

From: "Ed Martin" <edmartin@law.com>
To: <dgeis@nrc.gov>
Date: 12/31/01 2:29PM
Subject: Draft Supplement 1 to NUREG-0586

11/9/01

66 FR 45721

(12)

I attach hereto my supplemental comments on the above.

Thank you for your kind attention to this submission. Please do not hesitate to contact me if you have any questions. I look forward to hearing from you.

Sincerely,

Ed Martin

Sent by Law Mail

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December 31, 2001

Chief, Rules and Directives Branch
Division of Administrative Services
Mailstop T 6 D 59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

By Electronic Mail

Re: Draft Supplement 1 to NUREG-0586

Ladies and Gentlemen:

This will supplement my comments at the December 12 public meeting in Atlanta. As I noted at the time, I am concerned about the silence of the draft supplement on public participation in the decommissioning process. Commenters raised these concerns 18 months ago, but the draft supplement does not seem to address them.

As I read the supplement, its effect will be to predetermine a number of issues about decommissioning of all public-utility power reactors. This will remove those issues from examination in trial-type proceedings, where licensees' evidence or the NRC's assumptions and conclusions could be tested and exposed to public scrutiny.

Unless the public is allowed to intervene in decommissioning proceedings and participate fully in those proceedings, it cannot be certain that trustworthy decisions will result. Your 1996 brochure Public Involvement in the Nuclear Regulatory Process, NUREG/BR-0215, assures us that "the public has an opportunity to participate in NRC's decisionmaking process to . . . decommission a facility."

Public participation short of party-intervener status and review of less than all issues relevant to each plant seems to me a recipe for inadequate decisionmaking. If your agency restricts review, I believe you will be reneging on your promises to the public, as well as violating NRC's laws and regulations and the Administrative Procedure Act.

Thank you for the opportunity to supplement my earlier comments. I look forward to your response.

Yours very truly,

Ed Martin

From: DGEIS
To: Becky Harty; DaM2; Eva Hickey
Date: 1/7/02 7:38AM
Subject: Fwd: Draft Supplement 1 to NUREG-0586

Comments from Ed Martin