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Nuclear Fuel Services, Inc. License Renewal

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 PUBLIC MEETING

5 TO RECEIVE ORAL AND WRITTEN COMMENTS
6 ABOUT THE DRAFT ENVIRONMENTAL ASSESSMENT AND
7 THE FINDING OF NO SIGNIFICANT IMPACT FOR THE
8 PROPOSED LICENSE RENEWAL FOR NUCLEAR FUEL SERVICES,
9 INC. FOR THE NUCLEAR FUEL FABRICATION FACILITY IN
10 ERWIN, TENNESSEE

11 + + + + +

12 TUESDAY, OCTOBER 26, 2010

13 + + + + +

14 ERWIN TOWN HALL

15 211 NORTH MAIN STREET

16 ERWIN, TENNESSEE 37650

17 NRC PERSONNEL:

18 SUSAN M. SALTER, Facilitator

19 Chief, Outreach and Recruitment Branch,
20 Office of Human Resources

21 DIANA B. DIAZ-TORO, Chief, Environmental

22 Review Branch A, Division of Waste

23 Management and Environmental Protection,

24 Office of Federal and State

25 Materials and Environmental Management

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Programs

JAMES R. PARK, Project Manager for the
Environmental Review of the Proposal by
NFS

DAVID SKEEN, Acting Deputy Director,
Division of Waste Management Environmental
Protection, Office of Federal and State
Materials and Environmental Management
Programs

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P-R-O-C-E-E-D-I-N-G-S

6:00 p.m.

MS. SALTER: We're going to go ahead and get started. I want to thank everyone for coming out this evening. My name is Susan Salter. I'm going to be your Facilitator for the meeting this evening. My role as a facilitator is to keep the meeting running smoothly, to make sure that everyone who wants to make a comment has an opportunity to do so and try to keep us on time so we can get everyone home at a reasonable hour.

The meeting is being transcribed, and so there's a few things that we can do to make sure we get an accurate transcript. First, if you have any cell phones or electronic devices, if you could put those on silent, that would be a big help. And the other thing we need to do is to keep the side bar conversations or background noise down to a minimum because it will interfere with the recording and we want to make sure that again we get an accurate transcript.

If you do need to take a phone call, we understand that. We just ask that you go out to the lobby to do that, once again, to keep the background noise down.

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1 Bathrooms are right outside to the left in
2 the lobby as well.

3 The purpose of tonight's meeting is to
4 accept oral and written comments on the Draft
5 Environmental Assessment and the Finding of No
6 Significant Impact for the proposed license renewal
7 for Nuclear Fuel Services, Incorporated, nuclear fuel
8 fabrication facility in Erwin, Tennessee.

9 During the meeting tonight, you may hear
10 people refer to the Draft Environmental Assessment as
11 the EA. You may hear people refer to the Finding of
12 No Significant Impact as the FONSI. We'll try not to
13 use acronyms too much, but I know those are two that
14 will probably creep into the discussions tonight, just
15 so you know what folks are talking about.

16 Our agenda for this evening is going to
17 start out with some brief presentations from the NRC
18 staff on the NRC roles and responsibilities and Draft
19 Environmental Assessment. After that, we're going to
20 have a quick period for Q&A. During the comment
21 period we don't generally take questions from the
22 audience. It's really our opportunity and your
23 opportunity to provide comments to us. So we like to
24 give a couple of minutes before we start the comment
25 period in case you have any questions on what the NRC

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1 staff has presented tonight or our processes.

2 So presentations, brief Q&A, and then we will get
3 started with the comment period.

4 Once again, if you've been sitting in
5 here, you've heard my reminders. If you want to make
6 a comment, you do need to fill out a yellow card. If
7 you have not done so, or if during the course of the
8 evening you decide that you want now to make a
9 comment, please go out to the registration desk and
10 fill out a yellow card. Again, this is not the only
11 time you have to provide comments, and the staff will
12 give further instruction on the other opportunities
13 you have to provide comments in addition to this
14 evening's meeting.

15 So with that I think I'm going to turn it
16 over to Diana Diaz-Toro, Chief of the Environmental
17 Review Branch A in the Division of Waste Management
18 and Environmental Protection in the NRC's Office of
19 Federal and State Materials and Environmental
20 Management Programs. And now you know why we use
21 acronyms in the Federal Government because we like to
22 give everything really long names. So Diana?

23 MS. DIAZ-TORO: Thank you, Susan. I hope
24 everyone hears me okay and if the court reporter
25 doesn't, you can signal me. And if anyone doesn't

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1 either, you can also signal me. I'll try to speak to
2 the microphone.

3 Good evening, and welcome tonight. As
4 Susan mentioned my name is Diana Diaz-Toro and I am
5 the Branch Chief for the environmental review process
6 of the proposed Nuclear Fuel Services license renewal.

7 My branch in the NRC is responsible for assessing the
8 environmental impacts of the proposed renewal.

9 I want to thank you all for coming out
10 tonight this evening and participating in this
11 meeting. Public participation is an essential part of
12 an environmental review process. We find that local
13 communities are keenly aware of the issues that will
14 help us in our review. So we look forward to hearing
15 your comments and we hope that we provide some useful
16 information to all of you about our draft
17 environmental report.

18 So I'll just take a few moments to go over
19 the purpose of today's meeting. I'll start with a few
20 words about the mission of the Nuclear Regulatory
21 Commission, our roles and responsibilities. Following
22 my introductory remarks, Mr. Jim Park, the
23 Environmental Review Project Manager, will discuss the
24 environmental review process, as well as the
25 preliminary findings and recommendations of our

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1 environmental review.

2 He will also explain the many ways
3 available to the public to provide comments on the
4 Draft Environmental Assessment. But most importantly,
5 we're here today to listen to you and gather comments
6 from you. Our job is to make an informed, sound, and
7 reasonable decision. And so we're here today to
8 listen to you and gather comments from you to help us
9 inform our decision. We want to ensure that we didn't
10 miss any critical issues in our environmental review
11 and in preparation of this Draft Environmental
12 Assessment.

13 So with that, I'd just like to provide you
14 a brief background on the Nuclear Regulatory
15 Commission. The Energy Reorganization Act of 1974
16 established the U.S. Nuclear Regulatory Commission as
17 an independent agency with the oversight of civilian
18 use of nuclear material. The NRC scope of
19 responsibility includes regulation of commercial
20 nuclear power reactors, nuclear fuel cycle facilities,
21 research and test reactors, academic, medical, and
22 industrial use of radioactive material, the
23 decommission of sites and facilities, and the
24 transport, storage and disposal of radioactive
25 materials and waste.

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1 In addition, we also have responsibility
2 for physical security of the nuclear materials to
3 protect it from sabotage or attacks.

4 Our mission is to protect the public
5 health and safety, promote the common defense and
6 security and protect the environment. And so in this
7 case, Nuclear Fuel Services has proposed to renew its
8 license to continue operation of its nuclear fuel
9 fabrication facility here in Erwin, Tennessee for a
10 40-year period. The NRC's responsibility is to ensure
11 that this facility operates safely and securely and in
12 a manner that protects the environment. We must make
13 those determinations before we decide whether to renew
14 the license.

15 It is important to note that preparation
16 of this environmental review is only one step in NRC's
17 process for reviewing this proposed license renewal.
18 There is also an on-going safety review and only after
19 all of those reviews are completed will the NRC make a
20 determination whether to renew the license. With
21 this, I conclude my introductory remarks. I would
22 like to express my thanks to all of you for coming out
23 here tonight and sharing your comments with us. Any
24 comments that you give out tonight will carry the same
25 weight as written comments as it's being transcribed.

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1 And so with that, I look forward to hearing your
2 comments. I'll turn it over to Jim Park. Thank you.

3
4 MR. PARK: Good evening. My name is James
5 Park. I am the NRC Project Manager for the
6 environmental review of the proposal by NFS to renew
7 its license for 40 years. I'm going to give a brief
8 overview of the Draft Environmental Assessment that we
9 have prepared. The Draft Environmental Assessment is
10 also known as the Draft EA. And this Draft EA
11 provides NRC's analysis of the environmental impacts
12 of the NFS proposal and presents NRC's preliminary
13 conclusion regarding that proposal.

14 To begin, I want to briefly review the
15 purpose of an environmental assessment. Under the
16 federal National Environmental Policy Act of 1969, in
17 preparing an EA or environmental assessment, the NRC
18 is determining the significance of the environmental
19 effects from a particular federal action. In this
20 case, it would be the decision whether or not to renew
21 the license as proposed by NFS.

22 The NRC will conclude either that there
23 are no significant environmental impacts or that there
24 are. And if there are, then we will prepare an
25 Environmental Impact Statement.

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1 The NRC began its environmental review of
2 the NFS proposal in the fall of last year. And
3 beginning at that time we gathered information from a
4 variety of sources to support that review. These
5 sources included the application from NFS, as well as
6 information from the State of Tennessee and also from
7 local organizations such as the Erwin Citizens
8 Awareness Network and the Sierra Club.

9 The NRC evaluated the available
10 information and documented that evaluation in a Draft
11 EA. And based on that evaluation, we've made our
12 preliminary conclusion that no significant
13 environmental impacts would result from the renewal of
14 the NFS license for 40 years.

15 Tonight, the purpose of this meeting is to
16 take your comments on that Draft EA and that Draft
17 Finding of No Significant Impacts. Comments will be
18 accepted through the 13th of November. We will
19 analyze all the comments that we receive and determine
20 if a Final EA and Final FONSI or an Environmental
21 Impact Statement should be prepared.

22 As I just said, based on our evaluation of
23 the information available to us, the NRC has made a
24 preliminary determination that no significant impacts
25 would result from continuing authorized operations at

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1 the NFS facility for 40 years. And therefore, an EIS
2 is not warranted. It's important to remember that
3 this is a preliminary conclusion and we rely on the
4 comments that you are providing to analyze those
5 comments in order to come to a final determination.

6 The Draft EA is organized as shown in this
7 slide. And the heart of that Draft EA is in Sections
8 2, 3, and 4. The proposed action is the NFS request
9 to renew its license for 40 years. We then describe
10 the environment that would be potentially affected by
11 that proposal and then evaluate the impacts of the
12 proposal on that environment.

13 In the Draft EA, the NRC evaluated the
14 impacts of the NFS proposal to continue authorized
15 operations at the facility for 40 years. But we also
16 evaluated two alternatives. The first is renewing the
17 NFS license for ten years. And this was the period of
18 time, the length of time for which that license was
19 previously renewed. We also looked at the alternative
20 of denying the application to renew the license and
21 doing so would result in a shutdown of the facility
22 and site decommissioning.

23 We described the affected environment in
24 terms of the resource areas shown here. And we also
25 evaluated the impacts of the NFS proposal and those

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1 two alternatives to these areas.

2 Now to help explain the impacts in a
3 consistent manner, the NRC used three categories of
4 significance. Impacts with a small significance are
5 impacts that would be minor. Impacts with a moderate
6 significance are those that would noticeably affect
7 the resource, but not destabilize it. And impacts
8 with a large significance would be those that would
9 destabilize the resource.

10 In the Draft EA, the NRC first analyzed
11 the impacts to the different aspects of the
12 environment and then assigned one of these three
13 categories of significance to those impacts.

14 As noted on this slide, the NRC has
15 preliminarily determined that impacts to most aspects
16 of the environment would be minor or would have a
17 small significance. However, for four resource areas,
18 transportation, soils, groundwater, and public and
19 occupational health, we determined that the impacts
20 would be small to moderate.

21 In the next three slides I will address
22 these resource areas. With respect to impacts to
23 local transportation, NFS-related activities such as
24 workers coming to and leaving from the site, as well
25 as shipments of waste materials offsite for disposal

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1 would have a moderate impact on the roads and traffic
2 around the site. Further from the site, the impacts
3 would be minor and therefore would have a small
4 significance.

5 Looking at the possibility of accidents
6 associated with the shipment of decommissioning wastes
7 from the site, it is not likely that such an accident
8 would result in a fatality. This is due to an
9 assessment of the roads that would be traveled on and
10 the accident rates associated with those roads as well
11 as the number of shipments of decommissioning wastes
12 on an annual basis.

13 Additionally, NFS ships its radioactive
14 waste in compliance with both NRC and U.S. Department
15 of Transportation requirements. These requirements
16 address things such as the type of packaging,
17 labeling, and signage that is used as well as operator
18 qualifications, driver incident reporting, and
19 emergency preparedness. And finally, we determined
20 that there are minor or small impacts associated with
21 the shipment of radioactive wastes offsite and those
22 impacts would be to public health and safety.

