

RAS 5076

December 17, 2002 (8:14AM)

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Before the Secretary

November 29, 2002

\_\_\_\_\_  
)  
In the Matter of )  
)  
NUCLEAR FUEL SERVICES )  
LICENSE SNM— 124 )  
\_\_\_\_\_ )

Docket No. 70-143-MLA

THE SUBSTITUTE REQUEST OF  
THE BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE FOR A HEARING ON A  
LICENSE AMENDMENT FOR NUCLEAR FUEL SERVICES

This request is filed by Blue Ridge Environmental Defense League, Inc. (BREDL) on behalf of its members in Tennessee in response to the Nuclear Regulatory Commission's Federal Register Notice dated October 30, 2002 at FR 67-210 pp. 66172-66176.

Pursuant to 10 CFR 2, Subpart I., BREDL hereby requests that the Nuclear Regulatory Commission (NRC) hold a hearing in the matter of a license amendment for Nuclear Fuel Services (NFS) license for special nuclear materials, SNM -124, which would authorize construction and operation of a uranyl nitrate storage building (UNB).

1. BREDL's interest in the proceeding; how our interests may be affected by the results

BREDL has a right to be made a party to the proceeding under the Atomic Energy Act. Emissions of radionuclides will increase if and when the license amendment requested by NFS is granted by NRC. We have members living within two to six miles of NFS in Unicoi and Erwin, TN and who work within a mile of the plant; their health and well-being would be directly affected by the increase in emissions of radionuclides and other toxins caused by the proposed license amendment. Two BREDL members have signed affidavits stating their concerns which are attached to this request. BREDL's interests in this matter include the submittal of a complete Environmental Impact Statement to determine the full extent of the proposed action on the environment and public health as required un the National Environmental Policy Act.

2. BREDL's concerns about the licensing activity that is the subject matter of the proceeding

The proposed methods and techniques to process blended low-enriched uranium involve construction and operation of an oxide conversion building and an effluent processing building, and the relocation of down blending operations for low-enriched uranium. The construction and operation of a uranyl nitrate storage building would be the first of three proposed license amendments in this process. Radioactive contamination caused by NFS would be increased by

Constans continuo, lentus demissus

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the operations under the proposed license amendment. We are concerned with the health and well-being of our members and the general public.

### 3. BREDL's property, financial, or other interest in the proceeding

BREDL's property, financial, or other interest in the proceeding include offices in Glendale Springs, NC. Also, BREDL affiliates' own homes and property in Erwin and Unicoi, TN; their workplaces are within ten feet and one mile of NFS.

### 4. The possible effect of any order that may be entered in the proceeding on BREDL's interests.

The construction of a UNB at NFS for the purpose of downblending Uranium-235 includes the increasing of the storage limits from 7,000 to 14,000 kilograms U-235 and "the allowable concentration of contaminants (i.e. plutonium, transuranic materials and fission products) ... based on an average value for the uranium materials in possession." [NFS letter to ONMSS, February 28, 2002]. BREDL seeks to reduce the extent of radionuclide contamination of air, water, and soil in the region affected by NFS, including alteration or elimination of the UNB and the downblending proposal.

Nuclear Fuels Services Facility in Erwin, Tennessee already has several contaminated buildings on site; one is contaminated with plutonium. NFS has proposed to decontaminate and demolish the plutonium-contaminated building in a decommissioning pilot program (see SECY-98-135, June 11, 1998). Under the program, pilot program sites were to be non-complex, minimally contaminated, and would undergo only routine decommissioning activities. Amendment of license SNM-124 would introduce new contamination and alter the site. The alteration in this site may postpone or eliminate the decontamination and decommissioning of the structures under the pilot program. As a practical matter, it may be necessary for clean up operations to be completed before any new operations can be considered.

### 5. Significant hazard

Failure of the pilot program would allow structures contaminated with isotopes of uranium, thorium and plutonium to remain in place, putting workers in Erwin at risk. One of our affiliates states that he works within a few yards of NFS property and another works within a mile of the facility. The spread of airborne isotopes of plutonium and/or other radionuclides from contaminated structures would place our members and the general public at greater risk of lung cancer and other health effects.

In addition to the aforementioned airborne radionuclide contamination at NFS, the groundwater beneath the plant property is contaminated with numerous toxic chemicals, including chloroform, vinyl chloride, tetrachloroethylene, tributyl phosphate, and iodine. Downblending operations would entail the further use of toxic chemicals and solvents which may add to the existing groundwater contamination. Some of the solvents in the groundwater are volatile or semi-volatile compounds which would become airborne under certain circumstances. Greater concentrations of these toxic substances in groundwater may lead to greater volatilization, adding

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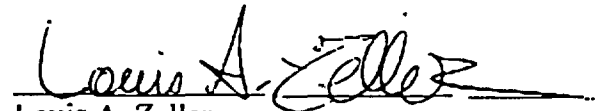
to the health risk for those working near the plant and residents living downwind.

