

Erwin Citizens Awareness Network
P. O. Box 1151
Erwin, TN 37650

October 31, 2008

Mr. Peter Habighorst
Chief, Fuel Manufacturing Branch
Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852-2738

Re: Nuclear Fuel Services, Inc. (NFS), Erwin, TN, License SNM-124

SUBJECT: Erwin Citizens Awareness Network (Erwin CAN) comments on the Inadequacies of Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), for NFS Amendment request to Process Uranium Hexafluoride (UF6) in the New Commercial Development (CD) Line

Dear Mr. Habighorst:

As mentioned in our September 17, 2008 follow up response to your phone call, the purpose of this letter is to express our concerns regarding subject document, which is dated August 15, 2008, and signed by Mr. Kevin Ramsey, Senior Project Manager, Fuel Manufacturing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards. (ML08280438 and Federal Register /Vol. 73, No. 170, Sep. 2, 2008). Erwin CAN requests a written response to our questions from the NRC.

1. Page 2, Introduction. "The NRC is *considering* the issuance of a license amendment to Materials License SNM-124, issued to Nuclear Fuel Services, Inc. (the licensee) to authorize the processing of uranium hexafluoride (UF6) in the new processing line (the CD Line). Based upon the EA, the NRC has concluded that Finding of No Significant Impact (FONSI) is appropriate and, therefore, an Environmental Impact Statement (EIS) will not be prepared."

Erwin CAN: We are appalled that the NRC would even *consider* amending the SNM-124 license to allow NFS to handle and process this "extremely hazardous" UF6 material when NFS is still under a **Confirmatory Order, with emphasis on the Configuration Management problems, lack of adherence to NRC procedures, and lack of a safety culture**. Following are Erwin CAN's specific reasons for opposing NRC's "consideration" of the CD Line amendment at this time:

- a. According to Region II's January 30, 2008 LPR, procedures are important components of a facility's configuration management program. Modifications of NFS's Configuration Management Program were mandated to have been

addressed by the end of April 2007. Yet, over six (6) months later, the licensee has not yet improved its configuration management, nor has NRC held them accountable for failing to abide by provisions of the Confirmatory Order (ML080300451).

b. We found recently (9/9/08) that the NFS 2007 Independent Assessment Results Report (ISCARR, formerly called SCUBA) and the Comprehensive Safety Culture Improvement Initiative (CSCII) were only just recently reviewed by the NRC's Configuration Management and Safety Culture Improvement Oversight Panel. (ML082530512 and ML082460684). Our safety depends on rigorous oversight of NFS, yet, we don't see any "enhanced enforcement" being exerted by the NRC -- especially now that the NRC is intending to reward NFS with a new license amendment. *Therefore, we continue to fear for our safety and health.*

c. We have no confidence in Mr. David Ayres, Region II, as the Oversight Panel team leader. At the Oct. 1, 2008 Erwin meeting, re: Update on Progress of the NFS Safety Culture Improvement Effort, Ayres held up the 144-page report and said "this does not paint a pretty picture; there's a lot of bad stuff in here." However, when a member of the public asked him a simple question, "What are the outlier organizations referenced in the document," he was unable to answer. The question was asked again at the Oct. 2 LPR meeting, whereupon Ayres reluctantly answered the question and then proceeded to read from the document. **When asked another question, Ayres finally admitted that he had not read the 144-page document. Yet he heads up the Oversight Review Panel? And you expects Erwin residents to consider this acceptable government oversight of NFS?**

d. The NRC has put together 27 questions about the ISCARR and CSCII. Answers are relevant to any decision-making. The ISCARR (or SCUBA) identified three challenges that are *most significant if* a safety culture is to be **developed** at NFS. (Question #13, page 4) The **first** was that NFS needed to be "convinced" of the need for change. The NRC has repeatedly tried to convince NFS to adhere to NRC procedures and to develop a safety culture. This is a documented fact over a number of years. NFS has repeatedly made hollow commitments to the NRC. *Why should anyone, including the NRC, believe them now? The NRC needs to "convince" NFS by revoking its entire license to operate this shoddy, unsafe facility, or focus on suspending amendments to NFS's license that would allow NFS to process (as the EA/FONSI describes) "extremely hazardous" nuclear/chemical material such as UF6.*

