

From: Timothy Johnson
To: R Gardner
Date: 06/08/2006 10:24:16 AM
Subject: Re: NRC Commissioner McGaffigan

The following is in response to your email dated May 26, 2006, in which you requested that Commissioner McGaffigan be removed from the Louisiana Energy Services (LES) proceeding and you discussed environmental justice and the local newspaper coverage of the proposed LES facility:

On May 24, 2006, Nuclear Information and Resource Service/Public Citizen (NIRS/PC) filed a request that Commissioner McGaffigan be removed from participating in the LES proceeding because of statements he made during a public meeting on the status of emergency planning activities held on May 2, 2006. Consistent with longstanding NRC practice, Commissioner McGaffigan ruled on NIRS/PC's request on June 2, 2006. In his decision, the Commissioner declined to disqualify himself from the proceeding on the grounds that he is not biased against NIRS/PC and will make any decisions in the proceeding based on an objective consideration of the evidence in the record and the parties' arguments. With regard to the specific comments made during the hearing, the Commissioner noted that he was correcting what he perceived to be inaccuracies or misleading statements in a context entirely separate from the hearing and did not intend to impugn any individual or organization.

Regarding Environmental Justice, the U.S. Nuclear Regulatory Commission (NRC) considers Environmental Justice as an important consideration in the preparation of its Environmental Impact Statements. Sections 3.11 and 4.2.9 of NUREG-1790, "Environmental Impact Statement for the Proposed National Enrichment Facility in Lea County, New Mexico," document the NRC staff's review of potential environmental justice impacts from the proposed facility. The NRC staff's evaluation concluded that no disproportionately high and adverse impacts would occur to minority and low-income populations living near the proposed LES facility.

Regarding local news coverage of LES activities, the NRC has no influence over the local newspaper coverage or the placing of paid ads.

>>> "R Gardner" <nmlady2000@hotmail.com> 05/26/2006 11:16 AM >>>

Dear Sirs,

I have only now become aware of Commissioner McGaffigan's comments reference NIRS and Public Citizen. As a petitioner and resident of Eunice NM, I must insist that this individual be removed from the LES uranium enrichment case he is involved in. It has been very obvious from the onset of this process that the NRC is very receptive and more than willing to bend over backwards to assist the licensing of this facility and overlook many of the injustices that have occurred during this last three years. The local newspapers give only LES supportive coverage in this area and on numerous attempts I have been denied paid ads which is oppression of my civil rights to be heard on this subject. I cannot and will not accept that at the NRC level, my rights are being made fun of and completely disregarded. The previous record for NIRS and Public Citizen and the IEER are on record for all to avail themselves to.

Since the NRC no longer considers "Environmental Justice" issues which is an obvious example of manipulating the licensing regulations by the government

and then instituting the "fast track" licensing procedure which is new and also unfair since this community is only now realizing the nuclear waste issue and it's impact in this area of New Mexico. I sincerely request that this Commissioner be removed immediately.

Rose Gardner

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Subject: Re: NRC CommissionerMcGaffigan
Creation Date 06/08/2006 10:24:16 AM
From: Timothy Johnson

Created By: TCJ@nrc.gov

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hotmail.com
nmlady2000 (R Gardner)

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hotmail.com

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