

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)?

*lost in  
mail  
irradiated  
not req'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  
 Rich Corneira  
 Chip  
 Pat*

*sometimes  
 the stuff gets  
 & earlier  
 but must wait  
 for mail  
 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:

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 time to research +  
write  
my summary made available  
all at some time*

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

*license amend  
was available  
for 30 day period*