23 There is existing contamination at the
24 site, both in soils and in the groundwater that NFS is
25 in the process of cleaning up. This cleanup is being

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1 conducted under the oversight of the NRC, the State of
2 Tennessee, and the U.S. Environmental Protection
3 Agency. Additionally, with respect to groundwater
4 impacts, we determined it was relevant that there are
5 no identified users of the groundwater, down flow, or
6 down gradient from the site towards the river. And
7 secondly, NFS has an ongoing program to monitor the
8 groundwater. This involves monitoring wells upflow or
9 up gradient up the site, onsite, as well as downflow
10 or downgradient from the site. Monitoring of these
11 wells provides an assessment of the cleanup efforts
12 that are going on as well as it helps to identify
13 situations that could need further assessment.

14 Liquid effluents from the facility
15 operations are treated onsite to meet both NRC and
16 state-approved limits prior to discharge offsite. The
17 NRC concluded that impacts to both soils and the
18 groundwater would be moderate, but as remediation and
19 cleanup continue, those impacts would be reduced to a
20 small significance.

21 NFS is required to monitor the effluents
22 it is discharging to the environment. This monitoring
23 program is designed to ensure that releases are within
24 NRC's regulatory and the State's approved permit
25 limits and are as low as reasonably achievable.

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1 Additionally, two times a year, NFS is required to
2 submit to NRC a report summarizing discharges to the
3 environment over the prior six months. In these
4 reports, NFS also calculates the radiological dose to
5 a member of the public from constituents in these
6 effluents.

7 From the semi-annual reports over the past
8 six years, calculated doses to a member of the public
9 have been below the limits in NRC's regulations found
10 in 10 CFR Part 20.

11 The NRC also looked at environmental
12 impacts associated with potential accidents at the NFS
13 facility. Accidents such as nuclear criticality,
14 release of uranium hexafluoride, a major fire, and
15 natural phenomena such as an earthquake, tornado,
16 hurricane or flood.

17 Impacts from these potential accidents
18 were assessed at the NFS site boundary as those would
19 be impacts to the member of the public. Impacts from
20 accidents were found to be small to moderate or
21 moderate, depending on the accident scenario involved.

22 However, overall impacts to public health
23 and safety from these accidents would have a small
24 significance. This is due to the operational controls
25 in place at the NFS facility, as well as the situation

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1 where it is unlikely that a member of the public would
2 be right at the fence line or the site boundary at the
3 time of the accident. The fact that they would not be
4 there in most situations would reduce the impacts to a
5 member of the public.

6 The Draft EA is available through the NRC
7 Public Document Room or PDR. You can contact the PDR
8 in person, by phone, or by email for assistance.
9 Additionally, the Draft EA is also available on the
10 internet at the NRC's public website shown here. The
11 accession number is a number assigned to the Draft EA
12 and you would use that accession number to search for
13 the document.

14 Finally, the NRC has sent copies of the
15 Draft EA and the Draft Finding of No Significant
16 Impact to public libraries in Erwin, Jonesborough and
17 also Greeneville. And each of these libraries has
18 three copies of these documents for public viewing.

19 Comments on the Draft EA and the Draft
20 FONSI can be made tonight. Additionally, you can also
21 send in comments by email, online, by regular mail, or
22 by fax using the addresses shown here. Other than
23 tonight, if you were to submit a comment, please use
24 the NRC docket number that's shown. That's NRC-2009-
25 0435 as the subject line of your comments. And the

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1 comment period is set to close next month on the 13th
2 of November.

3 Finally, if you have any questions about
4 NRC's review of the NFS request to renew its license,
5 you can contact me for environmental questions. My
6 contact information is shown. Or Kevin Ramsey of the
7 NRC for licensing and radiological safety questions.

8 With that, that concludes my presentation
9 and I will turn the floor back over the Susan, our
10 facilitator.

11 MS. SALTER: Okay, thanks, Jim. I also
12 want to point out that copies of this presentation are
13 available on the materials table, so if you didn't get
14 a copy on your way in I think we still have copies out
15 there and that way you'll have all of this information
16 in a written form.

17 What we're going to do now and I'm going
18 to give this microphone to you guys so you can use it
19 to answer questions. We're going to have about maybe
20 10, 15 minutes for questions on NRC process, if you
21 need clarification of any of the information that was
22 presented by Diana or Jim or any other questions on
23 NRC process. We want to give you an opportunity to
24 ask those questions now because once we get again into
25 the comment period, we want to make sure that that

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1 keeps rolling and that everyone has an opportunity to
2 comment.

3 So probably the easiest way to do this is
4 for you to raise your hand and I hand the microphone
5 out or you can come, if it's easy for you to get to
6 the microphone in the middle. When we do comments,
7 we're going to ask people to come up to the podium,
8 but for Q&A sometimes it's quicker to do that. So any
9 questions before we --

10 MR. DAVIES: Hi, I'm Buzz Davies. And you
11 all made comments about the waste material that's
12 hauled out from the plant and evaluating it. What
13 about the stuff that's brought into the plant?

14 MR. PARK: That was also part of our
15 evaluation. I just did not mention it in the slide.

16 MR. DAVIES: Okay, all right.

17 MR. PARK: These were shipments both into
18 the plant and away from the plant. It dealt with what
19 you're talking about as well.

20 MR. DAVIES: Okay. I didn't read that
21 when I read the stuff and I didn't hear you say
22 anything about it. Okay.

23 MR. CARSON: I was wondering if you could
24 clarify the -- in your public and occupational health
25 side, you had the public are below the 10 CFR Part 20

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1 limits. I wonder if you could just clarify what that
2 is and what that means?

3 MR. PARK: In 10 CFR Part 20, those are
4 NRC's regulations concerning doses to the members of
5 the public and those limits set an annual dose of 100
6 millirem and that's a dose that's protective of public
7 health and safety. So those are the limit sets that
8 are being referred to in that slide.

9 MS. SALTER: Before you make your comment
10 if you could state your name and any organization that
11 you may be affiliated with?

12 MS. OVERALL: Park Overall. I told you
13 guys I tested the water and I told you it ain't going
14 to work out, okay? Nobody seems to be listening to
15 that. You put up the BLEU up here. You had a lot of
16 accidents and I go to drinking water supply in
17 Nashville and they haven't tested the drinking water
18 in nine years. And then they come up here and want to
19 check for hormones, okay? I'm talking about plutonium
20 and uranium and thorium with all those numbers
21 attached. It is not a vein down from Abington. It is
22 manmade. Why you guys are acting like that is not
23 deadly to the workers and to the environment, I don't
24 know what the game is.

25 You say everything okay is downgradient,

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1 everything is okay. Then why are you buying up
2 everything? Why are you buying everybody's property
3 downgradient. That little plume there, getting your
4 little buffer zone. I could go on and on, but I'll
5 get others talk.

6 MS. SALTER: Did you have a specific
7 question?

8 MS. OVERALL: No.

9 MS. SALTER: Okay, all right. Any other
10 questions? It sounds like we're moving into comments.

11 MR. SMITH: My name is E.B. Smith. I'm
12 from Greeneville. My children learned how to swim in
13 the Nolichucky River. My nieces and nephews learned
14 how to swim and I live on the Nolichucky River now.
15 And I'm in that river swimming at least four days a
16 week out during the summer.

17 Now I think he said small impact and 100
18 millirems. I should be dead. Now my question is did
19 you test the water downstream? That's my question.
20 And then how far down the river did you test the
21 water? And what were your results at different areas
22 in the river? Did you test the groundwater? Did you
23 check any livestock. There's tons of livestock that
24 drink out of that river. Farms are along that river.
25 That's what I want to know. I want to know the exact

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1 amount of uranium found in the water, in the
2 groundwater, and in livestock. How is this going to
3 affect my grandkids swimming in the river?

4 MR. PARK: The NRC did not directly
5 collect its own samples.

6 (Laughter.)

7 The NRC is -- excuse me. Basically, the
8 discharges from the site are set by permits, both
9 radiological discharges as well as nonradiological
10 discharges. And prior to the discharge into the
11 river, those permit levels are set by the state in
12 accordance with the Clean Water Act.

13 MS. OVERALL: That is not true.

14 MR. PARK: And these limits -- the state's
15 authority has been delegated by the EPA who has
16 oversight through the Clean Water Act. And so the NRC
17 does not independently review the limits because
18 that's within the authority of the State of Tennessee.

19 MS. OVERALL: That is not true.

20 MS. SALTER: Question?

21 MS. GROOM: My name is Donna Groom and
22 this is my first time here. But unlike Bennie Smith
23 down there, I live in Afton which is a little town in
24 Greeneville. My children played in the creek. I
25 played in the creek. Now the question is we had our

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1 well -- we had well water. And we had our well
2 checked every three months and it did have stuff in
3 it, but it would say it was below or above, just above
4 the state's limits on whatever the limits are. So we
5 continued to use the water.

6 Now my youngest just turned 30 on the
7 21st. And he has -- they just found a spot on his
8 brain. He's been having seizures for the last year
9 and a half and they have found they spot on his brain.

10 We don't know what it is yet. They've not done an
11 MRI. But he played in this creek, in this water. And
12 they also found a nozzle in my thyroid and it's almost
13 the same size as the thyroid. And I feel like it is
14 from all this crap that's going into the water. I
15 think we need answers to -- we need people to let us
16 know.

17 MS. SALTER: So I guess the question would
18 be, we kind of answered that question about how we get
19 the levels and how we make that determination. So
20 your question is what are the results and I don't
21 think that that's --

22 MS. OVERALL: We went to the State of
23 Tennessee and they told us to sue them if we didn't
24 like what they were doing. I've already told you
25 this.

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1 MS. SALTER: Question?

2 MS. OVERALL: Can we just review what the
3 mission is of the NRC?

4 MS. SALTER: The mission is to protect the
5 public and the environment and I don't know if we have
6 a further answer to that question other than what Jim
7 has said about how we obtain the findings from the
8 water testing.

9 MS. OVERALL: On the further side of the
10 Savannah River, but you all brought it up here. Little
11 teeny river, little people, Christians working hard
12 and you brought it here and the preferred site from
13 the DOE was Savannah River.

14 MS. SALTER: So it sounds like we're kind
15 of getting into comment period as opposed to specific
16 questions on the process that NRC uses which is really
17 up for debate here at this meeting. The process is
18 what it is and so I think we should move into the
19 comment period where you'll have an opportunity to
20 make your comments about that process and how you feel
21 about that.

22 MR. HIGGINS: In this room, I'd like to
23 ask NRC what -- they told us that they was not
24 responsible for any contamination, atmospheric or
25 otherwise outside the compound.

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1 MS. OVERALL: Eugene said it.

2 MR. HIGGINS: The Tennessee Department of
3 Clean Water says they're not. Now that's small
4 nuclear fuel that it's setting on, I grew up in it. I
5 know every inch of it, and I was out there eighteen
6 years amidst all this stuff, the spill, atmospheric.

7 Now I want to ask the question. Is NRC,
8 are you people aware of the discharge lines are going
9 raw into the Nolichucky River that has recently been
10 sampled, personally myself. Several more that came
11 back extremely high. But it's all right now.

12 Did NRC, when they're talking about the
13 outside environment, you've a little beautiful valley
14 here adjacent to one of the cleanest rivers in the
15 nation, it's supposed to be. Its underground springs,
16 that's all that is, is water. And for eons it's been
17 going where? It's been going to the river. It's
18 still going to the river. There was a creek running
19 right straight up through there. It's coming right
20 in.

21 We personally sampled it. And I knew all
22 the places to look, I assure you, and I got more of
23 those. But I want to know is NRC responsible for what
24 is in the site? Have they any control on the emission
25 that's a falling out, falling out or dropping all over

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1 the valley? Are they responsible for the waste water
2 that should be shipped, but it's going into the
3 Nolichucky River. Not long ago, two and a half
4 million gallons went to the waste water treatment
5 facility. That is a question I want to know. Are
6 they responsible or just inside the nuclear fuel
7 facility or are they responsible for what's on the
8 outside and I'd like to find out if there's any way of
9 getting a list of the people that have actually tested
10 for internal contamination like they used to do us,
11 you know, urine samples. I'd like to know some of
12 those people's names.

13 MS. SALTER: Jim, do you want to comment
14 on the NRC's regulatory responsibility about discharge
15 into the Nolichucky River?

16 MR. PARK: I think I previously said,
17 discharges are treated onsite in the waste water
18 treatment facility by NFS and in order to discharge
19 any of those liquid effluents offsite, they have to
20 meet permitted levels that are set by the state as
21 well as levels that are in NRC's regulations in
22 Appendix B to 10 CFR Part 20 before they can discharge
23 those effluents offsite. And this is part of the
24 monitoring program that NFS has in place that NRC
25 inspects against to ensure that in terms of the

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1 discharges that NFS is complying with that.

