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October 3, 2002 (11:20AM)

September 26, 2002

Chairman and Commission Members
Nuclear Regulatory Commission
Washington, D.C. 20555

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED October 3, 2002

Dear Chairman Meserve and Commission Members:

By approving the Tennessee Valley Authority's (TVA) license amendment request (LAR) to produce tritium, you have been the willing victim of illegal activities from "cradle to grave," during your industry-self-serving process to deliver the Department of Energy (DOE) another ill conceived malfeasance.

I am not antinuclear. I have worked within the nuclear industry (TVA), worked with the NRC and worked to better the industry as a whole. I have worked to obtain resolution to safety issues, worked with industry employees to make a better and safer industry. I have worked within the rules that you have set forth. I have disagreed with your policies and your interpretation of those policies and the law, but never the less I went by them. I have defended your actions when I knew that your intentions were good but your actions were not.

I am writing to outline a list of serious concerns that I have with the lack of morality, disregard for federal law, constant peddling of industry public relations material, ignoring industry's lack of safety practices at reactors, blatant failure to protect public health and safety, ignoring federal law in your legal maneuverings to support actions that are openly and easily proven to be wrong and patently against United States laws and against the United States best interest.

Yes, I head up an organization (We the People, Inc., of Tennessee) that has attempted to obtain public hearings in the TVA's and DOE's wrongful attempt to obtain a license amendment request to make tritium at the Watts Bar and Sequoyah reactors.

Permit me to list the ways that this so-called public process has played out for members of the public that have grave misgivings about the NRC's lack of statutory authority to grant such a license. AND, with open contempt for all, how the DOE has lied to the commission, TVA, Congress, the media and to the public.

1. You appointed an Atomic Safety Licensing Board Panel (ASLBP) to hear and decide the admissibility of standing and opportunity for public hearings. One of the first things that the Chairman determined was that he would not have a pre-hearing conference. That decision denied us the opportunity to amend our contentions. The NRC did not issue the environmental assessment until after the ASLBP has made the ruling on the public's attempt to intervene. We did not have knowledge of differing conclusions or significant data raised or stated by the NRC that was different from TVA's document.

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2. During this ASLBP process, meetings were being held by the ACRS over safety issues that we raised in our contentions. The issues were raised seven (7) years ago when you licensed Watts Bar and they were never fixed. Now you are just forgiving them. Your staff permitted TVA to change specifications so safety issues that would no longer be considered safety issues. (Look at the issue of Station Blackout and Hydrogen Igniters). It would appear that staff is permitting TVA to lower requirements standards and or fix physical problems to satisfy staff's problems with approval. Public be hanged!

3. The issue of the reliability of the diesel generators during station blackout went by the wayside when staff said that a generator that could be obtained at a local discount store would suffice in case of station black out! Ice Condenser problems were removed in a waving of TVA's and staff's magic approval wand.

4. Legitimate and continued objections to the lack of statutory authority by the NRC to grant a license amendment to TVA to perform a "defense activity" has went by the wayside. Staff has taken the position that when congress authorized the budget item for TVA and DOE that that same authority was given to you. I am not an authority, nor as some do, claim to be an authority on federal laws. But I can read and I can write and I can obtain records and minutes from the archives of congress and other sources and this action was specifically denied to the NRC.

5. Recent letters to the commission from the legal firm of Winston & Strawn, representing TVA in the ASLBP tritium licensing amendment request process, identified that Winston & Strawn has hired an attorney from the NRC's staff of attorneys working on the tritium issue. The letter from Winston & Strawn begs the following list of questions to the commission:

- A. How long did the negotiations go on for this person's services?
- B. What was the nature of the work that this person was performing for the NRC?
- C. During negotiations for his services, why was this staff attorney permitted to continue working during on the tritium task?
- D. Did this person not have knowledge of any ethical requirements that might stop his working on the tritium issue?
- E. Did this staff member have an issue that was standing in the way of the TVA and DOE's continued attempts to railroad the tritium issue to conclusion in open defiance of federal law?
 - 1. If so, what was the issue and how was it resolved?

