

**From:** Mindy Landau  
**To:** Dave Lochbaum  
**Date:** 2/21/02 11:13AM  
**Subject:** Re: Reason for Delay? - Supplement

Dave,

Thanks for your inquiry.

The first document you mentioned, the TVA handout at the 10/02/01 meeting, took a longer time than usual to make available via ADAMS because there were several allegations raised at the meeting and the staff wanted to post their responses to the allegations and the meeting summary, along with the handouts, all together. Because of the complexity of the research required by the allegations, the availability of the documents via ADAMS was delayed until February.

The second document you mentioned, TVA's response to our request for additional information, dated October 29, 2001, was not received in the mail by the NRC until early February because of the delays cause by the anthrax alert and irradiation of the mail. As you know, we have had many instances of delays occurring during that time period. The staff does not normally process documents into ADAMS until they are received via regular mail because of the high quality needed for processing. Therefore, it could not be made available via ADAMS until February 12, 2002.

TVA's license amendment request was made publicly available for the required 30-day period. Any related but ancillary documents, such as handouts from meetings and responses to requests for information, do not contain the same requirements for public notification as the actual amendment request.

I hope this clarifies things a bit. As you requested, I forwarded your original e-mail to the Office of the Inspector General for any additional action they wish to take.

Mindy Landau  
Office of the Executive Director for Operations  
USNRC  
(301) 415-8703

>>> "Dave Lochbaum" <dlochbaum@ucsusa.org> 02/14/02 09:50AM >>>  
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.

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

B-69

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)?

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:** Brian McCabe; Edward McGaffigan; Francis Cameron; Janice Moore; Patricia Norry; Richard Correia