2 MR. HIGGINS: Up there, talk right real
3 slow so we can understand. That was the question I
4 asked her. It is running raw into the Nolichucky
5 River.

6 MS. OVERALL: And I found it.

7 MS. SALTER: So has the NRC found any
8 information or do they have any information of
9 discharge into the Nolichucky that you want to comment
10 on?

11 MR. PARK: NFS does discharge into the
12 Nolichucky River through an outfall. And as I
13 indicated before those effluents can go through that
14 outfall, they have to be treated prior to the
15 discharge. Now the limits --

16 MS. SALTER: Let him finish.

17 MS. OVERALL: How many times --

18 MS. SALTER: Let him finish the comments.

19 MR. PARK: The limits that have been set
20 by the state in its permitting process as well as
21 those limits that are found in NRC's regulations,
22 those limits have to be met prior to any discharge
23 into the river.

24 MS. SALTER: Have you signed up to make a
25 comment, because I think that's the kind of comment

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1 that the NRC would want to know what information you
2 have.

3 MR. HIGGINS: I told them a dozen times.

4 MS. SALTER: This is your opportunity to
5 go on record again. So if you haven't already filled
6 out a card, then please do that so that we can do
7 that.

8 I think we're going to move on into the
9 comment period just so we have enough time. Again,
10 the whole purpose of this meeting is to collect
11 comments and it sounds like a lot of people don't
12 really have questions on the process. They really
13 have -- want an opportunity to comment on that
14 process. And so I want to make sure that you have a
15 chance to do that.

16 So one last question.

17 MR. NICHOLSON: My name is Casey
18 Nicholson. I'm from Green County, Tennessee, and Mr.
19 Park, you said the NRC did not collect its own
20 independent samples. Is that right? Is that what I
21 heard.

22 MR. PARK: That's correct.

23 MR. NICHOLSON: So I'm curious then just
24 to be clear, did you rely on the Tennessee Department
25 of Environment and Conservation for that or is this

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1 something that we're taking NFS at their word that it
2 was within the actual business that's what we rely on
3 for the sample?

4 MR. PARK: As part of NRC's process, we
5 have two on-site inspectors as well as we have an
6 inspection program that reviews records of discharges
7 and goes through that. So it's not simply relying on
8 another agency to do its job, nor on NFS alone for
9 what it says.

10 Additionally though, we are able to look
11 at the state's own publicly-available records
12 regarding their inspections of discharges and their
13 own permitting program and sampling program. And so
14 that's what we do. It's both agencies doing their job
15 together to kind of check on the discharges.

16 MR. NICHOLSON: One last quick question,
17 especially in regard to TDEC, Tennessee Department of
18 Environment and Conservation, are those samples air
19 samples or water samples? I talked to someone from
20 NFS at a meeting like this in this building two years
21 ago who informed me that TDEC takes air quality
22 samples from boxes that are dispersed around Erwin
23 somewhere, but TDEC, she said -- she didn't lead me to
24 believe that they had any water quality samples.

25 MR. PARK: It is my understanding that

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1 TDEC takes both air samples at those locations you
2 indicated, as well as water samples, down river from
3 the discharge points.

4 MS. SALTER: We're going to go on and move
5 into the comment period and unless you have a question
6 on the process on how the NRC does something or do you
7 want to make a comment on how you feel about how they
8 do something because that would be part of the comment
9 period.

10 MR. DAVIES: If this is the situation that
11 has been identified as incorrect, is there a
12 corrective action item or something that's identified
13 for you when you go back home, do you go back and
14 review this situation as to the logic that you've used
15 and applied to this? If you found that the logic that
16 you used was incorrect, do you make a corrective
17 action item out of this for your plan evaluation?

18 MS. DIAZ-TORO: Any comments and
19 information that we receive today will be considered
20 as part of the preparation of our final environmental
21 assessment or to consider whether to prepare an
22 Environmental Impact Statement. So all comments,
23 everything that you provide today will be considered
24 and addressed, and determine whether we need to look
25 at something again or supplement our discussion.

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1 MS. SALTER: I didn't quite -- what
2 incorrect information are you talking about?

3 MR. DAVIES: The water sampling. You all
4 say that the State of Tennessee does and they say the
5 State of Tennessee does not do that. If that's not
6 correct, how can you resolve it?

7 MS. OVERALL: Let me ask it directly. Do
8 you or TDEC have a permit to release highly enriched
9 uranium into the Nolichucky? Golly, I can't find it.
10 Do you, the NRC, have a permit to release plutonium
11 of all kind of numbers into the Nolichucky. By golly,
12 I can't find it. Nobody can find it. We'd like a
13 copy of that.

14 MS. SALTER: I think what I heard Mr. Park
15 saying was that it's treated before it's discharged to
16 meet the appropriate levels that the law allows. So
17 for now I think that's the NRC's response, but you're
18 here to make comments on those types of things. So
19 let's go and move on into the comment period.

20 We're doing pretty good for time, so what
21 I'm going to ask and I know we may have some other
22 people sign up to speak, so what I'm going to ask is
23 for everyone to try to be as succinct as possible in
24 making your comments and try to stay within about a
25 seven to eight minute time frame. Some people won't

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1 need that long. Some people may need a couple of
2 minutes extra. We want to be as flexible as possible,
3 but we also want to try to end the meeting as close to
4 possible to 9 o'clock which was our stated time. We
5 know you all have taken time out of your private lives
6 to come here and we want to be respectful of that.

7 So seven to eight minutes. What I'll do
8 is I'll read the first three names of speakers, so you
9 know when your turn is coming up. And I know
10 sometimes folks get up here to make comments are very
11 passionate and they may lose track of how long they've
12 actually been up here. So if you start to really go
13 over your time, I might give you some nonverbal cues.

14 I might walk a little closer. I might look at my
15 watch. It's the worst part of being a facilitator is
16 trying to -- is having to interrupt people and ask
17 them to try to wrap it up.

18 So to the extent that you can keep to your
19 time limit that would be appreciated and if you're
20 really going over where we may jeopardize the
21 opportunity for everyone to make a comment, I may give
22 you some of those nonverbal cues.

23 So again, we're going to ask participants
24 to come up to the podium to make their comments. If
25 that's a hardship for you, just raise your hand and I

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1 can bring a microphone, but we prefer that you come up
2 to the podium so you can face everyone when you're
3 making your comment.

4 Start by stating your name and if you want
5 to give an organization that you're affiliated with,
6 please do that as well. Again, we're transcribing the
7 meeting so to the extent that we can keep background
8 noise down, you're going to hear some things that you
9 may really agree with. You're going to hear some
10 things that you may not agree with. And to the extent
11 that you can refrain from calling out from the
12 audience because it could jeopardize our
13 transcriptionist's ability to get an accurate
14 transcript if people are hollering while someone is
15 trying to make their comment.

16 So with those ground rules in place, I
17 think we're going to get started and our first three
18 speakers are going to be Barbara O'Neal, James Long,
19 and then E.B. Smith.

20 Ms. O'Neal, would you like to come up to
21 the podium?

22 (Pause.)

23 MS. O'NEAL: Good evening, everybody. My
24 name is Barbara O'Neal. I'm a concerned citizen
25 living about a quarter of a mile from NFS. And

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1 according to this environmental assessment I am in the
2 predominant wind, if you will, according to Chris, I
3 am.

4 I'm a retired Department of Defense
5 employee with 35 years of service. And I will say
6 that NRC did not need to waste the paper, ink, time
7 and money to produce this biased and contradictory
8 document. All they needed is one statement to sum it
9 up and that is nothing NFS has ever done or will ever
10 do has had or will have an impact on our health,
11 safety, or environment. And even if it did, it would
12 be so small it wouldn't really hurt you. We've heard
13 that story now for 53 years and obviously you want us
14 to hear it for 40 more. And that's a total of 93
15 years of no significant impact.

16 If it sounds too good to be true, maybe it
17 is.

18 After researching NFS issues and NRC
19 oversight for four years, it appears to me that over
20 the years, and there's been a lot of years. I believe
21 NRC has been regulating for about 30 or 35 now. It
22 appears to me that the regulatory oversight of NFS has
23 been one of collusion, complacency, and neglect. So
24 I'm not surprised by this Fact Finding of No
25 Significant Impact as it clearly shows continued

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1 favoritism of the licensee and not protection of the
2 public health and safety and environment.

3 In this document, there is so much
4 potential for continued environmental and safety
5 impacts, yet the NRC has come to this very
6 unscientific conclusion, in my opinion. What I see is
7 once again lots of NFS estimates, guesstimate,
8 beliefs, plans to, intentions, and little, if any,
9 hard science.

10 The NRC is so sure that it is going to
11 renew the license for either 40 years or 10 years that
12 in the no action option which would result in full
13 site decommissioning, they simply speculate as to what
14 the impacts would be without ever having seen a
15 detailed site decommissioning plan. This community
16 deserves more than speculation from you, NRC, but
17 unfortunately that's what they've always had. So it's
18 time to stop because some of us now know better.

19 So I will do some speculation of my own.
20 Perhaps the NRC is thinking that NFS and the
21 surrounding area is already so contaminated, what's
22 another 40 years or 10 years? When it comes to
23 offsite contamination, we must remember that NFS'
24 industrial neighbor didn't sue them and win a
25 settlement for no reason. Just remember that.

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1 And NRC, you make things so complicated
2 and complex for the public such as the table on page
3 2-8. If you have your booklet, you might take a look
4 at it. That's the radioactive toxins that are going
5 into our air and water every day. And thank you to
6 the Greeneville Sun for interpreting that and
7 publishing it for the public. Other newspapers may
8 want to follow suit. Greeneville Sun: Sodium,
9 technetium, cesium, lead, radium, thorium, uranium,
10 several different kinds, neptunium, plutonium,
11 americium. They spelled it out for people. Thank
12 you.

13 Another NRC tactic is to segment things in
14 order to make them appear lesser than they are. For
15 example, issues outside the scope of the EA. These
16 issues are very relevant and important and are
17 supposed to be covered in a separate Safety Evaluation
18 Report which I understand the public will never see.

19 So I'm providing 12 out of the 60 that we
20 have, subject-specific time lines for inclusion in the
21 Safety Evaluation Report. And that includes a 253-
22 page violation history from 1974 to the present. It
23 took me nearly a year to complete that. So I'll go
24 into more detail on these subjects, especially safety
25 culture, if I have more time, because a lack of safety

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1 culture matters and so does noncompliance with federal
2 regulations. And they told me I have more time, so I
3 will do it.

4 But in the mean time, here you go, Peter.

5 If that's not enough, we have more. Okay. I'm going
6 to talk a little bit about safety culture because the
7 independent safety assessment team and there's been
8 two assessments, one done in 2007 and 2008 and one
9 just released June 21st this year. And this is 330
10 pages and there's not a positive comment in the entire
11 thing. So I just want to tell you a couple of things.

12 NFS has a standard of minimal regulatory compliance
13 that proves it. Safety culture is generally deficient
14 and fails to meet regulatory expectations. Signing
15 that an action was complete when it was not are
16 examples of falsification or fraudulent behavior.
17 Recurring equipment problems have become accepted on a
18 basis of run-to-failure philosophy.

19 Fire dampers had not been inspected since
20 2003 and inaccurate information was given to the NRC.

21 NFS has a tendency to downplay the significance of
22 errors. Significant problems related to
23 accountability have continued to exist within NFS and
24 that's just a few.

25 Plant stability, plant building stability

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1 and that really is an environmental issue, I think.
2 According to the SCUBA, the safety team, the
3 infrastructure is so degraded and that confirms my
4 findings in the inspection reports because many of the
5 buildings cannot comply with the fire codes. For
6 example, Building 301 that houses the new CD line and
7 UF-6 processing is 50 years old.

8 Seismic risk analysis. That's really
9 environmentally related. NFS sits on karst
10 topography with two fault lines and five fracture
11 zones and is also in the 100-year flood plain.
12 Combine with the drums of hazardous mixed waste stored
13 there for 53 years and 980 more drums of mixed waste
14 that would be generated in 40 years. Now this is
15 waste with no place to go, no place on earth to take
16 it.

17 The people of this community had better
18 pay attention because between what NFS generates and
19 Studsvic processes Erwin is fast becoming a
20 radioactive waste dump. And the NRC sees no potential
21 impact? I don't get it.

22 Enforcement actions. In a 25-year period
23 from 1985 to 2010, the NRC has supposedly collected a
24 measly \$217,500 in monetary fines. You see, they
25 might start out at \$140,000 like this most recent one,

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1 but they always get whittled down.

