

From: "Dave Lochbaum" <dlochbaum@ucsusa.org>
To: <MSL@nrc.gov>
Date: 2/14/02 9:54AM
Subject: Reason for Delay? - Supplement

application was available noticed in FR

Hello Mindy:

On February 12, 2002, the following document was made available to the public via ADAMS:

ML020320146
44 pages
TVA letter dated 10/29/2001 responding to the NRC's request for additional information about tritium production.

(RAI)

The public comment period for TVA's license amendment request to make material for atomic bombs at its civilian power plants ended on January 16, 2002. This document, which has direct bearing on that amendment request, was with-held by the NRC staff until after the public comment period and the opportunity for intervention ended.

Why did it take so long for the staff to release this document? The NRC's own policy and procedures is to make such documents available within 5 working days of their receipt. Why did the NRC staff fail to follow its own procedures?

I asked the Commission for a 60-day extension to this public comment period because the public's access to documents was unlawfully restricted. My request was denied.

Can I at least get an NRC apology? If the agency is going to trample my legal rights, I think I'm entitled to at least an insincere "we're sorry."

Can the Commission ask the Office of the Inspector General to investigate this matter and determine (a) why pertinent documents were not made available to the public during the public comment period and (b) whether this charade of a licensing process complies with the Administrative Procedures Act (APA)?

OST in mail irradiated not rec'd to be part of 30 day comment period

Thanks,

Dave Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW Suite 600
Washington, DC 20006-3962
(202) 223-6133 x137
(202) 223-6162 fax

CC: <BCM@nrc.gov>, <EXM@nrc.gov>, <fxc@nrc.gov>

*Jamie Moore
Ruth Corneira
Chip
Pat*

sometimes the staff gets it earlier but must wait for mailed copy of the clarity needed for processing.

B-68

From: "Dave Lochbaum" <dlochbaum@ucsusa.org>
To: <MSL@nrc.gov>
Date: 2/14/02 9:37AM
Subject: Reason for Delay?

Hello Mindy:

On February 11, 2002, the following document was made available to the public via ADAMS:

intended him to attach

ML020330273
29 pages

TVA Handout from 10/02/2001 meeting on tritium production at commercial nuclear power plants

The public comment period for TVA's license amendment request to make material for atomic bombs at its civilian power plants ended on January 16, 2002. This document, which has direct bearing on that amendment request, was with-held by the NRC staff until after the public comment period and the opportunity for intervention ended.

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Dave Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW Suite 600
Washington, DC 20006-3962
(202) 223-6133 x137
(202) 223-6162 fax

*rec'd allegations from public
address concern in my
summary
too tired to research +
write
my summary had available
all at some time*

CC: <BCM@nrc.gov>, <EXM@nrc.gov>, <fxc@nrc.gov>

*license amend
was available
for 30 day period*