

**From:** Brian Smith  
**To:** Ewan Todd  
**Date:** 10/5/05 4:46PM  
**Subject:** Re: Docket DEIS Comments

Yawar's previous e-mail has described NRC's intended actions with respect to the comments on the DEIS. We do not intend to take any further action in terms of distribution of the DEIS comments to the Board beyond that described in Yawar's previous e-mail.

Brian Smith, Chief  
Gas Centrifuge Facility Licensing Section

>>> Ewan Todd <ewan@mathcode.net> 10/05/05 11:55 AM >>>  
Yawar,

> The NRC staff will be entering all comments on the DEIS for the  
> proposed USEC facility in ADAMS. In addition, the comments will be  
> posted on our gas centrifuge website although this process could  
> take some time. Therefore, all public comments will be available  
> for review by the public and the Board.

I anticipated that the actions you describe above would occur.  
However, that's not what I was asking.

The point is that the Staff explicitly placed the DEIS on the Panel docket for consideration in the Panel's decision on the admissibility of PRESS' contentions. My request was that you also place the comments before them before they rule on admissibility, or, if you require a significant period of time to assemble the comments, that you alert the Panel that comments are forthcoming.

In the intervention process, each time a party places information before the Panel, an opportunity to respond is afforded to the other parties.

I believe that our DEIS comments cast significant doubt about the soundness of the DEIS, and that they will assist the Panel to accord appropriate weight to the assertions of the DEIS. It is a question of fairness.

Please do one of two things: (1) place the comments on the Panel docket today, or a "place-holder" notice of the kind that I have described above, or (2) inform me that you intend to do no such thing so that I can at least put the PRESS comments before the Panel. The Panel is due to rule on admissibility very soon, so if you have performed neither of these two actions by the end of business hours today, I will assume that you intend the latter action by default.

My understanding is that your first obligation is to act on behalf of the public interest.

Respectfully,

-e

**CC:** Francis Cameron; James Clifford; Jennifer Davis; Joseph Glitter; Linda Marshall; Lisa Clark; Margaret Bupp; Matthew Blevins; Scott Flanders; Vina Colley; Yawar

Faraz

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**Subject:** Re: Docket DEIS Comments  
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