2 License violations. This 253-page
3 violation history, noncompliance of federal
4 regulations matter. If they don't matter, then NRC
5 doesn't need to exist. So I'm mad, as you can tell,
6 because I believe the regulators have failed us over
7 the years. I'm disappointed that my former employer,
8 Department of Defense would be so short sighted and
9 continue to allow all their nuclear fuel to be made by
10 a single source, especially when it is serially
11 noncompliant, 53 years old, has degraded equipment and
12 degraded infrastructure.

13 Perhaps being the sole source of Navy fuel
14 has enabled the licensee's arrogant and noncompliant
15 behavior over the years.

16 A long-time, now retired, NFS employee
17 told me one thing you got to understand, the work at
18 NFS is done on a cost-plus basis. The more they
19 spend, the more they get. And as long as the Navy
20 wants that fuel and is willing to pay for it, then
21 nothing will ever change at NFS or overpay for it, I'm
22 sorry, overpay for it.

23 I said why doesn't the NRC stop it. He
24 replied, they're worthless.

25 Later, I heard again about this overpaying

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1 from the Navy from another former employee, and I also
2 heard that more product is scrapped than produced.

3 So I have a message for Department of
4 Defense. That in this day and time of terrorism, for
5 security reasons alone, it would behoove you not to
6 rely on a single source for your fuel and to pay very
7 close attention to what you're being charged for it,
8 because that's our tax dollar you're spending so
9 freely.

10 I'm also mad at TVA, as was alluded to
11 before, because of their role in changing the DOE
12 record of decision to locate the BLEU, blended low-
13 enriched uranium project here. Because Savannah River
14 was the environmentally-preferred site. And DOE
15 allowed that to happen knowing that the risk for
16 latent cancer fatalities was the highest for NFS. One
17 in 71 for those living offsite in close proximity.

18 However, I believe that there at NRC that
19 try to do the right thing. I believe in giving credit
20 where credit is due. And one of them is the local
21 inspectors who do identify and write up the violations
22 and observations. Thank you for doing your job, Galen
23 and Mark, wherever you are. Thank you for that
24 because I've read those. I know you do it. It seems
25 though that when these reports get to the higher

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1 echelons of Region 2 and NRC Headquarters, somehow
2 they become negotiable, manipulated, minimized or
3 simply swept under the rug.

4 The NRC regulatory process seems to simply
5 go through the motions and seems to lack any real
6 teeth.

7 I also believe that the current Chairman
8 of the Commission, Gregory Jaczko is trying to make
9 changes and steer the Agency in the right direction.
10 Hopefully, for all our sakes, he will succeed.

11 Now one of the things I wanted to add to
12 your list of things in the Safety Evaluation Report is
13 -- I will find it -- by giving me more time you messed
14 me up.

15 (Laughter.)

16 It's falsification of documents, a
17 favorite of mine. In addition to the SCUBA findings
18 and they found it, there's more evidence of
19 falsification or fraudulent actions in all of these
20 inspection reports I've read. And also, there's
21 misleading things that the community sees all the
22 time. You'll see in this Draft EA that NFS has 829
23 employees. But that's not what the public sees in
24 this slick cover ad from Out and About. NFS, this
25 guy, Greg Lawson, is just one of one thousand NFS

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1 employees.

2 So based on a history of falsification,
3 fraudulent actions, and outright lies, we are supposed
4 to believe that all these licensees, environmental
5 estimate sampling, and discharge numbers are correct?

6 I don't think so.

7 My message to the NRC concerning this
8 license renewal request is if this licensee has not
9 complied with federal regulations over the years,
10 which they haven't; lacks a safety culture, which they
11 do; has contaminated our environment, which they have;
12 and cannot manage the facility properly which is
13 evidenced by the latest SCUBA report; then they do not
14 deserve a 40-year or a 10-year license.

15 You need to start all over with this
16 document, and if you won't do it right, which is a
17 full Environmental Impact Statement that has never
18 been done here, then my recommendation is for a one-
19 year license renewal with requirement for NFS to
20 submit a detailed, site decommissioning plan which
21 would include number one, proof that the money exists
22 to carry it out; and number two, the number of jobs it
23 will create, not lose, for Unicoi County. You owe it
24 to this community, NRC. That concludes my remarks.

25 (Applause.)

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1 MS. SALTER: In addition, if you have a
2 written statement, we can collect those as well.
3 Thank you, Ms. O'Neal.

4 Our next speaker is James Long who will be
5 followed by E.B. Smith and then Park Overall.

6 MR. LONG: Hello. I'm Jim Long. I'm a
7 resident of Erwin. I was born here. I have been a
8 corporate vagabond for 37 years, but have been back in
9 Erwin for 34 years. I have experience as a manager in
10 nuclear facilities that are licensed by the NRC.

11 I've read the Draft Environmental Impact
12 Statement. And I favor it. I favor the findings, but
13 I have two comments regarding the information that's
14 there.

15 First, on airborne discharges, in their
16 2010 calendar and other information, NFS has stated
17 that the airborne discharges to the surrounding
18 community, that is, at their property boundary, did
19 not exceed one tenth of the regulatory limits over
20 most of the recent five-year period. The question is
21 are the last five years typical of the previous
22 license period and have NFS airborne discharges at the
23 boundary ever exceeded the regulatory limits?

24 The document shows data principally for
25 the last five or six years.

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1 A second question is regarding
2 occupational health. It's an area that does not
3 appear to be considered in the Environmental Impact
4 Statement, rather industrial incident reports were the
5 characterization.

6 NFS routinely measures the in-body
7 radiation exposure of employees as a license
8 condition. The question is have any NFS employees
9 exceeded the regulatory limit of airborne exposure
10 since NFS has been routinely measuring employee
11 exposure in-house using a whole body counter? What
12 percentage of the allowable employee exposure limits
13 are NFS employees exposed to as measured by their body
14 intake? I think those would be two interesting pieces
15 of data that would support an environmental assessment
16 that the occupational hazard to the individuals that
17 work at NFS is not high.

18 MS. SALTER: Thank you, Mr. Long. Next
19 speaker is E.B. Smith, followed by Park Overall, and
20 then Donna Groom.

21 MR. SMITH: I don't need to speak. You've
22 already heard from me.

23 MS. SALTER: Okay, so transcriptionist,
24 E.B. Smith is not going to make a comment.

25 Park Overall, and then Donna Groom, and

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1 then Chris Tipton.

2 MS. OVERALL: I want the employees to know
3 that we're not just here for us. I want you to know
4 there are things going on up there that we can prove.

5 I wouldn't stand up here and lie about it.

6 I'm not going to prove it here. I'd
7 rather prove -- where do you all want me to go to the
8 Justice Department, the Criminal Division? I mean
9 what do you want?

10 How many nuclear submarines do you guys
11 need in Afghanistan? Pakistan? So I guess since you
12 can't do that, you've got to move into commercial
13 development.

14 I want everyone here to understand that it
15 is all a prototype. You make something in Iraq. You
16 make it in France. There is not one recipe to blend
17 it down. There are mistakes and they're happening a
18 lot and we can prove it. It's mainly in your own
19 documents. They're not little mistakes.

20 Tennessee is the only state now accepting
21 the world's nuclear waste. You need to know that and
22 this place has always and is still roughshod. They
23 can say they're going to make it better. It's a
24 little late.

25 MS. SALTER: Thank you, Ms. Overall.

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1 Donna Groom is our next speaker, followed by Chris
2 Tipton and then Trudy Wallack.

3 MS. GROOM: My comment was almost what I
4 said before. I was raised in a community, Afton,
5 which is a small community. I did my own research
6 over the past year. And in a five-mile radius there
7 was 27 deaths due to cancer. And part of the people
8 have died. Some still have it. A lot of the people
9 have died -- there's probably about 11 that has had
10 brain tumors. And like I said, that's what upsets me
11 with my son. We don't know what's wrong with him now
12 and with my thyroid. I don't know what the problem
13 is.

14 But I grew up in that community. I played
15 in the creek. I played in the water. They played in
16 the water because they didn't have any better sense.
17 And until the last few years did I realize all of this
18 and put it together. But I think we all need to work
19 together to get this water cleaned up. Everybody
20 needs to work together for our kids, for our
21 grandkids. You know, I know who work there and need a
22 job. Everybody needs a job, but I think everybody
23 that works there, as long as everybody that lives
24 here, and in the following communities, need to work
25 together to clean it and the NFS people and everybody,

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1 you know. Everybody needs to work together to get it
2 clean for health. That's all.

3 MS. SALTER: Thank you, Ms. Groom. Chris
4 Tipton and then Trudy Wallack and then Dave Lochbaum.

5 MS. TIPTON: My name is Chris Tipton. I'm
6 a resident of Erwin. I live within a mile of NFS.
7 I'm also a member of a local watchdog organization
8 called the Erwin Awareness Network. We've been
9 investigating NFS for going on four years now which
10 means we've read thousands of pages of documents and
11 it's been quite an education to think that when I
12 moved back home and bought property here in hopes of
13 retiring that I must admit I really did not know what
14 was going on at NFS. I didn't know about all of the
15 noncompliance, all of the NRC actions, the SCUBA
16 reports talking about the degraded conditions there. I
17 just did not really know any of that. And I must
18 admit had I know then what I know now, unfortunately,
19 I probably would not have moved back to my hometown
20 which I love absolutely with all of my heart.

21 And that's one of the reasons that I am a
22 member of what we call ECAN and one of the reasons
23 that I bother to read all of the documents and try to
24 understand them and the reason that I stand up for
25 this community and say what's happening here is not

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1 right. We do not need radionuclides going down the
2 Nolichucky River and even though people, the NRC and
3 NFS constantly tell us it's a small impact and it's
4 just a little bit. I cannot tell you how tired I am
5 of hearing the little bit scenario. Oh, we're just
6 dosing you a little bit.

7 But bottom line, we have been dosed for 53
8 cumulative years, every day, and every little -- do
9 you want me to stand up here and say a little bit 365
10 times for 53 years. I'll be here for a long time.
11 But this is cumulative, 53 years of being dosed. And
12 there might be a small impact, but guess what. There
13 is an impact. We are being dosed and there is an
14 impact and that is the bottom line.

15 The other bottom line is that so many
16 people in this community do not believe a single
17 solitary word that NFS says when it comes to saying
18 oh, we're doing this or we're doing that. So when you
19 see an environmental assessment like this and the only
20 authority that they use in this assessment is NFS.
21 It's like where is the science of this?

22 I was a university teacher. I've been a
23 part of academia for over 20 years. I wouldn't dare
24 hand a piece of stuff like this over to one of my
25 professors because the first thing they're going to do

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1 is look back in the back at the sources and guess what
2 the sources are? The sources of information is one
3 source of data, one source of data coming from the
4 NFS. That's it. I didn't see anything else. Where's
5 all the other scientific opinions? I want to hear
6 from physicists. I want to hear from biophysicists.
7 I want to hear from doctors at the Mayo Clinic. I
8 want to hear from researchers of our national
9 universities. I want to hear some really good
10 opinions here. I want all of this stuff looked at.
11 I'm tired of listening to whatever NFS says because
12 we've lost trust in them, period. And that's all
13 that's in here.

14 I don't consider this document to be
15 professional. I don't consider it to be academic.
16 And I certainly don't consider it to be scientific.
17 And just to go over one sentence, just one sentence
18 alone. I mean this one just defies logic if nothing
19 else, certainly not science where they're saying in
20 here that "being dosed for 40 years is the same as 10
21 years." Now I mean we're going to be the same 40
22 years as 10 years? We might be dosed the same every
23 day, but are we going to be dosed the same for 10
24 years as 40 years? I don't want to be dosed at all.
25 I'm tired of being dosed.

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1 But it's like we're just getting dosed a
2 little bit, so what the heck, it's no big thing.

3 But when they go over the NFS data in here
4 and I summarized it just like Barbara did, it was like
5 it was estimates. It's beliefs. It's something
6 should happen. It was simulated. It was potentials.

7 It was computer codes. It was mathematics. And we
8 have to rely on all of that as being some kind of
9 guessing conclusions that somehow equal facts. And
10 personally, I don't think the facts are in here. And
11 I would certainly like to see a lot more science. I
12 thought it was really -- I'm a teacher. I would give
13 it somewhere between a D and a F. And being a
14 professor, if somebody would hand me something like
15 this, with this little bit of research that's in here
16 that's repeated over and over and over again, I would
17 expect a professor just to get irate for taking up
18 their time to even bother reading it. That's how
19 worthless I think it is. Thank you.

