

[Docket No. 70–1374; NRC–2009–0486]

Renewal Application for Idaho State University  
Special Nuclear Materials License SNM–1373 Pocatello, ID

Purpose: Request for Hearing and Petition for Leave to Intervene

Date: January 11, 2010

Request: Pursuant to instructions in the notice filed in Federal Register Vol 74, No 218, p 58656, Kevan Crawford, PhD is requesting a hearing be scheduled for the license renewal application filed for Idaho State University Special Nuclear Materials License SNM-1373 Pocatello, ID.

Petition: The petitioner has a right to be made a party to the hearing proceeding based on his standing as (1) an eyewitness, (2) an expert witness, (3) a whistleblower, (4) and a victim of whistleblower retribution. The petitioner's qualification as an eyewitness is based in the following fact:

Former Director of Reactor Operations (Dec 19, 1991 to March 12, 1993)  
Senior Operators License # SOP-70033 (Operator Docket 55-6733)  
Non-power AGN Nuclear Reactor License R-110, (Facility Docket 50-284)

As an eyewitness, it is expected that the petitioner's statements will be accepted as factual evidence. The petitioner's qualifications as an expert witness on the administration, management, and operations of critical and subcritical facilities are based in the following facts:

Reactor Operations (training 1977-78, license 1978-1981)  
Operators License # OP-4966 (Operator Docket 55-6733)  
Non-power TRIGA Nuclear Reactor License R-126, (Facility Docket 50-407)

Former Director of Reactor Operations (Oct 1981-Oct 1986) and (Oct 1988-Oct 1991)  
Senior Operators License # SOP-4233 (Operator Docket 55-6733)  
Non-power TRIGA Nuclear Reactor License R-126, (Facility Docket 50-407)

Former Director of Reactor Operations (Oct 1986-Oct 1988)  
Senior Operators License # SOP-43399 (Operator Docket 55-6733)  
Non-power AGN Nuclear Reactor License R-83, (Facility Docket 50-128)

The petitioner has also served on the ANSI/ANS 15.20 working committee to establish industry standards. As an expert witness it is expected that the petitioner's evaluation of the professional competence of the licensee staff will be accepted as factual evidence.

The petitioner was certified as a whistleblower by the United States Department of Labor, Wage and Hour Division, Portland Regional Office in June 1993. The petitioner did, in fact, provide statements under testimony, to officers of the federal courts (US NRC OI Reg IV Investigator Jonathan Armenta) under oath on August 4, 1993.

The petitioner has been a victim of a series of libelous publications, slanderous statements, and criminal acts from non-nuclear engineering degreed, inexperienced, and/or unlicensed quacks representing the licensee.

The specification of contentions is as follows:

(1) In Figure 2 (Basement of Lillibridge Engineering Building) of the license application, Page 16, there is reason to believe that the wall on the west side (back of SCA room where the materials covered under this renewal application are secured) is not secured with concrete as shown. Licensed operator Sean Cunningham reported to the petitioner that voices can be heard through the wall. This discrepancy was reported to NRC Investigator Jonathan Armenta on Aug 4, 1993 as a submission of a fraudulent licensing document, but nothing was done. The existence of a false wall opening to maintenance tunnels leading between adjacent buildings presents a

serious materials safeguard problem as dry wall is easily breached with a small hammer. This tunnel was left open to the public and unguarded during building construction in 1992 violating the reactor Physical Security Plan requirements. Further, access to the tunnel is not checked at random times during each 8-hour interval, hence violating the Physical Security Plan requirements. The Reactor Supervisor cannot control access to the tunnel, hence violating Physical Security Plan and Emergency Plan requirements. The reactor administration was informed and the issue promptly dismissed.

(2) The facility administration has chronically demonstrated a lack of concern for public/staff health and safety and national security. First, I reported each of the eight (8) violations/deviations listed in the 93-1 Notice of Violation (NOV) after more than 20 years of facility operation, plenty of time for the administrative structure to mature. The Reg IV inspection cited one of the violations incorrectly and concealed the other 21 violations. The violations were all very serious breaches of the licensing conditions for the reactor.