(Note: The **second** challenge in Question 13 was that "NFS develop and **implement** an *effective* action plan," and the **third** challenge was to "ensure that the appropriate resources are made available, effectively deployed, and steadfastly reinforced by NFS management.") (ML082460684 and ML082530512).

e. According to the SCUBA Report, NFS' infrastructure and equipment, to include Safety Related Equipment (SRE) and Items Relied on for Safety (IROFS), is deficient and degraded, and they lack a safety culture, which will not be in place until 2011 -- over three years from now. Further, NRC "inspectors noted an acceptance by the operators to tolerate deficient equipment conditions." (Inspection Report dated Dec. 28, 2007, ML073620551 & ML080080165). The SCUBA Report also stated "There is an underlying concern that some of the pitfalls encountered during the design and installation of the BLEU Processing Facility are still in existence as the Reliable Fuel Supply and CD Line projects near the same point in their design lives (page 61). *Why does the NRC continue to let NFS operate unsafely when NFS's lack of safe operating practices have been documented not only by NRC's own inspectors, but also by independent safety consultants?*

f. According to the National Institute for Occupational Safety and Health (NIOSH), people should "avoid all contact" with UF₆. The material "decomposes on heating, producing toxic fumes of hydrogen fluoride....reacts violently with water and ethanol....attacks many metals forming flammable/explosive gas....attacks plastic, rubber and coatings." NIOSH adds, "exposure at low level may result in death." Further, if uranium hexafluoride comes in contact with water, even water vapor in the air, it forms two materials: 1) Hydrofluoric acid, which dissolves glass and is a dangerous irritant. It can cause pulmonary edema, respiratory damage, and severe burns. 2) Uranyl fluoride is a heavy metal toxin. It can cause kidney damage. (Source: Fact Sheet used with permission of Dr. David Close, Physics Chair, East Tennessee State University). *Why should Erwin residents trust NFS's 51-year old ramshackle operation with our lives, especially after NRC officials (who are supposedly overseeing NFS's safety culture improvements) admitted that they hadn't even read the consultant's report?*

g. Major accidents involving UF₆ have already happened at other nuclear fuel processing plants. For example, in 1986, **UF₆ at Sequoyah Fuels in Oklahoma killed a worker, hospitalized 42 others, and approximately 100 residents (ML070080302)**. Further, Erwin CAN's research on other releases of gas from NFS over the years leads us to wonder if NFS has gassed us with UF₆ before. *Why does NRC think this community would subject itself to being gassed by NFS again?*

h. NFS is situated on top of five (5) fractures with two (2) fault lines, and is located within three earthquake zones, the Appalachian Tectonic Belt and the New Madrid Seismic Zone, the most seismically active area east of the Rocky Mountains. In 1993, an additional seismic zone was identified in East Tennessee running roughly parallel to Interstate 75 between Chattanooga and Jellico. **The risk associated with this seismic area has not been rigorously quantified.** Unicoi County is at moderate risk of being affected by a large New Madrid earthquake. The strongest earthquake recorded in East Tennessee was a 4.6 event in Blount County in 1973 and was widely felt. The most recent earthquake above

MMI IV (magnitude 3.9) occurred Oct. 26, 1995 a distance of about 50 miles from the site (NFS). Each year more than 200 earthquakes occur, but most are unfelt by the populace. There is a concern that a large magnitude event grows more probable with each passing year. Such an event could directly affect more than 75% of the county's population, primarily through a disruption of pipelines, as well as damage to older masonry structures. (p 3-11, Figure 3.3, 1999 NRC EA; Unicoi County Emergency Plan, 4/7/06, p. xiii).