20 (Applause.)

21 MS. SALTER: Thank you, Ms. Tipton. Trudy
22 Wallack and then Dave Lochbaum and then Buzz Davies.

23 MS. WALLACK: I have to read mine because
24 I cannot maintain my composure. So I'm more emotional
25 and I get angry and I lose control and I don't want to

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1 do that tonight because this is a critical, critical
2 evening for everyone to be heard and to hear the
3 truth, the truth.

4 My name is Trudy Wallack and I live on the
5 banks of the Nolichucky River, 28 miles downstream. I
6 swim in this river. My grandchildren swim in this
7 river and you're telling me it's okay to be dosed. I
8 don't think so.

9 Since the onset of the BLEU project at
10 Nuclear Fuel Services, I have personally felt a
11 servant to the Nuclear Regulatory Commission, the
12 burden of proof always, always falling on the
13 shoulders of we the public, the very public this
14 Government agency is designed to protect. And here,
15 once again, we members of the public find ourselves in
16 the on-going current of the powers that be. The NRC
17 paddle from the same boat as the industry, Nuclear
18 Fuel Services. If the paddle cracks just apply some
19 glue. If it breaks, the regulators simply accept duct
20 tape and they all just continue to paddle. For as
21 long as the vessel stays afloat, all is well. As
22 documented and publicly released in a televised
23 interview, the NRC specifically says "NFS takes a
24 band-aid approach to fixing problems." You may
25 reference an interview with WJHL, February 2010.

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1 History suggests that if the boat's owners, NFS,
2 advises the protectors, the NRC, that the boat is
3 safe, there you go. We're safe.

4 I've read this draft and it is a draft,
5 purely, simply, a draft. It's sad. If I weren't so
6 insulted by it, I'd feel sorry for you and the people
7 who wrote it. We're smarter than this. We've been
8 aboard a very long time. We just choose not to ride
9 in the same unsafe boat.

10 While everyone here has most likely, I
11 would venture to guess, not read the draft of the
12 environmental assessment, I'd like to touch on a few
13 issues outlined. Now some of this, unfortunately, is
14 going to be redundant. And I know that redundancy is
15 a real thing for the NRC because they claim that they
16 have to save paper and not furnish past instruments,
17 past assessments for areas that have not changed. I
18 find that really unfortunate. So I'll move along.

19 On page 147, I'm sorry, the Draft EA is
20 comprised primarily of information provided by the
21 licensee, NFS. In June 2010, the Safety Culture Board
22 of Advisors, also known as SCUBA, outlined and
23 documented on page 47, "signing that an action was
24 complete when it was not are examples of falsification
25 and/or fraudulent behavior that are unacceptable."

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1 Does that leave room for any question as to why the
2 contents of this Draft EA is questionable?

3 Within this same report another example of
4 falsification is documented, page 89, "Fire dampers
5 had not been inspected since 2003." Fire dampers,
6 folks. "And inaccurate information was given to the
7 NRC." Do I need to break that down? They lied. They
8 said that the fire dampers had been inspected and they
9 had not.

10 Continuing on page 4-14, 4.11 of the EA
11 "Public and Occupational Health. NRC concludes that
12 the impact to occupational health from nonradiological
13 operations at NFS would be small." In contrast, the
14 SCUBA report reads, page 76, "The injury rate for the
15 site does not compare favorably." Let me re-read
16 that. "The injury rate for the site does not compare
17 favorably with the industry and any emphasis to
18 improve the situation has been limited and not a
19 priority." These along with other contradictory
20 claims preface the contents of this Draft EA in my
21 opinion, and based on this finding I personally must
22 question the integrity and accuracies of the EA. Time
23 does not allow me to elaborate, but simply put in my
24 personal opinion if this EA contains discrepancies
25 when compared to the two SCUBA reports, it represents

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1 further investigation is needed by the NRC. The NRC
2 cannot, without guilt and shame, suggest to current
3 interested parties to refer to past environmental
4 review documents, to limit redundancy on issues that
5 have previously been reviewed and contain more
6 detailed descriptions of those aspects of analysis
7 that remain unchanged. It is worthwhile to those
8 interested parties to have immediate disclosure of
9 past analysis and spare the public the frustration of
10 having to locate those documents.

11 I consider this to be another action of
12 burden on the public. Stop. Those detailed
13 descriptions/analysis should accompany and/or be part
14 of the existing Draft EA as they are entirely
15 relevant. It is the understanding that there are
16 guidelines and regulations that the NRC not waste
17 paper on the process of reprinting these documents.
18 This 40-year license renewal request is unprecedented.

19 In this particular industry, and one would think the
20 NRC would make exception to such a regulation based on
21 the sensitivity and critical nature of such a request.

22 If approved, such action would carry their
23 operations for a total of 93 years. Could we round
24 that up to 100? There's no restarting of the clock.
25 It's just not that way. That would be easy. It's not

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1 that way. Such an action of omitting past review
2 documents suggests to me that there might well be
3 discrepancies when compared with the existing Draft EA
4 and the SCUBA findings.

5 The reason for not including the pertinent
6 document is labeled redundancy. Certainly redundancy
7 is most prevalent throughout the Draft EA and I'd like
8 to address only a few and we've all touched on these.

9 We all read the same Draft EA. Planned, estimates,
10 potential, believes, and of course, small, small,
11 small impact. Such a request is that presented by the
12 licensee for 40 more years is most critical and it is
13 a known fact that such consideration is unprecedented
14 in this particular industry in this part of the world.

15 Any EA should be precise and specific and such terms
16 are used in my opinion in a reckless and careless
17 manner. For example, this is where you folks who have
18 not had the opportunity to look at the EA.

19 The Draft EA references plans, planning
20 throughout. And it is simply that. It's talking the
21 talk, yet the walk remains to be seen. This
22 industrial posturing and intent of future plans and
23 promises is historically a consistent characteristic
24 of NFS.

25 Next, estimates on page 4-15 of the EA.

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1 Routine air monitoring is not currently performed.
2 Routine air monitoring is not currently performed for
3 nonradiological criteria and hazardous air pollutants.

4 Table 2-1 indicates that NFS estimates of pollutants
5 to the ambient air are in compliance. Estimates.
6 Since when is the public protected and since when is
7 an estimate considered safe? This is significantly
8 unacceptable to the safety of the public.

9 Do the terms estimates, noun, and
10 estimates, verb, equal a convenient way to answer the
11 question? To me, it indicates uncertainty which in
12 this case is unacceptable and requires specific
13 amounts. Is the public required to accept estimates
14 as factual?

15 The term believes, an example, page 2-5,
16 "NFS believes elevated levels for nitrate, nitrite as
17 nitrogen and total recoverable magnesium levels in the
18 storm water are consistent with naturally occurring
19 background levels and surface water and groundwater in
20 the vicinity of the site, while the contributor for
21 the elevated total recoverable aluminum is not known.

22 No further correspondence between NFS and TDEC
23 concerning resolution of this issue has been
24 identified."

25 So, folks, since NFS believes, believes it

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1 is naturally occurring, background levels -- and it is
2 not known -- well, again, here we are in the world of
3 beliefs on a matter that is highly significant.

4 Another example, believes. "NFS has
5 conducted past site development activities enlarging a
6 culvert through Martin Creek, through which Martin
7 Creek passes, rerouting and rechanneling Martin Creek
8 that it believes has sufficiently altered, altered the
9 topography so that the site would be protected from a
10 100-year floor." A critical area for believe to be
11 applied.

12 The term believes appears to relieve the
13 facility of any further research. Is the term
14 believes considered factual? Does the term believes
15 represent a final conclusion? Unacceptable.

16 Small, small, small impacts.

17 Based on the convenient system in place
18 using the term believes, is this indicative that
19 critical findings hold the same reasoning? Is it
20 based on beliefs?

21 I have one main question that I would like
22 for this to go -- this is not a comment, but it's a
23 huge concern. On page 2-11 of the Draft EA, the plan
24 is -- one of the plans is to replace the main process
25 ventilation stack, the main process ventilation stack.

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1 I would like to know what the current and existing
2 conditions are that require this stack to be replaced?

3 Another significant issue I find
4 questionable is on page 1-5, 1.5.3. This one really
5 gets under my skin. Issues outside the scope of the
6 EA. There's great confusion that such exclusion finds
7 me totally perplexed, totally. I am no scientist.
8 How can you do that? Is it legal to do that? Can you
9 take those things that are totally pertinent to this
10 EA and say we're not going to address these issues.
11 It leaves one to question is it coincidence that those
12 issues determined to be outside the scope of the EA
13 related to specific areas that reveal noncompliance
14 and long-standing NFS cultural deficiencies?

15 In addition, the existing Draft EA is
16 incomplete as once again there appears a large degree
17 of segmentation as the Safety Evaluation Report is not
18 included. As Ms. O'Neal mentioned, looks like we'll
19 never see it. This segmentation takes me back to the
20 manner in which the BLEU license request was presented
21 as segmentation of licenses appeared in the forefront.

22 The boat I referenced in the beginning of my comments
23 now being somewhat symbolic, has traveled the waterway
24 now for 53 years. Over this time it has evolved into
25 a massive vessel and the protectors, the NRC, appear

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1 to have settled in as passengers. Some crew members
2 with a conscience and some even through fear have
3 actually stepped forward, attempting to share critical
4 concerns, report those broken parts of the vessel's
5 engine, express the issues of the control and
6 management of special nuclear material. Those endless
7 logs of safety and performance violations, many years
8 of noncompliance, 250 plus pages, seem to now be lost
9 in the undertow of the current, their significance
10 lessened as the goods they ferry seem more important
11 than the safety of both its passengers, its neighbors,
12 and the environment. After all, let us not forget the
13 reality and the fact of the neighboring vessel that
14 now sits with significant contamination. That
15 neighbor filed a lawsuit. The courts awarded him a
16 substantial settlement. That didn't happen for no
17 reason. It didn't happen because it was small, small,
18 small. It happened because it was big, big, big and
19 it still exists. And only a stone's throw away, the
20 Nolicucky River, an ancient river that is now the
21 recipient of toxic and radiological contaminants, the
22 Draft EA outlines 22 different radioactive toxins that
23 appear at liberty to reach both our air and water.

24 In the past, and so often, the vessel has
25 found that changing one captain for another is key to

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1 their success. When the seas become violent, and the
2 ship begins to rock, the ship's new captain will
3 reorganize and restructure and attempt to send the
4 message that change has occurred and everything is
5 fixed, no worries. The fact remains no matter who the
6 captain is, no matter what reorganizing transpires, if
7 the infrastructure of the vessel is not stable and in
8 tip-top shape, there is no change. The infamous band-
9 aid approach used by the protectors, the NRC, remains
10 applicable and acceptable by the regulators. Each new
11 captain will implement his change, his improvements
12 and he will claim victory as he addresses his public
13 to comfort and convince them that it's a new day and
14 there's little to be concerned about, especially those
15 contaminants claiming they are within their limits.

16 How does one measure contamination? If
17 it's contaminated is it not contaminated? If it's
18 this much, is it not contaminated? Just ask your
19 neighbor.

20 Decommissioning. Now in a year or in 10
21 years or 40, how can the license claim there are
22 monies reserved for such when there is no
23 decommissioning plan. I see you -- I see you. It
24 seems a simple fact that a plan provides and outlines
25 required equipment, labor, whatever else that goes

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1 into and equals a budget. Where is the
2 decommissioning plan? Impacts of decommissioning are
3 referenced throughout the Draft EA. Shouldn't a plan
4 be in place? Another incompleteness of the Draft EA.

5 Fortunately, the public has been awarded
6 the time line of submitting comments until November
7 13, 2010. Today, the comments I have presented are a
8 mere fraction of the concerns and comments that I have
9 compiled. They will be filed according to the
10 official filing requirements regarding this hearing.
11 Condensing and determining what message to convey here
12 tonight was difficult, frustrating, but I am
13 appreciative of the time, albeit limited. Addressing
14 53 years of history in one evening is impossible.
15 Outlining and delivering my comments based on this 93-
16 page Draft EA is also impossible due to the given time
17 line of this evening. Additionally, I have
18 restricted, I know you all might question that one, I
19 have restricted the time I spend in an effort to give
20 others a fair opportunity in speaking.

21 So I, along with others, continue to show
22 from the shoreline, struggling to ensure our calls are
23 heard, our messages yielding caution, begging mercy to
24 all those involved, those in control, please, take
25 heed. However today, based on this Draft EA and the

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1 obvious segmentation by omitting critical information
2 suggest our voices have once again fallen on deaf
3 ears.

