



North Carolina Department of Administration

Beverly Eaves Perdue, Governor

Britt Cobb, Secretary

April 16, 2009

Ms. Andrea Kock
U.S. Nuclear Regulatory Commission
FSME/DWMEP/ERB
T-8F05
Washington, DC 20555-0001

Re: SCH File # 09-E-0000-0247; EA; Proposed 40-year license renewal for Global Nuclear Fuel - Americas, L.L.C. in Wilmington, North Carolina to renew its Materials License SNM-1097, New Hanover County

Dear Ms. Kock:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Valerie W. McMillan".

Valerie W. McMillan, Director
State Environmental Review Clearinghouse

Attachments

cc: Region O

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail valerie.w.mcmillan@doa.nc.gov

Location Address:
116 West Jones Street
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

MEMORANDUM

Post-it® Fax Note	7671	Date	4/16/09	# of pages	6
To	SHELLA GREEN		From	KAREN CANAVACIAL	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #			Fax #		

ORIGINAL TO FOLLOW VIA INTEROFFICE

TO: Valerie McMillan
State Clearinghouse

FROM: Melba McGee
Environmental Review Coordinator

RE: 09-0247 EA for the Renewal of SNM-1097 for Global Nuclear
Fuels-Americans Wilmington Fuel Fabrication Facility in New
Hanover County

DATE: April 15, 2009

The department has reviewed the proposed project. The applicant is asked to consider the attached comments prior to finalizing project plans. If additional information is needed, please notify the commenting agency.

Thank you for the opportunity to respond.

Attachments



North Carolina Department of Environment and Natural Resources
 Division of Water Quality
 Coleen H. Sullins
 Director

Beverly Eaves Perdue
 Governor

Dee Freeman
 Secretary

April 9, 2009

MEMORANDUM

TO: Melba McGee
 Department of Environment and Natural Resources

THRU: Dianne Reid, Supervisor *HSF*
 Basinwide Planning Unit and SEPA Program

FROM: Hannah Stallings, SEPA Coordinator *HS*
 Basinwide Planning Unit and SEPA Program

SUBJECT: New Hanover County
 EA for the Renewal of SNM-1097 for Global Nuclear Fuels-Americas (GNF-A),
 Wilmington Fuel Fabrication Facility
 DWQ#14112; DENR#09-0247

The Division of Water Quality (DWQ) has reviewed the subject project. GNF-A holds a permit for the discharge of up to 1.8 MGD of process wastewater and 75,000 GPD of domestic wastewater, and there have not been any compliance issues with their discharge permit (NC0001228) that is also currently in the process of being renewed. However, the Division has the following comments that need to be addressed prior to a Finding of No Significant Impact (FNSI) being issued for this project:

1. The document should clarify whether "sanitary water" is the same as "wastewater."
2. Section 1.3 – Text states that GNF-A is pursuing the renewal of a 40 year license for the site to continue operation with "no major upgrades or refurbishment activities." DWQ is concerned that of this EA and subsequent permits will allow for the future construction of the laser enrichment and tooling development buildings to piggyback on any approvals intended solely for GNF-A.
 - a. This section should also mention the future tooling development center.
 - b. If construction of these two facilities (the laser enrichment and tooling development centers) will be allowed by approval of this EA, please make that clear in the document.
 - c. More explanation of the interrelatedness of the GNF-A facility and the laser enrichment and tooling development projects is required to understand how the impacts from the latter two projects can be viewed as cumulative impacts of the GNF-A renewal and not separate, direct impacts unto themselves.
3. Section 2.6 – DWQ requests to comment upon any license amendments the facility may pursue during the 40-year period for its license renewal.
4. Section 3.5.1 should include that the project is located in Cape Fear subbasin number 03-06-23.
5. Section 4.1 –
 - a. Description of the land use impacts from the laser enrichment center needs to be added.