In the 1996 Final DOE/EIS-0240, Environmental Consequences, Page 4-59, "The accident scenarios that were considered included a tornado, straight winds, aircraft crash, truck crash, nuclear criticality, process-related accidents, and an evaluation basis earthquake. With the exception of the fluidized bed release and the filter fire (with continuous exhaust flow), all of the accidents scenarios that are considered potentially bounding can be initiated by the evaluation basis earthquake. Therefore, it is concluded that the **evaluation basis earthquake would result in the highest atmospheric release of radioactivity and hazardous chemicals**. The evaluation basis earthquake is assumed to initiate the nuclear criticality, UF6 and other release scenarios. "

In the October 11, 2007, DOE/EIS-0240-SA1, the earthquake risk had increased from 38 to 709 -- a 19-fold increase. It would be unreasonable for the Erwin community NOT to oppose licensing of the CD Line just on the basis of the huge increase in earthquake risk that the DOE has identified. And, we consider the NRC negligent for glossing over events like earthquakes when our lives and health are at grave risk.

i. The list of Event Reports the NRC released on May 12, 2008, which covered the period 05/14/04 to 03/01/07, were all about safety equipment and criticality alarm failures, and those failures to operate safely continue at NFS. For example, on Jan. 5, 2008, Event Report 43883, reported a Safety Equipment Failure of the Criticality Alarms System; July 11 and 14, 2008, Events 44344 and 44345, Items Relied on For Safety (IROFS) Discovered Inoperable (for 7 months); August 15, 2008, Event Report 44417, Incident Report on Unresolved Material Discrepancy Alarm; August 22, 2008, Event Report 44435, Materials Control and Accountability Alarm Procedure Initiated; October 17, 2008, Event Report 44579, Inadvertent Transfer or Unsampled Discard Solution; October 21, 2008, Event Report 44584, IROFS Failure in Area 600. We are sure that our continued research will uncover many more.

2. Pages 2,6,8 - "New processing line" ... Erwin CAN: If this is a "new" line, with "new" accident scenarios, and a "new" effluent treatment system, then why is the EA so flimsy, and where is the Integrated Safety Analysis? If this is a "new" line, then the existing conditions and operations for the Erwin facility evaluated in the 1999 EA and the 2002 EA for BLEU, are certainly different. The CD Line must be *assembled*; therefore, it did not exist in 1999, 2002, 2003 or 2004. As stated in the Record of Decision for the Disposition of Highly Enriched Uranium Final Environmental Impact

Statement, Federal Register/Vol. 61. No. 151, Aug 5, 1996, **"If new blending facilities or processes are proposed in the future, additional NEPA review would be conducted, as appropriate, either by DOE or in connection with NRC licensing proceedings for a commercial facility."**

Additionally, the DOE/EIS-0240-SA1 states that the "Council of Environmental Quality (CEQ) regulations require Federal agencies to prepare a supplement to an environmental impact statement (EIS) when an agency **makes substantial changes** to a proposed action that are **relevant to environmental concerns**, or when there are **significant new circumstances or information relevant to environmental concerns** and bearing on the proposed action or its impacts. CEQ also recommends **careful re-examination of EISs that are more than 5 years old. (page 1)**. *Is Mr. Ramsey's flimsy EA/FONSI the NRC's excuse for a "NEPA review?" Do you expect the public to believe that this slipshod cut-and-paste job is a serious study of the health and safety impacts of the processing of UF6 in downtown Erwin?*

3. Page 2 - June 25, 2008, last reply from NFS (ML081790147). Erwin CAN: You went "through the motions" of asking NFS what appeared to be tough questions, and obviously you accepted their less than adequate answers, some of which begged for clarification. We have addressed this issue in a separate letter.

4. Page 3 - Review Scope. ... "this EA does not approve request." Erwin CAN: If not, it will surely be the first time. The next sentence does not make sense -- "it" must be missing.

5. Page 3 - 2003 and 2004 EA "confirmed" the FONSI issued in 2002. Erwin CAN: None of these EA's adequately address the hazards of processing UF6 at NFS. The 1999 EA is way out of date -- nearly 10 years old. While the NRC may base the EA and FONSI on the "plant" conditions, the community demographics have definitely changed, *substantially*.

6. Page 3 - Long term storage.... "can" ... Erwin CAN: It should be "does" or "will" form hydrofluoric acid, if exposed to air.