4 In closing, I would like to stress the
5 fact that past history is entirely relevant to the
6 license request. As the footsteps of the past always
7 fall on the heels of the present. Thank you.

8 (Applause.)

9 MS. SALTER: Thank you very much, Ms.
10 Wallack. I also want to remind everyone as we talked
11 about earlier, this isn't the only time to provide
12 your comments, all of those different ways that Diana
13 and Jim spoke about in their presentation are other
14 opportunities to provide comments.

15 Our next three speakers are Dave Lochbaum,
16 Buzz Davies, and Hartwell Carson.

17 MR. LOCHBAUM: Good evening. My name is
18 David Lochbaum. I'm the Director of the Nuclear
19 Safety Project for the Union of Concerned Scientists.

20 I work out of their satellite office in Chattanooga.

21 Earlier in this meeting I heard some
22 things that sounded, statements about unmonitored and
23 uncontrolled releases from the site. That sounded a
24 lot like allegations that should be handled under the
25 NRC's allegations program formally. I know the NRC's

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1 allegations program won't respond to either confirm or
2 deny whether they're handling it that way to anybody
3 other than the alleger. But the NRC Inspector General
4 can look into it and they will be asked to look into
5 it in 30 days and given a copy of the transcript to
6 see if it's been handled that way and hopefully it
7 has.

8 Some of the comments I had today -- I've
9 submitted written comments and I wanted to emphasize
10 two of those. Two of those have already been spoken
11 to, but I think they're important so I'm going to
12 reiterate. Other people have commented on the fact
13 that the decommissioning plan hasn't been submitted to
14 or reviewed by the Nuclear Regulatory Commission. And
15 yet, the NRC has somehow dreamed up or conjured up or
16 ate some bad pizza or something, they've come up with
17 some notions as to what the decommissioning activities
18 will be and what their impacts will be.

19 If I worked for the Union of Concerned
20 Science Fictionists, I'd be very happy with that
21 approach.

22 (Laughter.)

23 But I don't and I am not -- I think it's
24 unfair, wrong, and borderline illegal.

25 I also question, even if you're going to

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1 do that and not falsify data, make up data in order to
2 support your preconceived notion, the fact that you
3 will apply that against only the one option, the
4 option of not renewing the license. All three of
5 those options involve decommissioning. This plant
6 isn't going to run forever. It's going to shut down
7 at some point and decommissioning is going to happen.

8 It's blatantly unfair to only consider the
9 decommissioning impacts against one of those options.

10 You either consider it against all of the options or
11 none of the options. To do it that way, basically
12 makes -- you don't want to do the alternative options.

13 You've come up with some rigmarole scheme to make it
14 look bad. I'd be embarrassed if I put that out. I
15 wouldn't have signed my name to that. I wouldn't have
16 signed anybody else's name to it because I don't feel
17 that low opinion of anybody else. That was pitiful.
18 And that needs to be fixed.

19 We have never sued the NRC during my
20 tenure with the UCS. We probably would over that
21 because -- you couldn't even see the brightness with
22 the Hale Telescope that's so far wrong to do that.
23 That needs to be fixed. Thank you.

24 (Applause.)

25 MS. SALTER: Thank you, Mr. Lochbaum. I

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1 apologize for this screen. We're trying to get it to
2 work, but it has a remote and we are thinking we need
3 to be right under it. So if someone pops in the
4 middle of the aisle during the next speaker, they're
5 trying to turn the projector off.

6 Our next speakers are -- actually, I'm
7 going to list all the remaining speakers that we have,
8 and if you don't hear your name and you signed up to
9 speak, then please come and see me. I'll be standing
10 over here and we can get you on the list.

11 So our next speakers are Buzz Davies,
12 Hartwell Carson, and then there was someone that
13 signed up, I had a really hard time reading the card.

14 I think it was Debbie Higgins. Okay. So let me go
15 through the names and if you don't hear your name and
16 you signed up, meet me at the table because I couldn't
17 read the card.

18 Buzz Davies, Hartwell Carson, Frances
19 Lamberts and Mary Olson. Alvin, very good. So we
20 have Buzz Davies, Hartwell Carsons, Alvin Higgins,
21 Frances Lamberts and Mary Olson. Again, when you come
22 up to make your comment, please start by introducing
23 yourself by stating your name and any organization
24 that you're with.

25 MR. DAVIES: Good evening. My name is

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1 Buzz Davies and I'm a citizen of Erwin. I'm an old
2 retired nuclear quality engineer. And I'd like to
3 give you some idea about what has been happening with
4 NFS as far as its failures and it kind of goes like --
5 I'm going to read this because I'll screw it up
6 otherwise.

7 In regard to relicensing of NFS, the plant
8 doesn't have 8-inch thick pressure vessels that are
9 constantly being bombarded by high neutron dense flux,
10 nor does it generate megawatts of electricity. It's
11 not a reactor nuclear power plant. This plant is a
12 manufacturing facility primarily for making batch
13 processing of radioactive fuel. In that regard, it
14 does not have system components that have an operating
15 life of 40 years and does not fit the criteria nor
16 does it need to be issued a license for that duration
17 of time.

18 However, as a nuclear fuel processing,
19 reprocessing facility, it does fall into the category
20 of 10 CFR 50, Appendix B, which requires a nuclear
21 quality assurance program equivalent to NQA1 for each
22 and every plant. And cannot legally be issued a
23 license without meeting that requirement.

24 During my previous discussions with the
25 NRC they stated that "NFS is not required to comply

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1 with any nuclear program because it was not included
2 in their licensing requirements." I don't know how
3 you do that.

4 I personally can't rationalize anyone
5 attempting to operate a nuclear plant without having
6 an NQA program in place because part of that QA
7 function is to verify the infrastructure systems of
8 the plant are correctly operational. Several of you
9 made points about the infrastructure not working
10 right. That's QA's job.

11 Okay. That operational order is to
12 mitigate and prevent accidents that affect the health
13 and safety of the public. Gee, where have we heard
14 those words before? Of course, the congressional
15 charter of the NRC requires it to protect the health
16 and safety of the public and guess what, that NQA
17 program is specifically designed to implement that NRC
18 requirement. And it's spelled out in 10 CFR 50 which
19 is the Code of Federal Regulations that NRC is
20 supposed to follow.

21 Indeed, the failure to include the
22 engineering systems cohesion of a formal nuclear
23 quality program is the very fact and is why the
24 nuclear process plant has been infamously named by the
25 National Nuclear Watchdogs as the sieve of the nuclear

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1 industry. You people didn't know that. You haven't
2 gotten out in the news farther than Greeneville, have
3 you? It's named that because of all the spills,
4 effluent releases, and accidents that have occurred
5 there over the duration of its existence.

6 Although I wasn't convinced originally
7 that this nuclear plant had been allowed to operate
8 uncontrolled for decades, intuitively I knew that if
9 that was true, then there really was not any quality
10 program -- I lost it. Was not any quality program it
11 follows that if there's no quality program, there was
12 no statistical process control being used for its
13 batch processing manufacturing operations.

14 This, of course, means that there must be
15 large quantities of rejects being generated. If you
16 don't have process control, then you're going to make
17 a bunch of junk. And it doesn't matter whether it's
18 radioactive or not, it's going to be junk.

19 The Navy is and was on a cost-plus
20 contract without any incentives for process
21 improvements and had to pay for everything that was
22 produced, whether it was usable or not. So it's kind
23 of hard to find records of the submarine scrap fuel.
24 Sure enough, indirectly, I found the submarine scrap
25 fuel records, indirectly. And it was in a 1991 letter

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1 from NRC to NFS requesting an additional 140 barrels
2 for use for mixed radioactive waste. One hundred
3 forty barrels. That's a lot. Before that, there was
4 another 140 barrels and 200 barrels before that and
5 120 barrels, etcetera. I'll leave the total count up
6 for the GAO.

7 But the math kind of goes like this: a
8 fuel pellet, a little bitty fellow weighs about two
9 grams and produces the energy of about three barrels
10 of oil. So using that as a scale, 453 grams per pound
11 divided by 2 gives you 226 pellets per pound and at
12 \$80 a barrel if you watch the stock market, oil times
13 3 is 240 times 226 gives us \$54,240 per pound of fuel.

14 Hey, that's good, right?

15 Well, now if a waste storage barrel can
16 hold about three cubic feet of material, it can easily
17 hold a couple hundred pounds of submarine scrap fuel
18 and that gives you a total cost of over \$1 million per
19 barrel. How many barrels did we say we had? They
20 talked about barrels of scrap. Several people did,
21 right?

22 In case you didn't quite follow those
23 numbers, they have generated hundreds and hundreds and
24 hundreds of barrels of submarine scrap fuel, probably
25 generated enough scrap that if they had done it right,

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1 they could have recharged the whole Navy just from the
2 scrap they created. And that cost for the scrap alone
3 is over a half a billion dollars.

4 Now, since the streets of Erwin aren't
5 exactly paved with gold, I suspect that the lion's
6 share of those monies were returned to the Nuclear
7 Regulatory Commission as lobbyist expenses and
8 consulting fees for all the failure events that have
9 occurred. Senator John Glenn recently initiated an
10 Inspector General investigation of the NRC Region 1,
11 that's not us, and found multiple illegal gratuities
12 had been given to the Yankee Power Plant NRC
13 personnel. I see no difference in Region 2, that's
14 us, and Region 1, except that the bought and paid for
15 levels of the NRC management for Region 2 must go a
16 lot higher than they did for Region 1.

17 The NRC, in summation, has literally
18 failed to include in its licensing requirements a
19 formal quality program for this plant. Having done
20 that, they have performed a horrendously gross service
21 to this plant, to the Navy, to the environmental
22 insult, and of course, to the public, that they give a
23 lip service to. The NRC officials by knowingly,
24 knowingly allowing the situation of non-quality to
25 continue for decades for that infrastructure not to be

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1 controlled and all these spills and whatever to occur,
2 are in this writer's opinion grossly negligent in the
3 performance of the duties of their office. I think
4 they belong in Federal Court, not giving them a
5 license.

6 Because of the previously demonstrated
7 levels of bias and lip service paid to the
8 congressional charter of the Nuclear Regulatory
9 Commission, that is to protect the health and safety
10 of the people, I feel that the NRC is unqualified to
11 make the rational judgments to issue a license for
12 this plant. That's it, kiddies. Read it and weep.

13 (Applause.)

14 MS. SALTER: Thank you, Mr. Davies. Our
15 next speaker, we're going to go Hartwell Carson, then
16 Alvin Higgins, then Frances Lamberts.

17 MR. CARSON: Hey, I'm Hartwell Carson.
18 I'm the French Broad River Keeper with the Western
19 North Carolina Alliance.

20 I've been involved in an independent study
21 of offsite contamination of environmental media in the
22 vicinity of the Nuclear Fuel Services facility. It's
23 being conducted by a research team led by Professor
24 Michael Ketterer from the Department of Chemistry and
25 Biochemistry at Northern Arizona University. This

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1 study is investigating nuclear signatures in water,
2 soil, sediment and biota with emphasis on ascertaining
3 the geographic extent of the contamination.

4 As part of this study, enriched uranium
5 contamination was found in water, sediment, and biota
6 collected from the Nolichucky, Martin Creek, Indian
7 Creek, and the old Nolichucky River channel adjacent
8 to the Erwin linear trail. An apparent entry point
9 for enrich uranium contamination water into the
10 surface waters is through subterraneous discharges
11 from seeps and springs. One such entry point, Waley
12 Springs was directly sampled and analyzed by the
13 researchers. These results indicate that the plume of
14 contaminated groundwater, present under the NFS
15 facility is migrating offsite and is mixing with the
16 hydrosphere, in particular, the Nolichucky River which
17 is used as the drinking water supply for downstream
18 communities.

19 The NFS national pollution discharge
20 elimination outfall at the Nolichucky River has also
21 been directly sampled by the research team. The water
22 from this outfall has been shown to consistently
23 exhibit strong enriched uranium signature. This NPDES
24 outfall is one source contributing to the extensive
25 downstream enriched uranium contamination detected in

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1 the Nolichucky River. The NPDES outfall also contains
2 sludge that was analyzed by the research team. This
3 sludge contains neptunium 237 with a ratio signature
4 that is not explainable by the expected global
5 background from above ground Cold War era nuclear
6 weapons tests.

7 This finding leads to the conclusion that
8 the NPDES outfall is a point source for releases of
9 contamination. Water sediment and biota samples from
10 downstream locations in the Nolichucky River have also
11 been found to exhibit enriched uranium signature,
12 indicating the presence of widely-spread contamination
13 from NFS. Contaminated sediments containing enriched
14 uranium attributable to NFS were detected at Davy
15 Crockett Reservoir, even 25 miles downstream from the
16 facility and at water collected from the reservoir at
17 an additional location several kilometers downstream
18 of Davy Crockett Dam that also exhibited enriched
19 uranium signatures.

