

November 20, 1982 DOCKETED
USNRC

Commissioner James Asselstine
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Dear Commissioner Asselstine:

At the conclusion of your visit to the South Texas Nuclear Project, you invited me to submit any comments I might have to you in writing. As you recognized, I had chosen not to comment during the post tour meeting. That choice was in part responsive to what at the time appeared as a tight schedule for you, in part a desire to avoid wrangling with HL&P/Bechtel/Ebasco personnel, and in part because what I really wanted to say was not appropriate in the context of that meeting.

I realize in retrospect that the NRC Staff/HL&P concern for your schedule was merely an excuse to minimize your time at the plant. You saw what they wanted you to see, so you would be suitably impressed with the size of the plant and level of investment to date. I am sure having seen the magnitude of the project work to date, your vote on Phase I of the licensing decision was marginally affected, if only subliminally. That is a flaw in the NRC process which in part explains why no utility is denied operating licenses no matter how egregious their record.

Then there was the idle lunchtime chatter which revolved around the top management of the companies involved in STNP exchanging stories about getting caught speeding by the highway patrol. I was not sure if nervousness in your presence produced admissions of illegal activities or whether the purpose was to convey a "Hey Jim we all make mistakes" camaraderie.

I can say, however, that the "Oh, what good boys we are" subsequent briefing gave the impression of an animated cartoon. What else could they say to you? When you asked how relations are between QA and construction, what answer could they give but "fine"? The whole thing might just as well have been conducted in pantomime.

Commissioner James Asselstine
Page Two
November 20, 1982

But STNP is not really the reason I am writing this letter. I am convinced STNP will be over within a year despite the NRC's best efforts to protect and save this project. I am far more concerned about the NRC itself.

After four and a half years of dealing with, reading about, and researching the NRC, I am convinced the NRC is fundamentally and terminally corrupt. I do not mean corrupt in terms of payoffs or anything criminal, but rather in terms of having abandoned all pretense of fulfilling its mission of protecting public health and safety.

The NRC investigative staff treats those providing information as suspect and begins developing explanations to avoid finding violations before investigations even begin. The NRC regional management refuses to take aggressive action against violators or suppresses negative investigative findings. The OELD is composed of professional contortionists whose briefs and prepared testimony guarantee a migraine if you assume they are to be read in the light of truth, logic, and law.

The licensing process is similar to the selling of indulgences by the Catholic Church in the Middle Ages. Pay enough money to "independent" consultants and all guilt is absolved. Dependent on what I call "confessional regulation," the NRC avoids, where at all possible, any real enforcement actions. After four years, I am convinced that whatever proof of poor performance an intervenor could present to a licensing board, the board or some higher level of the Commission would always find a reason to grant the application.

We intervenors mainly serve to give an appearance of legitimacy to the process. Personally, I look forward to a real court with real judges trained in law. While they will certainly be deferential to the NRC, at least the context will be jurisprudential rather than Alice in Wonderland.

Commissioner James Asselstine
Page Three
November 20, 1982

I say all of this with one purpose in mind -- to warn you. I note your vote favoring removal of Judge Hill, a vote indicating to me a concern that the NRC process at the minimum give the appearance of fairness. I note your vote against interfering in Indian Point, a vote indicating to me a recognition that due process forbids the Commission telling a party how they must put on their direct case. And I note your vote against the Commission preventing the Zimmer ASLB from reopening the licensing hearing, a vote indicating to me a concern that the NRC err on the side of comprehensive consideration of licensing matters rather than suppressing ASLB efforts to inquire.

The warning I send to you is that your concern for fairness, legality, and truth is not shared by the rest of your agency (with some exceptions of course). Read the two recent article by Daniel Ford in the New Yorker. Read any of the histories of the AEC/NRC. The conclusion is inescapable that the operating plants in this country are time bombs waiting to go off, thanks to the NRC. The AEC/NRC has been and continues to be an evil masquerading as a protector.

One honest person or two cannot stem the tide of corruption that long ago engulfed the NRC. There may come a day when this fact is abundantly clear to you. At that time, I urge you to take the honorable path of the Chairman at Indian Point, rather than risk destroying your reputation to try and save an agency beyond redemption.

They say an elephant will remain on its feet for days after being shot, even though dead. I think the NRC and the nuclear industry are essentially that elephant, dead long ago from self inflicted wounds but still standing. When they finally topple over, I hope you will not be found in the rubble.

With regards and respect,

Lanny Sinkin

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