7. Page 4 - Need for Proposed Action. "New high enriched compounds will either be returned to DOE or declared surplus and transferred to NFS for down blending." Erwin CAN: *Does this mean that the surplus HEU becomes the property of the contractor? Taxpayers deserve clarification. That also means more Highly Enriched Uranium (HEU) stored here at NFS.*

8. Page 4 - Affected Environment: "The plant elevation is about 9 m (30 ft) above the nearest point of the Nolichucky." Erwin CAN:

a. This is simply a roundabout way of not having to say NFS is in a flood plain, which it is. This is exactly the same statement that has been made in every EA/FONSI since 1991 (See Enclosure 1).

b. Obviously, the NRC never takes into account (1) the protracted drought in this area, which would exacerbate the problem of runoff from any excessive rainfall, would create substantial flooding in excess of what has happened in the past or may be projected for the future under normal circumstances; and (2) the rerouting of the river in conjunction with the new Interstate 26 highway.

c. The EA/FONSI states that UF6 processing in the new CD Line will take place in Building 301. **Building 301 is located in the 100-500 year floodplain.** "In the vicinity of Erwin the flood-plain elevation is between 1,600 and 1,700 feet (page 9). Downstream from the Riverview section near the mouth of Martin Creek are located the buildings of Nuclear Fuel Services, Inc. They are above the level of the Regional Flood, but are 3 to 6 feet below the Maximum Probable Flood (page 16)." (Source: Floods on the Nolichucky River and North and South Indian Creeks in the Vicinity of Erwin, Tennessee, TVA, Division of Water Control Planning, 1967). *Why didn't the EA/FONSI cite the new September 2008 FEMA maps and the TVA's comprehensive study of the Nolichucky? Has the NRC been trying to hide the fact that NFS was allowed to operate for years despite the highly likely risk of flooding?*

d. On page 4-30, DOE 1996 Final EIS (regarding NFS) states, "The site has the potential for being flooded if the Nolichucky River experiences very high flows. Elevations of the buildings floors are between 1,640 and 1,670 ft. The UNH blending would be accommodated at facilities in the **300 area located outside** the 100-and 500-year floodplain elevations at the NFS site and determined to be **1,639 ft. and 1,640 ft.** above mean sea level, which would be above the 100-500 year floodplain elevations."

Yet, on page 4-54 DOE 1996 Final EIS (regarding NFS) states "The site has the potential for being flooded if the Nolichucky River experiences very high flow. Elevations of the building floors are between 1,640 and 1,670 ft. **The UF6 conversion and blending facility would not be accommodated at facilities in the 300 area located inside** the 100-or-500 year floodplain (text deleted). Facilities in the 300 area have building floor elevations of approximately **1,642 ft** above mean sea level, which would be above the 100-and 500 year flood elevations."

The Record of Decision for the Disposition of Surplus Highly Enriched Uranium Final Environmental Impact Statement, Federal Register, Vol. 61, No. 151, Aug. 5, 1996, states "Of the four candidate sites, two DOE (Y-12 and SRS) and two commercial (B&W and NFS), all facilities *except* NFSwould be outside the limits of the 100-year floodplain and are at least one foot above the 100 year floodplain elevation and, therefore would conform to both State and local floodplain requirements. As discussed in section III.D, the potential for flooding at NFS is another relative disadvantage of that facility." **Note: The buildings in the 300 area cannot be both inside the floodplain for one process and outside the floodplain for another. When is the NRC going to get it right, tell the truth, or both? Perhaps after the flood that causes a catastrophic accident in Erwin?**

9. Page 4 - Affected Environment. Housing density is low. Erwin CAN: Housing density is NOT low. Using terms like "low housing density" is like the census -- single family or two family housing -- non-apartment buildings like Chicago. NFS is plunked down right in the middle of the Town of Erwin -- less than a quarter mile from the County seat, next to schools, shopping areas, nursing homes, and our only hospital.