20 This work is on-going and it will be
21 submitted as part of our comment process and I
22 strongly encourage the NRC to review and consider its
23 findings. Thank you.

24 (Applause.)

25 MS. SALTER: Thank you, Mr. Carson. We

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1 have Alvin Higgins, Frances Lamberts, and then Mary
2 Olson.

3 MR. HIGGINS: I won't make a comment at
4 this time.

5 MS. SALTER: Transcriber, Alvin Higgins is
6 not going to make a comment this evening, so Frances
7 Lamberts and then we'll have Mary Olson. Please
8 remember to introduce yourself by stating your name
9 and if you're affiliated with an organization, you can
10 indicate that as well.

11 MS. LAMBERTS: I'm Frances Lamberts from
12 Jonesborough. I am a citizen, concerned citizen. I
13 was a -- I'm a retired, formerly retired psychologist.

14 I thank the Commission for holding the public hearing
15 to ascertain citizens' views and concerns on the
16 matters pertaining to this permit. As a citizen, I
17 subscribe to the notion that citizens have both the
18 right and the duty of knowledge about the events that
19 affect their lives and communities and to relate those
20 concerns to appropriate officials in the Government.

21 I am also a citizen whose source water
22 intake is just a short flow distance from where the
23 facility discharges radioactively contaminated waste
24 water. And my household uses regular tap water, as a
25 matter of course. Several times in years past I have

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1 expressed strong concerns about the nature and volume
2 of the effluents from this facility either through
3 groundwater or treated waste water and about failure
4 of the facility to ever attempt to reduce those
5 effluents in accordance with the spirit of the
6 national water laws and our states, namely of TDEC's
7 failure to assure such reductions in successive NPDES
8 permits.

9 I wish to assert up front the verity of
10 radiation effects on human and ecological health
11 confirmed overwhelmingly in medical scientific
12 opinion, namely, radioactivity causes cancer and the
13 more of it you are exposed to, the greater the
14 likelihood that you will fall victim to the disease.

15 Here, just a few and they are general
16 comments. I have not been able and I would like to
17 kind of relate to what has been said by the people who
18 have spoken before to whom I can just only take off my
19 hat and thank them for all the digging they have done.

20 It's just awesome. But the burden on the public is
21 of doing this sort of thing, even of reading this kind
22 of document is just pretty high. I didn't read all
23 the document, all of it, but I was just stunned by the
24 fact in the very introduction that this facility
25 should now all of a sudden apply for a four decade

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1 long permit. That's number one. And secondly, that
2 it appears -- I mean a permit without any precedent
3 and then second, the Commission would simply second
4 this and accept this based on what I think are highly
5 dubious assumptions about impact over a 40-year span
6 from now being the same as those that one might
7 reasonably expect during short-term, regular, 10-year
8 operation.

9 In other words, by just saying 40 years is
10 okay, a static condition is assumed for more than a
11 generation hence, whereas in fact, drastic and almost
12 daily changes with potentially serious consequences
13 are the reality in our life today, significant impact
14 relevant changes and events and trends are happening
15 on a number of fronts.

16 Climate change and its ever more
17 destructive and more frequent natural disasters and I
18 know and this relates to what has been said before
19 these are not these are off the table. Medical
20 science is now documenting in a number of countries
21 high incidents of cancer and other maladies among
22 people and animals through downwind and downstream
23 radiation from nuclear facilities.

24 A computer worm was recently found to
25 infect nuclear plants in Iran such cyber-warfare on

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1 nuclear facilities or terrorist attacks during the
2 long voyages of radioactive materials in transport
3 could have human health and economic consequences
4 disastrous beyond imagination.

5 Serious safety issues such as these which
6 much be considered realistic in the world today and
7 tomorrow cannot be resolved through simply
8 categorically putting them off limits in a permit
9 review application. It seems to me illogical to do
10 so, especially over a future time span of four
11 decades.

12 Now climate change is real and the monster
13 storms it can spawn, monster floods such as in middle
14 Tennessee and other parts of the world, Pakistan this
15 year, wild fires of ferocity and extent not seen in a
16 thousand years as in Russia, who will guarantee that
17 any such will not hit east Tennessee in 40 years to
18 come? Or drought of possibly longer duration and
19 greater severity than we've experienced twice in the
20 last decade? Putting at risk that presumed pollution
21 protection from dilution, who will hold any such at
22 bay for the next half century?

23 And then as reported in a number of
24 scientific journals, global and planetary change, for
25 example, this year, climate change could "flatten

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1 cities through more and more destructive volcanic
2 eruptions and earthquakes." Will then the trucks and
3 the rail cars that ferry radioactive material at least
4 four times, it seems from one of the tables, from this
5 facility to destinations hundreds or thousands of
6 miles away, be assured not to release their contents
7 in earthquake events?

8 The physicist, Marvin Resnikoff, testified
9 to a Congress committee on the dangers from
10 radioactive materials transported and I was just also
11 stunned that seeing this table the extent of the
12 material that is moved out of this facility. Dr.
13 Resnikoff said that in a fire in a Baltimore rail
14 tunnel in 2001, had the CSX cars which were found to
15 have melted like a horseshoe just out of the oven,
16 been carrying radioactive material, especially cesium,
17 it's almost certain release would have quote
18 "contaminated an area of 32 square miles, cost 4,000
19 to 28,000 cancer deaths in the next 50 years, and cost
20 \$13.7 billion to clean up."

21 Perforation of waste casts should a truck
22 carrying this material be attacked using "a common
23 military demolition device would have similar
24 consequences and it's surely easy to see that
25 accidents of this nature would overwhelm any local

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1 response emergency response capacity in most
2 communities."

3 Now if under regulations cited here areas
4 within impact relevance have been allowed to "be
5 categorically disregarded in the past" seems to me
6 this is no longer reasonable or defensible in the age
7 of changing climate disasters and of terror attacks
8 constantly looming somewhere.

9 Narrow interpretation of such rules and
10 the holding as it's settled that very serious
11 accidents could never occur seem to me to be quite out
12 of place in the world today and unacceptable from my
13 perspective as a citizen.

14 Now just briefly along procedural lines,
15 as we have heard so much here, much more than I would
16 have ever had dreamt, the safety culture at any
17 facility dealing in highly dangerous materials is of
18 utmost importance. Now from my understanding of the
19 permit procedures for such facilities, both the
20 relevant environmental issues, the EA or EIS, and the
21 safety issues, namely the Safety Evaluation Report,
22 should be evaluated by Commission staff before a
23 permit or draft permit is issued and should be
24 available to the public. The Safety Evaluation Report
25 is missing, however, and the document states that the

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1 NRC staff will attend to this part of the substantive
2 permit review requirement later.

3 Many safety problems in the operation of
4 the NFS facility have come to light over these years
5 causing a lot of justified concern among the citizenry
6 and the apparent failure of the Commission to perform
7 and make both impact assessments available is
8 therefore much to be regretted.

9 I had said I urge at most a 10-year
10 permit, definitely not 40 years. I think at this
11 point after hearing what I've heard tonight I would
12 agree with the recommendation that a one-year permit
13 and a very thorough review be the follow up from the
14 Agency.

15 Now again, in general terms, as I see the
16 permit matter, the most important issues which the
17 human and American society face today are climate
18 change, homeland security in regard to climate
19 disasters and to terrorism and health issues like the
20 growing cancer epidemic. A wise, former President
21 Theodore Roosevelt used to say over and over again,
22 "As the times change, so do the issues that must be
23 addressed and woe to the generation that fails to do
24 so."

25 If the Commission, as clearly as this

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1 document suggests, dismisses from consideration these
2 critical issues in their relation to risk assessment
3 for the permit which NFS is seeking, I feel that you
4 are failing your obligation to the public.

5 (Applause.)

6 MS. SALTER: Thank you, Ms. Lamberts. We
7 had two other additions to the speaker list so we're
8 going to go to Mary Olson, then Valerie Gruhot, I
9 think I'm saying that right, and then Karen Brackett.

10 MS. OLSON: My name is Mary Olson and
11 before I say anything else, as much as some people
12 feel this community is cursed by the facilities that
13 have contaminated this area so widely, this community
14 is clearly very blessed, very blessed to have as many
15 people speak out tonight and work as hard as they have
16 in the last number of years. I moved to this area in
17 the Year 2000. I was astounded and so proud of the
18 people who turned out when Louisiana Energy Services
19 thought about putting a uranium enrichment facility in
20 this general area. The number of people even within
21 the nuclear establishment who turned out and said no,
22 we have enough already. We have too much already and
23 here tonight I want to take off my hat to Barbara
24 O'Neal and to others who have spoken out so clearly.

25 I work for Nuclear Information and

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1 Resource Service. We're a national organization based
2 in Washington, D.C. I have the great honor and
3 privilege of working, telecommuting from Asheville.
4 I'm a near neighbor. For nine years I lived in Yancey
5 County and that's part of why I turned up when LES was
6 making their proposal, because it's just over the hill
7 from here.

8 People there are sick also. And when you
9 ask them why are they sick, they say because of an
10 accident at the nuclear plant. I never could quite
11 get from them whether they meant like Y-12 and Oak
12 Ridge, did it come over the hill that far or did they
13 mean Erwin? I think they meant all of it. I think
14 we're kind of in a soup here. And so all I can say is
15 I take my hat off to the people in this community who
16 are standing up and working hard and finding the
17 specifics.

18 We will be filing specific comments on
19 this EA, but part of why to come out is to talk to
20 each other, right? And one of the key issues here is
21 the word significant, FONSI, Finding of No Significant
22 Impact. How do we define significant and what does it
23 take?

24 So community, forgive me, I need to talk
25 to the NRC for a minute.

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1 I understand that you people take great
2 pride in your work and I understand that you're hired
3 to do a big and difficult job. But I'd like to
4 personally, as one woman to all of you ask you to look
5 at the 1990 Federal Register notice on the expanded
6 below regulatory concern policy. That's the one and
7 only place that the Nuclear Regulatory Commission
8 actually printed for the public to review the risk
9 estimate from radiation, according to the Agency.

10 Now maybe you get this disclosed in your
11 little notebooks. I don't know. It's the one place
12 that I'm aware that it was published. And amazingly
13 enough, they come out and say that 100 millirems which
14 is kind of a high amount compared to what any reactor
15 says it puts out, but at the time I started this work
16 I was corresponding it to natural background
17 radiation. So you get that every year over 70 years,
18 the Nuclear Regulatory Commission says that that would
19 not result in one in a million deaths. Oh, no. It
20 would not result in 1 in 100,000 like Super Fund. Oh,
21 no. It would not even result in 1 in 10,000 like some
22 of the worst Super Fund cleanups. Oh, no.

23 This 100 millirems a year, which is kind
24 of like the ballpark of what we're all supposed to
25 meet as licensees and I'm kind of like sarcastically

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1 saying "we", but you know -- I'm trying to be big
2 about this. The published statement says that comes
3 out to 3.5 fatal cancers in every 1,000 people
4 exposed. I think I may have been the first person who
5 actually did the math to say that 3.5 in a 1,000 is 1
6 in 286 fatal, one person in every 286 people exposed
7 over their lifetime to 100 millirems is going to get
8 fatal cancer. One in 286 is not significant, okay?
9 It's not significant. It's not even like the 500
10 millirems that they allow a reactor to go up without
11 even telling you. I don't know what they allow NFS to
12 go up to without telling you. But it's probably well
13 over 100 millirems.

14 So you know, we're stuck in this together.

15 But how can you tell people with their children sick,
16 their grandmothers dead, early, their mom dead, early,
17 that it's not significant? And when and how is this
18 Agency going to start taking responsibility for the
19 fact that you're not regulating. You're allowing a
20 bad limit that is so incredibly high that these people
21 have to live with. And I want you to really think
22 about this because this is a federal agency and we're
23 supposedly in a new era of transparency. Be
24 transparent. Stand up and tell everybody that your
25 bad limit is 1 in 286 for a nice perfect, nothing

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1 wrong with it, 100 millirems a year.

2 And then remember that if that is natural
3 background, we're having natural cancer at that rate
4 too. So it's a doubling. And then everything above
5 that is more than doubling. But oh, wait a second,
6 wait a second. I'm being a little over dramatic, but
7 you know, it was not me who said there's no safe dose
8 of radiation. As a matter of fact, the Environmental
9 Protection Agency comes right out and says it in the
10 Safe Drinking Water Act and all kinds of other places
11 where their regulations say it. NRC infers it. The
12 biological effects of ionizing radiation reports from
13 the National Academy of Sciences affirm that there is
14 no safe dose of radiation.

