



GLOBAL RESOURCE ACTION CENTER FOR THE ENVIRONMENT

Helaine Lerner
Board Chair

Alice Slater
President

William J. Weida
Project Director

Advisory Committee

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Selma Brackman
Kim Brizzolara
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James Parks Morton
Monroe Price
Mark Ritchie
Douglas Roche
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Grace Thorpe
Stanley Weithorn
Alan Woltz

November 27, 2002

Michael Lesar
Chief
Rules Review and Directives Branch
Division of Administrative Services Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Lesar:

The Global Resource Action Center for the Environment (GRACE) opposes Louisiana Energy Services' proposal to limit public oversight over its plans and operations. The "white papers" presented to the NRC, addressing licensing issues for a gas centrifuge uranium enrichment facility in Hartsville, are an effort by LES to resolve in their favor important issues that should only be considered in Atomic Safety and Licensing Board (ASLB) adjudicatory hearings.

The only way to fairly resolve the issues addressed by the white papers is through the licensing process. If the NRC decides that it can resolve these issues through a rulemaking, then it should propose a specific resolution of the issues and explain why it is not necessary to use the hearing process to get to the specifics of the case. Accepting LES' requests would violate NRC regulations and hearing procedures.

The October 2nd Federal Register fails to meet the Administrative Procedures Act's requirements, and basic fairness in agency decision-making, because it only asks for comments on LES' white papers, and does not indicate what the NRC proposes to do with them. Moreover, the policy issues addressed in the white papers are of interest to the general public—most especially to Hartsville residents. To date, local residents have not been notified that the Commission is considering decisions that would affect their welfare, hence, the Federal Register notice of October 2nd does not comply with NRC procedures for either a hearing or a rulemaking. These are the only processes by which it can make decisions that bind interested members of the public. We request a 90-day public comment period on these "policy issues" with full notice and comment published in the Federal Register.

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Finally, it is questionable whether the NRC can act as an impartial judge in any licensing case involving the proposed LES plant. Judging by the NRC's departure from its own well-established procedures, the NRC appears to support the LES proposal that it pre-judge all significant issues in the licensing case before the case even starts.

The NRC should reject LES' proposal to limit public oversight over its plans and operations because the Louisiana Energy Services must account for the issues of environmental racism, financial qualifications, and need for the facility, among others. Instead, LES is striving to silence the voices of those who will be most affected by the day-to-day operations of the uranium enrichment plant. We urge your cooperation in endorsing the well-established procedures of the Nuclear Regulatory Commission.

Sincerely,

Alice Slater
President