- F. Do you know how many times that this same tactic, with NRC staff attorneys, working on issues opposing the firm's agenda, has been used? (Your records show that this is not the first time that ethical practices by this firm have come into question. Should I assume that it will not be the last?)
- G. How many times will the commission permit these kinds of negotiations to continue before there is irreparable damage to the commission for turning a blind eye?
- H. Does the commission have an ethics officer on staff, and if so, where is that officer's opinion on this particular subject?
- I. Did the legal firm offer any notes, draft memos, interagency memos from the NRC staff attorney that would support the ethical behavior during a critical moment in history? I beg to disagree that his word, after the fact, is not good enough. Are there any provisions in NRC policy or guidelines, rules or regulations that suggests to agency employees to remove themselves from a task if contact is made that could be viewed as unethical and or improper? If not, why not? If so where is it and who is keeping the rule enforced?
- J. Will the NRC take any actions against TVA because of Winston and Strawn's practices during this public process? If not, why not? The public is at a decidedly disadvantage with these kinds of practices going on with the legal firm. These kinds of legal maneuverings apparently permitted to this firm by the Commission opens up other and more serious questions about the behavior of the attorneys, in the Office of General Counsel, for the Commission.
6. NOW for the issue that raises an even higher level of concern:
Recent FOIA requests to the Department of State, Department of Energy, Office of Science and Technology and the NRC shows that the
DEPARTMENT OF ENERGY HAS LIED
to the commission, congress, media, the White House, the public and to the NRC. How so you ask?
The so-called "Interagency Review of the Nonproliferation Implications of Alternative Tritium Production Technologies" produced by the DOE is a sham. Evidence from a number of FOIA requests overwhelmingly supports the contention that this report was bogus, a fabrication created by some mid-level DOE staff that was used to deceive Congress, the media, NRC and most probably the Secretary of Energy who in December 1998 made the decision to use commercial nuclear reactors to produce tritium for the stockpile of nuclear weapons.

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NRC Commission
A. Harris

The FOIA responses further show that the *Interagency Review* is a deeply flawed and inadequate policy analysis. In addition, the report **intentionally misrepresented** the nature of the deliberations that produced the analysis.

The FOIA request shows that if there had been "a series of meetings and discussions with senior officials of other agencies, beginning in April, 1998" there would be some evidence of those meetings, if only the meeting announcements, in the files of at least one of the four agencies that responded to the FOIA request. But there was no such evidence! This type of evidence of no evidence would lead a prudent person to believe and understand that no such contacts were made by anyone from the DOE on the subject. This action and this document provide the most egregious malfeasance by a DOE employee. And this commission has now become another willing participant in that malfeasance.

For over twenty years I have stayed inside the rules. I have trusted the NRC even when I knew that I should not. I have continually given you rope. You continue to hang yourselves. But this action to approve an LAR that is outside the scope of your authority, with all the illegal and unethical practices, the willful compliance by the NRC to these DOE actions, leads me to believe that the commission has lost any and all claims to protecting the public health and safety. It should be abolished and disbanded by congress. My community deserves better than this. These are but some of the offenses that have been and are being committed against the public.

And you want the public to support nuclear power! Enough already! You are tearing it apart, you fix it. Staying inside the rules doesn't work. Even you don't keep them.

The world will not stop if you take time to investigate the information contained in this letter. It could save you immense embarrassment. And sense your public image is important to you why not take the time to look at the evidence as I have described. Do I have an agenda? Sure as hell I do. I want a safe reactor, producing electricity for commercial use that was funded by tax-payer funds.

I am willing to discuss this with any member of the commission.

Sincerely



Ann Harris, Director

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
TENNESSEE VALLEY AUTHORITY) Docket Nos. 50-327-OLA, 50-328-OLA,
) and 50-390-OLA
(Sequoyah Nuclear Plant, Units 1 & 2 and)
Watts Bar Nuclear Plant, Unit 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM ANN HARRIS TO CHAIRMAN MESERVE RE APPROVAL OF LICENSE AMENDMENT TO PRODUCE TRITIUM have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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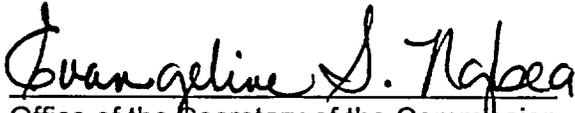
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Docket Nos. 50-327-OLA, 50-328-OLA,
and 50-390-OLA
LETTER FROM ANN HARRIS TO CHAIRMAN
MESERVE RE APPROVAL OF LICENSE
AMENDMENT TO PRODUCE TRITIUM

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 3rd day of October 2002