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(3)

**BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE**

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**January 16, 2002**

Secretary of the Commission  
Attn: Rule Making and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: Docket Nos. 50-327, 50-328;  
Docket Nos. 50-390.

Dear Commissioners:

On behalf of the Board of Directors of the Blue Ridge Environmental Defense League, Inc., (BREDL), and pursuant to Atomic Energy Act, the National Environmental Policy Act, and 10CFR2, 10CFR51, 10CFR54. 10 CFR 2.1203 (a) 10 CFR 2.1203 (e), and 10 CFR 2.714, I hereby submit this written Request for Hearing by the Nuclear Regulatory Commission and a Petition for Leave to Intervene in the matter of the *Tennessee Valley Authority; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing*, Federal Register, Volume 66, No. 242, December 17, 2001, 65000-65005 (Sequoyah NPP Units 1 and 2) and 65000-65010 (Watts Bar NPP Unit 1).

This matter involves the use of commercial Nuclear Power Plants--in this case Sequoyah 1 and 2 and Watts Bar 1--to "provide incore irradiation services" for the U.S. Department of Energy (DOE) in order to produce tritium for the United States nuclear weapons arsenal. Tritium would be produced within Tritium-producing burnable absorber rods, which would then be transported to the Savannah River Site (SRS) in Aiken and Barnwell Counties, South Carolina and processed there in a tritium extraction facility currently under construction.

Template = ADM-013

E-R FDS = ADM-03  
Add = M. Padovan (LMP)  
B. Clayton (BAC2)

The NRC has proposed amending the licenses of these facilities to allow for tritium production, and has issued proposed notices of "No Significant Hazards" to the licensee, the Tennessee Valley Authority. This "no significant hazards" determination is inappropriate not only for the reactors in question,<sup>1</sup> but because the hazards of transporting and processing the tritium are significant hazards and impacts the NRC has failed to consider.

BREDL's interests are as follows:

1. BREDL member Donald J. Moniak lives within 25-miles of the planned Tritium Extraction Facility at the DOE's Savannah River Site (SRS), where tritium from the tritium-producing burnable absorber rods. Donald J. Moniak will be affected by:

- a. the risks of accidents during the transporting of tritium rods from TVA to SRS that results in large quantities of tritium being dispersed to the atmosphere, and
- b. by the risks of accidents during the processing of these tritium rods that result in large quantities of tritium being dispersed to our environment.

These activities are *direct impacts* of tritium production at TVA reactors because without the proposed amendment these activities would not occur. The proposed amendment involves a new activity for these facilities--transporting the TPBARs to SRS--that the NRC failed to consider in its analysis. Because tritium production is unnecessary, as discussed below, the proposed amendment would introduce unnecessary hazards along the transport routes and at the communities surrounding the SRS tritium processing facility.

2. BREDL's membership will be affected by this proposal because it involves the unnecessary production of tritium for nuclear weapons using federal taxpayer funds. Tritium

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<sup>1</sup> The September 13, 2001 letter from Kenneth D. Bergeron to the NRC. ML0127102100 in ADAMS electronic library sufficiently details the major risks inherent at TVA's Ice Condenser Plants with tritium production.

production is unnecessary at this time and in the immediate future because the United States is obligated by treaty to reduce its nuclear weapons arsenal to START II levels; and the Bush administration is pursuing further cuts in the arsenal. *This is common knowledge.*

This tritium production proposal is based on false assumptions involving START III nuclear weapon levels. Because tritium production is unnecessary, the proposed amendment would involve an unnecessary and massive expenditure of taxpayer funds.

3. BREDL's membership will be affected because the *Price-Anderson Act* makes BREDL's membership already liable--like all American taxpayers--for the costs incurred by any severe accidents at any nuclear power plant. The proposed amendment by the NRC does increase the risk of an accident and therefore the potential liability for BREDL members, all for an unnecessary program.

4. BREDL's membership is affected because tritium production is a threat to the common security of the United States. Tritium production is a nuclear proliferation activity that increases the risks of worldwide nuclear weapon proliferation, and therefore maintains the very real possibility of massive levels of death and destruction from use of nuclear weapons by an enemy of the United States, through accidental nuclear war between nuclear power states, or by other means.

The NRC has a legal obligation under the Atomic Energy Act to protect the common security of U.S. Citizens, and the issue of nuclear proliferation must be added to the scope of this proceeding because the only justification for this program is "National Security."

Sincerely,

Donald J. Moniak

Community Organizer and SRS Project Coordinator

Blue Ridge Environmental Defense League.