 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.

In addition to the specific impacts of this decision for the proposed project in Hartsville, I am also concerned about the dangerous precedent that 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.

I also request that the comment period on these white papers be extended to at least 90 days. The allotted 42 days 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.

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E-RIDS = ADM-03
Add = T. Johnson (TCJ)

I strenuously urge the NRC to reject the LES white papers.

Sincerely,

Jonathan Caws-Elwitt

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