- b. Text in this section (page 34) says the tooling development center will impact 30 acres and need a new road. However, the first paragraph says that since the GNF-A facility already exists that short and long term impacts on land use will be small. While that this statement may be true, considering that the site is 1664 acres, impacts will not be minimized if construction occurs in or around wetland areas. Therefore, GNF-A needs to provide more detail on the proposed building impacts. (Please address in section 4.5 also).
6. Section 4.5 –
- a. Text in this section states “potential short-term surface water impacts ... include changes in water quality in the Northeast Cape Fear River and its tributaries due to contaminated effluent discharges” and that liquid effluents are treated and discharged “in accordance with NPDES Permit NC0001228 and 10 CFR Part 20 requirements.” It would seem that if effluents are in compliance with NPDES permit limits that the discharges would not be considered “contaminated.” (Similar statements are found in section 2.4, pages 10-11.) Please clarify this issue.
- b. The lagoon system mentioned here is should be mentioned in section under “Waste Management” discussions.
- c. The second paragraph states that wastewater from the tooling development center will be pumped to the GNF-A lagoons from treatment and then discharged to the Cape Fear River. Please reconcile this with text in section 2.4 (page 11) that describes how GNF-A is changing its wastewater treatment process to recycle its effluent, eliminating its discharge.
- d. Third paragraph – The second and fourth sentences contradict each other, in that the second sentence describes spills and leaks that have resulted in groundwater contamination and the fourth states that current producers “have effectively prevented their occurrence.” Please amend this discussion so that it provides consistent statements regarding spills and resulting contamination events.
- e. Fourth paragraph – The first and third sentences contradict each other, in that the first sentence states that “Potential impacts to the water quality of wetlands are not anticipated from continued operations at the GNF-A site” and the third sentence states that “Water quality in wetlands in and around the GNF-A site could be affected by discharges of liquid effluents (c.g., storm water runoff) and gaseous emissions.” Please amend the text so that it provides consistent statements about the likelihood for fouling the water quality of wetlands.
7. Section 4.12
- a. The tooling development center and its proposed 11,500 gpd discharge and additional stormwater should be addressed in this section.
- b. The second sentence of the second paragraph describes a co-mingling of waste streams that section 2.4 describes as being treated separately. Please reconcile these seemingly contradictory statements.
- c. Please correct the text to indicate that “changes in groundwater or soil quality due to releases of hazardous chemicals” is a direct operational impact of the project.
8. Section 6.0
- a. Text states that the proposed project “will not cause significant additional impact on the environment. The facility already exists, and no changes to the GNF-A facility of its operation are associated with the license renewal. The Proposed Action can be considered a continuation of impacts and was evaluated based on impacts from past operations ... Cumulative impacts over the 40-year renewal period were also evaluated and determined to be SMALL to MODERATE.”
- i. If approval of this project does implicitly sanction the construction of the tool and laser facilities, activities which appear beyond this license renewal, then the impacts from this project must be included in this document.
- ii. While the beginning of the quoted section states that impacts from the project will not be “significant,” the last sentence states that the impacts will be “SMALL to MODERATE.” The last sentence leads one to believe that there will be significant impacts resulting from this project.
1. Please respond regarding this contradiction.
 2. If projected impacts are significant, DWQ requests that an EIS be prepared for this project.

Cc: Rick Shiver – WIRO

To: Mr. Lee Cox
Acting Chief
NC Radiation Protection Section

From: Dale Dusenbury
Health Physicist Supervisor
NC Radiation Protection Section

I have reviewed the draft environmental report from the NRC that you gave me. I do not have any questions because it appears to be well written, and the conclusions are well founded in technical information. I would like to get clarification on one thing.

- On page 46 in the fifth paragraph the report states::
"Modeling analysis predicts that the impact on public or occupational health from the use release, and treatment of radiological materials during combined operation of the laser enrichment facility with the existing GNF-A operations would be Small(GNF-A,2008).

- *'What is meant by small in this context?'*
Specifically, is there a dose number that defines define how small is SMALL? Given that the background gamma exposure is 120 mr/year or so, would there be any increase subsequent to beginning operation of the laser facility.

That's all I have. Let me know if you have questions.