Finally, the persistent and bioaccumulative effects of these toxins reverses the effect of dilution by other streams or groundwater aquifers. Therefore, a significant hazard exists for our members, residents of Erwin, and the people of east Tennessee who utilize groundwater or the local river system for drinking water. The watershed of the Nolichucky River forms the headwaters of the Tennessee River; numerous people live along this river system may be exposed to these toxins and their metabolites via drinking water, bathing, recreation, and fishing.

#### 6. Timeliness

In accordance with 10 CFR 2.1205(d), this request is filed on November 29, 2002 via electronic mail and/or fax, and via US Postal Service to the Secretary, NRC staff, NFS and attorneys, and other hearing requestors in this matter.

Respectfully submitted,



Louis A. Zeller  
Blue Ridge Environmental Defense League  
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Secretary

In the Matter of	)	Docket No. 70-143
NUCLEAR FUEL SERVICES, INC.	)	
License SNM-124	)	August 29, 2002

**Affidavit of** NANCY ALLEN

Comes now NANCY ALLEN, a member of the Blue Ridge Environmental Defense League, Inc., who deposes and states as follows:

1. This affidavit is in support of Blue Ridge Environmental Defense League's (BREIDL) Request For Hearing in the matter of the Nuclear Regulatory Commission license amendment for Nuclear Fuel Services (NFS) Blended Low Enrichment Uranium project (BLEU), License No. SNM-124, in Erwin, Tennessee.

2. I am a resident of ERWIN, Tennessee. I live at 903 CHESTNUT AVE.

3. I have an interest in the matter for the reasons listed below:

a. I live 2 miles from NFS. I work < 1 miles from NFS.

b. The blended low-enriched uranium process proposed by NFS would involve construction and operation of an oxide conversion building and an effluent processing building, and the relocation of down blending operations for low-enriched uranium. The construction and operation of a uranyl nitrate storage building would be the first of three proposed license amendments in this process.

c. NFS has several contaminated buildings at its Erwin site; one is contaminated with plutonium.

d. The groundwater beneath the NFS property is contaminated with numerous toxic chemicals, including chloroform, vinyl chloride, tetrachloroethylene, tributyl phosphate, iodine, and isotopes of uranium, thorium and plutonium.

e. Radioactive contamination caused by NFS would be increased by the expanded operations under the proposed license amendment and the BLEU project.

( I am concerned with the effect of the expanded operations under license amendments on the health and well-being of my self and my family.

4. I support the request by BREDI. that the Nuclear Regulatory Commission hold a hearing in the matter of a license amendment for Nuclear Fuel Services (NFS) license for special nuclear materials, SNM— 124, which would authorize construction and operation of a uranyl nitrate storage building.

Wayne Allen  
signature

9/10/02  
date

Joy A. Tucker  
notary

9-10-02  
date

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Secretary

In the Matter of	)	Docket No. 70-143
NUCLEAR FUEL SERVICES, INC.	)	
License SNM-124	)	August 29, 2002

**Affidavit of** Ronald F. Tinker

Comes now Ronald F. Tinker, a member of the Blue Ridge Environmental Defense League, Inc., who deposes and states as follows:

1. This affidavit is in support of Blue Ridge Environmental Defense League's (BREDL) Request For Hearing in the matter of the Nuclear Regulatory Commission license amendment for Nuclear Fuel Services (NFS) Blended Low Enrichment Uranium project (BLEU), License No. SNM-124, in Erwin, Tennessee.

2. I am a resident of Unicoi, Tennessee. I live at 115 Valley Lane

3. I have an interest in the matter for the reasons listed below:

a. I live 6 miles from NFS. I work right beside - as close as 10 feet from NFS.

b. The blended low-enriched uranium process proposed by NFS would involve construction and operation of an oxide conversion building and an effluent processing building, and the relocation of down blending operations for low-enriched uranium. The construction and operation of a uranyl nitrate storage building would be the first of three proposed license amendments in this process.

c. NFS has several contaminated buildings at its Erwin site; one is contaminated with plutonium.

d. The groundwater beneath the NFS property is contaminated with numerous toxic chemicals, including chloroform, vinyl chloride, tetrachloroethylene, tributyl phosphate, iodine, and isotopes of uranium, thorium and plutonium.

e. Radioactive contamination caused by NFS would be increased by the expanded operations under the proposed license amendment and the BLEU project.

f. I am concerned with the effect of the expanded operations under license amendments on the health and well-being of my self and my family.

4. I support the request by BRFDL that the Nuclear Regulatory Commission hold a hearing in the matter of a license amendment for Nuclear Fuel Services (NFS) license for special nuclear materials, SNM— 124, which would authorize construction and operation of a uranyl nitrate storage building.

Ronald F Tinker  
signature

9-26-02  
date

Jo Paget  
notary

9-26-02  
date

My Commission Expires  
10/29/02

In the Matter of )  
NUCLEAR FUEL SERVICES )  
LICENSE SNM— 124 )

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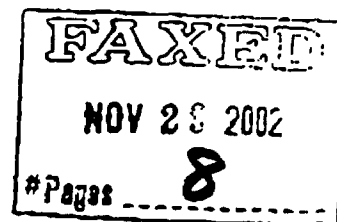
**Blue Ridge Environmental Defense League**  
**CERTIFICATE OF SERVICE**

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