Next, the licensee had hired a convicted violent criminal, Peter Welsh, to masquerade as an FBI agent, then stalk the petitioner and his family members, and finally place a series of threatening anonymous phone calls to my home with the help of the Public Safety Officer, Steve Chatterton, that the petitioner reported to his phone provider as criminal acts after the second anonymous call. These calls were made solely for the purpose of scaring and threatening the petitioner not to report the regulatory and criminal violations of the NRC licensee. Both Chatterton and Welsh are still working for the licensee administration as Public Safety Officer and Consultant even after having committed these crimes. Neither are certified officers as stated by the Idaho State Office that trains and certifies law enforcement officers.

Someone from the licensee administration submitted a letter to the National Whistleblower Center misrepresenting with the petitioners name and signature that the petitioner had retained one of the staff at the Center. This letter constituted mail fraud the petitioner was at the date of the letter was working in the former Soviet Republic of Belarus as an honored Fulbright Senior Scholar. The petitioner's passport and the lack of a mailing envelope postal cancellation stamp prove that the licensee committed this fraud against the petitioner.

Aside from illegal distribution of controlled substances, the NRC licensee submitted fraudulent annual operating reports concealing the illegal distributions, in violation of criminal statute 18USC1001. After sixteen (16) years, giving the licensee plenty of time to correct the problems, in February 2009 the petitioner reported the remaining violations to the US House Energy Subcommittee that oversees NRC operations. As a result of due process, a new Enforcement Action by the NRC has been published in the Federal Register (December 1, 2009) identifying four (4) more violations.

The petitioner will issue another 10CFR2.206 enforcement action petition when this current enforcement action is complete. This process will repeat until the NRC can finally "connect the dots," to use a phrase that is currently popular and appropriate. These violations include the contaminated neo-natal unit of the Portneuf Medical Center that the petitioner witnessed in 1992 and reported to the NRC project manager, which will be resolved either by the NRC or the House Energy Subcommittee.

In the sixteen (16) year interim, the Reactor Supervisor was John S. Bennion. It should be noted that Bennion is the same operator whose incompetence resulted in the temporary shutdown of the non-power reactor license R-126 (facility docket 50-407) in April 1988. This same reactor supervisor is the genius that published his theory on the negative temperature coefficient being

the result of thermal expansion in the fuel structure as opposed to the classical Doppler Broadening of a resonance absorption peak in Uranium. Bennion was wearing an electronic monitoring ankle bracelet at the time the petitioner de-certified him from operations at R-126 in 1989 for, in addition to technical incompetence, drinking alcohol in the CAA with another licensed operator, Todd Gansauge (currently on the licensee staff), and another formerly licensed operator at R-126.

Even the current R-110 Reactor Administrator, Jay Kunze, published a libelous article in the Salt Lake Tribune on February 15, 2002 attempting to intimidate the petitioner so that he wouldn't report any more regulatory or criminal violations. The article caught the attention of the Salt Lake County Prosecutor's Office and further sensitized the State of Utah to the gross indifference among NRC licensees to public health and safety, as well as national security. In conclusion, the numerous facts clearly demonstrate that this is a licensee that is unable to attract competent administrators, managers, and operators in NRC licensed activities.

(3) In 1992 the petitioner conducted an SNM inventory at the R-110 licensee, including the materials covered under this license renewal application. Three (3) fuel plates covered under this license were found missing. Licensed reactor operator Sean Cunningham disclosed to the petitioner that licensed operator Albert Wilson had deliberately distributed the SNM to an uncertified and unlicensed person to be used in an area not included in the license documentation and not covered under the Emergency Plan or the Physical Security Plan. The petitioner recovered the materials as quickly as possible and reported the incident to the Reactor Administrator, Hary Charyulu. When Charyulu acted to conceal the violation, the petitioner reported the SNM loss of control to the NRC project manager, Marvin Mendonca. This loss of

control of SNM was never cited as a violation and never recorded in any annual operation report. There is no honesty, and hence no credibility in this licensee.

Given the seriousness of the consequences of activities recorded and observed, the petitioner requests that this license renewal application be denied. Further, the petitioner requests that this licensee compensate the petitioner for acts taken by the licensee to prevent reporting of these regulatory and criminal violations governing the licensed SNM materials for the protection of the public and the interests of the US government.

This request and petition is submitted by the petitioner, Kevan C. Crawford, PhD, under his full authority, having read and understood the contents, that to the best of his knowledge, all of the information and statements made herein are true and accurate, and that it is not interposed for delay.

Signed electronically by:

A handwritten signature in cursive script that reads "Kevan C. Crawford".

Kevan C. Crawford, PhD  
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electronically signed this 11<sup>th</sup> of January, 2010