State of North Carolina
Department of Environment and Natural Resources

Reviewing Office: W:RO

Project Number: 09-0247 Due Date: 4/9/09

REGOVERNMENTAL REVIEW - PROJECT COMMENTS

For review of this project it has been determined that the ENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
<input type="checkbox"/>	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
<input type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement Facilities and/or Emission Sources as per 15 A NCAC (2Q.0100, 2Q.0300, 2H.0600)	N/A	60 days
<input type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 20.1900		
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.	N/A	60 days (90 days)
<input type="checkbox"/>	Complex Source Permit required under 15 A NCAC 2D.0800		
<input type="checkbox"/>	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) At least 30 days before beginning activity. A fee of \$50 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
<input type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		(30 days)
<input type="checkbox"/>	Mining Permit	On-site inspection usual. Surety bond filed with ENR Bond amount varies with type mine and number of acres of affected land. Any acre mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)
<input type="checkbox"/>	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	Ditch Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to ENR approved plans. May also require permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.	30 days (60 days)

PERMITS		SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with ENR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations.	10 days N/A
<input type="checkbox"/>	Geophysical Exploration Permit	Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A
<input type="checkbox"/>	State Lakes Construction Permit	Application fees based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15-20 days N/A
<input type="checkbox"/>	401 Water Quality Certification	N/A	60 days (130 days)
<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 fee must accompany application	55 days (150 days)
<input type="checkbox"/>	CAMA Permit for MINOR development	\$50.00 fee must accompany application	22 days (25 days)
<input type="checkbox"/>	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611		
<input type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A, Subchapter 2C.0100.		
<input type="checkbox"/>	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTs) are discovered during any excavation operation.		
<input type="checkbox"/>	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
<input type="checkbox"/>	Tar Pamico or Neuse Riparian Buffer Rules required.		
* Other comments (attach additional pages as necessary, being certain to cite comment authority) WATER, MICK SILVER, HANNAH STALLINGS WILL ADDRESS SOME OF THE CONTRADICTIONARY STATEMENTS IN THIS DOC. HOWEVER, WATER DOES NOT OBJECT TO THE DENIAL OF THE WAC LICENSE.			

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

Asheville Regional Office
 2090 US Highway 70
 Swannanoa, NC 28778
 (828) 296-4500

Mooresville Regional Office
 610 East Center Avenue, Suite 301
 Mooresville, NC 28115
 (704) 663-1699

Wilmington Regional Office
 127 Cardinal Drive Extension
 Wilmington, NC 28405
 (910) 796-7215

Fayetteville Regional Office
 225 North Green Street, Suite 714
 Fayetteville, NC 28301-5043
 (910) 433-3300

Raleigh Regional Office
 3800 Barrett Drive, Suite 101
 Raleigh, NC 27609
 (919) 791-4200

Winston-Salem Regional Office
 585 Waughtown Street
 Winston-Salem, NC 27107
 (336) 771-5000

Washington Regional Office
 943 Washington Square Mall
 Washington, NC 27889

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

STATE NUMBER: 09-E-0000-0247 H11: ENERGY RELATED
DATE RECEIVED: 03/11/2009 FACILITIES/ACTIVITIES
AGENCY RESPONSE: 04/08/2009
REVIEW CLOSED: 04/13/2009

COUNTY: NEW HANOVER

MS RENEE GLEDHILL-EARLEY
CLEARINGHOUSE COORD
DEPT OF CUL RESOURCES
ARCHIVES-HISTORY BLDG - MSC 4617
RALEIGH NC

RECEIVED
MAR 13 2009

ER 09-0036

HISTORIC PRESERVATION OFFICE

A - NEH/ltb
3-23-09

REVIEW DISTRIBUTION

CAPE FEAR COG
CC&PS - DEM, Floodplain Management
DENR - COASTAL MGT
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION

5 -

PROJECT INFORMATION

APPLICANT: U.S. Nuclear Regulatory Commission
TYPE: National Environmental Policy Act
Environmental Assessment

Due 4/2/09

DESC: Proposed 40-year license renewal for Global Nuclear Fuel - Americas, L.L.C. in
Wilmington, North Carolina to renew its Materials License SNM-1097, New Hanover
County

The attached project has been submitted to the N. C. State Clearinghouse for
intergovernmental review. Please review and submit your response by the above
indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: NO COMMENT COMMENTS ATTACHED

SIGNED BY: Renee Gledhill-Earley

DATE: 4/1/09



MAR 17 2009