10. Page 4 - Affected Environment. Page 4 says Martin Creek to the northeast. Then Page 5 says Martin Creek to the north. Erwin CAN: *Which is it?*

11. Page 5 - Effluent Releases and Monitoring. The State of Tennessee is *expected* to set limits on effluents under its regulatory control that are protective of health and safety and the local environment. Erwin CAN:

a. We have never seen anything except a recurring "No Comment" from Debra Shults, TDEC, on any of the NFS license amendments. *If you have ever received anything other than a "no comment," from TDEC, would you please send us a copy?*

b. Regarding effluent releases, according to the CDC's ATSDR report (p. 51), about 44 pounds of uranium hexafluoride (UF6) was released by NFS into the air from 1962-1981. *And, on the subject of the ATSDR's Public Health Assessment of NFS, why didn't Mr. Ramsey reference it since it's the most substantial, recent, scientific study done on NFS? Is it because referring to the ATSDR report will cause NRC to admit that its lack of regulation of NFS's operations has caused NFS to become, according to the ATSDR Report on page 25, an "Indeterminant Public Health Hazard?"*

12. Page 6 - Impacts of Proposed Action. Normal Operations. "The gloveboxes are designed to contain any leakage of chemicals from the process equipment." Erwin CAN: We all know how well they are designed and **maintained**. They didn't contain the 37-liter spill of HEU on March 6, 2006.

13. Page 6 - "the safety controls...*appear* to be sufficient to ensure that operations will have no *significant* impact on the environment." Erwin CAN: They also appeared to be that way in the BLEU EA. *Are you trying to cover yourself again by saying well, they're "probably OK" and expect us to be happy. We are not. And, what is your definition of "significant?"*

14. Page 6 - Radiological Impacts. "No *significant* increase expected in effluent air emissions discharged through the stacks." Erwin CAN:

a. *What about fires, spills, explosions and other accidents where hydrofluoric acid might leave the plant through a burned-out roof, or blown-out walls (NOT the stacks), and then etch our lungs, just like it etches glass? And, again, what is your definition of "significant?"*

b. According to the 1996 DOE/EIS-0240, in the case of the UF6, in a filter fire accident, it is assumed that a fire occurs that releases all the uranium in the bag filters,

traps, and HEPA filters to the atmosphere in a matter of minutes. And the risk of a filter-fire accident, according to the DOE's new Supplement Analysis has been increased by 100%. *Doesn't that make a UF6 release into downtown Erwin highly likely?*

15. Page 7 - Radiological Impacts. "The proposed action involves transportation of processed radioactive material from NFS site to DOE facilities." Erwin CAN Response: Does this mean the UF6 is already in Erwin? We see no reference or no analysis of not-yet-processed UF6. Perhaps you forgot to analyze the transportation of UF6 to Erwin? If it's already here, then why no EA on the storage of UF6? After all, on page 3 it states that, "**Long-term storage of uranium in the form of UF6 is undesirable because it is a reactive chemical that can form hydrofluoric acid if exposed to air. HF IS EXTREMELY HAZARDOUS.**" *So, has the public been vulnerable, unaware that a hazardous material (UF6) has been stored here since 1999? Is this yet another NRC cover-up that it didn't want the public to discover?*

16. Page 7 - Potential Accidents. Integrated Safety Analysis Summary identifies *all* potential accidents.

"Criticality accidents - Enriched Uranium accumulating in critical mass quantities under conditions favorable to an uncontrolled chain reaction

Chemical accidents - Hydrofluoric acid spills and releases of argon, carbon dioxide and nitrogen

Radiological accidents - Exposure and intake of uranium compounds

Fire accidents - Ignition of combustible material in and around the processing line.

Environmental accidents - Spill of hydrofluoric acid."

Erwin CAN:

a. *Why should we believe that the NFS ISA is accurate?* After all, the BLEU ISA certainly did not identify the elevator pit in the BPF, nor NFS's glovebox problems.

b. And, we all know how well the criticality alarms work, or don't, at NFS: e.g. in some cases they are inaudible due to the presence of an air conditioner (Inspection Report, Aug. 27, 2004, ML081440202); and in the Dec. 28, 2007 inspection report, four criticality detectors de-energized, causing a criticality alarm and subsequent site emergency evacuation. Inadequately trained personnel mistakenly opened a breaker in a recently-installed electrical panel under configuration control. "The individual was attempting to reset a tripped circuit breaker for the microwave oven in building 107." (ML073620551 & ML080080165).

c. Also, there is no mention of "chemical impacts" in the EA/FONSI.

17. Page 8 - Potential Accidents. "Immediate and high consequences to workers are possible and NFS has designated items relied on for safety (IROFS) to make those accidents *unlikely*." Erwin CAN: That would depend if the IROFS' actually work, which they do not the majority of the time. (See Event Reports previously referenced, and the

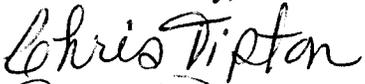
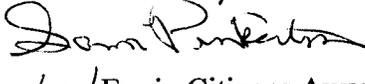
NFS Event Reports released May 12, 2008). And for something so hazardous and dangerous as the UF6, shouldn't your description be "*highly unlikely?*" We doubt that you can comfortably say that.

18. Page 8 - Cumulative Impacts. NRC has considered the impacts of the proposed action together with the *known impacts* of the existing facility....and concludes that cumulative impacts represent an *insignificant* change to existing conditions in the area surrounding the site." Erwin CAN: The NRC (and DOE) make this statement of "*insignificant change*" about everything no matter what it is. No one knows all of the impacts. Even the CDC ATSDR report, which considered NFS an "**Indeterminant Public Health Hazard**," looked at only chemical, not radionuclides. Nobody has looked at all the impacts (to include Studsvik).

19. Page 9 - Impacts of No Action Alternative. "This would require NFS to ship sample bottles back to DOE. Erwin CAN: That tells us the UF6 is already in Erwin. When were you planning on letting the public know? We believe the UF6 **should** be shipped back to DOE or shipped to Lynchburg for processing.

Once again, we believe we have made our case regarding the UF6. If the NRC approves the NFS license amendment request for processing the UF6 in the new CD line, given their current safety and equipment status, then you are basically saying that you do not care about the health and safety of the people in this community.

We request this document be entered into ADAMS.

 Sincerely,

 
 
 for/ Erwin Citizens Awareness Network

1 Enclosure
EA/FONSI Examples (1991 to present)

CF:
NRC Commissioner Gregory Jaczko
Representative David Davis
Representative John D. Dingell
Representative Bart Stupak
Governor Phil Bredesen
Sierra Club Radiation Committee
We the People

Excerpts regarding NFS, the floodplains it is on, and the areas of the NFS site where UF6 processing would occur.

Sources: TVA , NRC EA/FONSI, DOE 1996 EIS and and ROD, DOE 2007 SA1, NFS LARs and Supplemental Environmental Report, 1967-Present

March 1967 - Floods on the Nolichucky River and North and South Indian Creeks in the Vicinity of Erwin, Tennessee (TVA, Division of Water Control Planning). "In the vicinity of Erwin the flood-plain elevation is between 1,600 and 1,700 feet (page 9). Downstream from the Riverview section near the mouth of Martin Creek are located the buildings of Nuclear Fuel Services, Inc. They are above the level of the Regional Flood, but are 3 to 6 feet below the Maximum Probable Flood (page 16)."

August 13, 1991 - EA/FONSI, NFS SNM-124 Renewal. Affected Environment: Page 3-1, "The developed portion of the site is about 9 m (30 ft) in elevation above the nearest point on the Nolichucky River (0.3km (0.2 mile) northwest of the plant."). (ML050210220).

June 1996 - DOE, Disposition of Surplus Highly Enriched Uranium Final Environmental Impact Statement, pages 4-53 and 4-54, Nuclear Fuel Services, Surface Water. Page 4-54 - "The site has the potential for being flooded if the Nolichucky River experiences very high flows. Elevations of the building floors are between 500 and 510 m (1,640 and 1,670 ft). **The UF6 conversion and blending facility would not be accommodated at facilities in the 300 Area, located *inside* the 100 or 500-year floodplain.** (Text deleted)." (emphasis added).

August 5, 1996 - The Record of Decision for the Disposition of Surplus Highly Enriched Uranium Final Environmental Impact Statement, Federal Register, Vol. 61, No. 151, states "Of the four candidate sites, two DOE (Y-12 and SRS) and two commercial (B&W and NFS), all facilities *except* NFS would be *outside* the limits of the 100-year floodplain and are at least one foot above the 100 year floodplain elevation and, therefore would conform to both State and local floodplain requirements. **As discussed in section III.D, the potential for flooding at NFS is another relative disadvantage of that facility.**" (emphasis added).

Jan. 31, 1999 - NRC EA, SNM-124 Renewal. Affected Environment: Page 3-1, "The developed portion of the site is at a distance of about 0.3 kilometer (0.2 miles) from the river. The plant elevation is about 9 meters (30 feet) above the nearest point on the Nolichucky River." (ML05060028).

Nov. 9, 2001 - NFS Supplemental Environmental Report for Licensing Actions to support the Blended Low-enriched Uranium Project at Nuclear Fuel Services. Page 3-3, paragraph 3.4.4, Flood Plains, Streams and Marshes.

"In 1997, Dewberry and Davis consulting engineers performed an analysis of the Martin Creek flood plain incorporating the modified culvert (under CSX Transportation rail yard) dimensions (DEW 1997). The result of the analysis indicated an increase in the flood plain levels of 0.4 feet. Northern sections of the NFS property remain in the 100-year flood plain. The updated map indicates the flood plain boundary is at the northern wall of the BPF (Building redacted - Bldg 333) (BLEU Preparation Facility)."

"In May 2000, Tysinger, Hampton and Partners, Inc. on behalf of the Town of Erwin submitted to the Federal Emergency Management Agency (FEMA) an application for a Letter of Map Revision (LOMR) for a portion of Martin Creek that borders the north slope of NFS property. FEMA updated the Flood Insurance Study, Flood Insurance Rate Map and Flood Boundary and Floodway Map along Martin Creek (FEMA 2001)."

"Banner Spring and Banner Spring Branch are located entirely on NFS property. Banner Spring Branch is being relocated to a culvert as part of the decommissioning effort. Banner Spring Branch empties to Martin Creek, which flows along the northern border of the site." (ML050130093).

June 30, 2002 - NRC Environmental Assessment for Proposed License Amendment to SNM-124 regarding Downblending and Oxide Conversion of Surplus High-Enriched Uranium. Affected Environment: Page 3-1, "The developed portion of the site is about 0.3 km (0.2 mi) from the river. The plant elevation is about 9 m (30 ft) above the nearest point on the Nolichucky River." (ML050540096).

September 17, 2003 - EA/FONSI for License Amendment Request dated October 11, 2002, Blended Low-enriched Uranium Preparation Facility (BPF). Affected Environment: Page 3, "The plant elevation is about 9 m (30 ft) above the nearest point on the Nolichucky River." (ML032390428)

June 14, 2004 - EA/FONSI for License Amendment Authorizing Operations at the Oxide Conversion Building and the Effluent Processing Building at the Blended Low-enriched Uranium Complex. Affected Environment: Page 7, "The plant elevation is about 9 m (30 ft) above the nearest point on the Nolichucky River." (ML041470176).

August 31, 2007 - NFS License Amendment Request for Processing UF6 in the CD Line Facility at the NFS Site, (ML073090651). The first paragraph of the letter from NFS to the NRC states, "Nuclear Fuel Services, Inc. (NFS) hereby requests an amendment to the referenced license to authorize processing of special nuclear materials in the form of UF6 in the CD Line (CDL) Facility (Building 301) at the NFS Site."

October 25, 2007 - EA/FONSI related to Proposed License Amendment authorizing Increased Possession Limit. Affected Environment: Page 4, "The plant elevation is about 9 m (30 ft) above the nearest point on the Nolichucky River." (ML072250413).

August 15, 2008 - EA/FONSI for Proposed License Amendment authorizing the Processing of Uranium Hexafluoride in a New Process Line at Nuclear Fuel Services, Erwin, Tennessee. Affected Environment: Page 4, "The plant elevation is about 9 m (30 ft) above the nearest point on the Nolichucky River." (ML082290438).

NOTE: In summary, every NRC EA/FONSI regarding NFS license amendments, the 1996 DOE-EIS-0240, and the DOE-EIS-0240-SA1, have all failed to admit the truth regarding the extent of the Nolichucky floodplain. According to the 1996 EIS, Building 301, where the UF6 will be processed, is in the 100-500-year floodplain. By perpetually quoting incorrect data -- and cutting and pasting the exact same misleading sentence into at least 6 EAs that we know of -- the NRC further deludes the public and continues to fail to recognize the danger of having extremely volatile material in a flood zone.