15 And the third report, there are three,
16 actually came out and said women are more susceptible
17 than men. So this 1 in 286 does that refer to women?

18 No. It refers to reference man, who is a man in his
19 -- I had forgotten the parameters, you can look it
20 up. But he's young, he's healthy. He's a DOE average
21 worker from the Cold War era. Okay? So 1 in 286
22 isn't even all of us. It's 1 in 191 women, if you
23 apply the BRC to the NRC linear model which I support,
24 I agree with. And when you get all the way down to
25 unborn children, and you include all health effects

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1 which might not just be cancer, it might be
2 spontaneous abortion. It might be birth defects that
3 are not inheritable. It might be heritable defects.
4 You take them all and that 100 millirems level, if
5 it's delivered to an unborn child, goes up to one in
6 ten. One in ten. And this is not significant.

7 So how the hell is the community ever
8 going to have something that's a significant finding?

9 Unless and until we stand up together, recognize
10 we've made some mistakes, they need to be corrected.
11 We need to be honorable with each other. I heard the
12 call for working together. Yes, we do need to work
13 together because quite frankly the standard man can't
14 reproduce by himself. It just doesn't work. That
15 baby in utero is very valuable to all of us.

16 So that said I'm going to take just a
17 moment longer. I probably have used most of my time,
18 but please go read the BRC statement from 1990. We
19 won on that, by the way. We got Congress four years
20 later to repeal it. But unfortunately, if you read a
21 report that I'm the co-author of called "Out of
22 Control on Purpose," Tennessee is leading the way
23 towards reestablishing the release of radioactive
24 materials through processing and then allowing the
25 process components and wastes to go to ordinary

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1 landfills in this state. And Ms. Overall was correct
2 in saying that there is no place in the United States
3 for most states that have nuclear power plants to send
4 their so-called low-level waste and with the
5 cancellation of Yucca Mountain, we're not really
6 talking about high-level waste with Nuclear Fuel
7 Services or Studsvik, but that's also on the bench.

8 And so every nuclear facility, unless they
9 happen to be in South Carolina, Connecticut, New
10 Jersey, Vermont, Texas, or in the Pacific Northwest,
11 it's sitting on their own waste right now. Or the
12 most diluted stuff they can send to Utah. But these
13 are piles that are growing and one of the pieces that
14 I do in my job is this telecommuting thing for a
15 national organization from Asheville is I'm
16 intervening on the new nuclear power plants. And
17 those new nuclear power plants don't have any place
18 that they're going to be able to send the waste
19 they're going to generate. And so what are they
20 doing? They're making up stories just like this
21 decommissioning story for NFS. And one of their
22 stories has to do with your Studsvik. The entire
23 nation is planning, new reactors is planning to send
24 their waste to Studsvik. So watch out, Erwin, part of
25 why I got in my car and drove up here tonight is the

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1 chance to tell you, listen, this is not -- I work on
2 national waste policy. I'm in Court with Progress
3 Energy right now over these issues. This is real
4 stuff. And Studsvik is taking that Volunteer State
5 thing really seriously here. And there's huge steam
6 generators, enormous components from Canadian reactors
7 that are supposed to be shipped to Sweden to be
8 processed at Studsvik in Sweden. If that doesn't work
9 out, if the people along the way stop that, well,
10 guess what? We're going to have to fight it out in
11 Tennessee.

12 So this doesn't have to do with Nuclear
13 Fuel Services directly, but if you don't have Nuclear
14 Fuel Services, will you still have Studsvik? I think
15 you should ask yourself that question. Because waste
16 that is being generated ain't going anywhere. It is
17 sitting where it is being generated and that applies
18 to both Studsvik and Nuclear Fuel Services and Erwin
19 stands a chance of being the national so-called low-
20 level and we're not saying real low here because we're
21 not talking about any level that is actually
22 meaningful. If 1 in 10 babies is not significant, you
23 know we're not talking about anything meaningful.

24 So have a care. I'm in Asheville. I'm
25 available. That chair over there has my business

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1 cards on it. I take my hat off to the incredibly
2 courageous and valuable advocates that this community
3 has and we stand with you. Thank you.

4 (Applause.)

5 MS. SALTER: Thank you, Ms. Olson. Our
6 next, we have two final speakers, Valerie Gruhot, I
7 hope I'm saying that right, and then Karen Brackett.

8 MS. GRUHOT: Hello, my name is Valerie
9 Gruhot and I get my drinking water through the
10 Nolichucky River and I want to thank you for being
11 here tonight to give all of these people an
12 opportunity to speak. Each person here that is
13 speaking I know represents a lot more people than just
14 who is here.

15 I was going to ask for a show of hands of
16 those that are here that work for Nuclear Fuels, but I
17 figured that might be a little -- that was a little
18 invasive. So for those of you that are in the back of
19 the room, my guess is that's where most of you are.
20 And I want to thank you. Every once in a while I get
21 a little mailing from Nuclear Fuels and it's proud of
22 all of the people that it employs here in Erwin and I
23 often think when I get that in my mailbox, okay, yes,
24 they employ all of these people, how many of them live
25 in Erwin? How many of them live in Unicoi County?

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1 How many of them get their water from the maintenance
2 and reliability?

3 And so it's to you I'm addressing my
4 comment now. You're here probably out of concern and
5 I understand that, but my guess is you're here out of
6 concern for your paycheck. And I understand that.
7 All of us want a paycheck. But what I want you to
8 think about tonight when you put your head down on
9 your pillow, I want you to think of all of these
10 people here, all of the people that live in Erwin,
11 surrounding, that live downstream, 25 miles
12 downstream, that are being affected by this. And I
13 want you to think about that and hopefully if there
14 are things that need to be brought forth, that your
15 conscience will have you bring those forth.

16 Thank you.

17 (Applause.)

18 MS. SALTER: Thank you, Ms. Gruhot. Our
19 final speaker, unless we have anybody else sign up is
20 Karen Brackett.

21 MS. BRACKETT: Well, it's been an
22 interesting year for me. I didn't plan to speak
23 tonight, but I think that I need to because I hear a
24 lot of emotion in the room and I knew as soon as I saw
25 the articles in the Greeneville Sun back to back that

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1 there would be some controversy here tonight.

2 I want to give you a little bit about my
3 background so that you understand that my heart is in
4 the right place here for everybody involved. My great
5 grandfather worked for CSX Railroad which used to be
6 Clinchville. He started out when he was 12 years old
7 as a water boy. Worked his way up to being an
8 engineer. My grandfather worked for Eastman and he
9 worked his way up through the refrigeration
10 department.

11 I have attended ETSU. I have a degree in
12 biology and chemistry and a second degree in
13 communications. One of my research projects, when I
14 was a student at ETSU was for the environment. I was
15 very concerned about the ozone layer at that time and
16 I did research upon on Roan Mountain. And really
17 stood on the shoulders of a lot of scientists who came
18 before me who were studying the effects of acid rain
19 on different things. It just worked out for me that I
20 got to be the one that put that data online and showed
21 a direct result of it. And I was young. I sent
22 reports to Washington, you know, and all the local
23 industry and I left it at that.

24 Twenty years later, well more than 20
25 years later, I look back and I think wow, did I do

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1 enough? Did I say enough? Did I study enough? And I
2 look at our society as a whole. We have scientists, a
3 lot of people in this room, perhaps, I mean we've
4 developed over 80,000 chemicals, all of which play a
5 role in our health and in our environment. And I have
6 researched this thoroughly over the past year. If I
7 could say definitively that all the cancer in Erwin
8 was caused by NFS I would be at the top of mountain
9 over here shouting it for everybody to know. But I
10 cannot say that.

11 And it breaks my heart to hear the stories
12 of the people who have cancer in their family this
13 year because my father, I nearly lost him this year to
14 cancer. He had a tumor removed from his throat and
15 it's a very scary experience. And so if I love
16 science, I want to have a good conscience about it and
17 exercise proper ethics about it.

18 So I think as a society, we have to start
19 looking at not only the global warming issues, but
20 what our new guidelines are as far as the amounts that
21 we allow to release. I can say for NFS that they are
22 operating within the guidelines of the State of
23 Tennessee and I know what those parameters are. And I
24 think studies do need to be done to determine whether
25 we as a state need to change those guidelines of what

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1 we allow.

2 But in no way does that limit that to just
3 NFS. I mean that's for every company that produces a
4 chemical in our state or in our nation. And on top of
5 that nuclear energy is a blessing. And I know it
6 scares a lot of people, but the truth is a lot of what
7 we know was developed here in East Tennessee, back
8 when the Manhattan Project was going on, I mean there
9 were even people at ETSU and Milligan who participated
10 in that. And what really we do hear could potentially
11 be our lifeboat.

12 And I know that seems like we're on the
13 opposite scale and I never thought I would be the one
14 standing up for it, but Chris Tipton talked to me a
15 couple years ago. She had concerns about NFS. And I
16 was a reporter at the time and I did my due diligence
17 and what I felt was to that duty and became an
18 employee of NFS. And not only that, but I have
19 actually made nuclear fuel for the Navy and I know the
20 process. And I know what NFS has done to protect our
21 environment and the things that they have engineered
22 that the other energy companies are now just getting
23 close to.

24 I'm sorry, Alvin, I don't mean to hurt
25 your feelings, but I don't want everyone to leave here

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1 on a witch hunt for a chemist or for science. I don't
2 want people to leave here afraid because we can't be
3 afraid. We have to face what we have done as a
4 society. And we have to embrace all the good things
5 that we have created from that. And we just have to
6 look to tomorrow to make it better.

7 And if those guidelines aren't right, if
8 that research shows they aren't in the guidelines, I
9 want to know that. But the truth is I already suspect
10 just from data that's coming out now about what
11 they're finding in unborn babies and effects on eggs
12 and semen before they're even conceived that we're
13 probably going to have to start moving those for every
14 industry into parts per trillion. And that's just
15 part of the green environment that we're all going to
16 have work for. The good news is it's going to
17 generate jobs. Bad news is we've got an environment
18 that we all created. I mean if you have used weed
19 killer, if you've used an insecticide, if you've used
20 lipstick, you've been a part of this and although very
21 innocently, but please, don't leave here tonight
22 trying to put nails in the coffin of this because of
23 what I know global warming is coming and what I may
24 know, we're going to need nuclear energy and we're
25 going to need every form of energy we can produce, but

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1 especially, we're going to need nuclear energy.

2 Let's be proud of what Tennessee has
3 developed and let's make it stronger and better, but
4 let's not throw it out the door. Thank you.

5 MS. SALTER: Thank you, Ms. Brackett.

6 Well --

7 MS. WALLACK: Excuse me, but I am forced
8 -- I am forced to respond to that.

9 MS. SALTER: No, we're done with the
10 comment period.

11 MS. WALLACK: No, we're not. We're not.

12 MS. SALTER: You had comments.

13 MS. WALLACK: No, she had her opportunity
14 --

15 MS. SALTER: No, everyone had their
16 opportunity --

17 MS. WALLACK: Let the record show --

18 MS. SALTER: Hold on one second. Hold on
19 one second.

20 MS. WALLACK: Let the record show. Let
21 the record show that Karen Brackett is a whistleblower
22 from NFS. She --

23 MS. SALTER: We're not going to do --
24 we're not going to call people names. This is a time
25 for comment to the NRC. Do you have a comment about

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1 the --

2 MS. WALLACK: Yes, I do.

3 MS. SALTER: The Draft EA, but you already
4 made your comment. We're not hiding anything. Okay,
5 is the comment for the NRC?

6 MS. WALLACK: Yes.

7 MS. SALTER: Okay.

8 MS. WALLACK: Ms. Brackett just commented
9 on what a wonderful, safe place NFS is, when the fact
10 is she worked there. She was a whistleblower and it
11 is in writing. She did interviews, television
12 interviews. Her words to the public were on September
13 24, 2009, she claimed, addressed the NRC at a public
14 meeting held in Erwin. During a license performance
15 review of NFS, you posed a question about a human
16 performance training program review, I'm sorry --

17 MS. SALTER: This should be a comment on
18 the Draft EA.

19 MS. WALLACK: This is a comment about the
20 draft. Because this applies to the draft. She just
21 claimed safety. This is about safety.

22 MS. SALTER: Okay.

23 MS. WALLACK: That question about human
24 performance that she participated in, she stated that
25 the program inspired her to report safety issues and

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1 when she did she was fired. And not only that, her
2 dog and cat had been shot through her back porch
3 window. Her statement continued that she had reported
4 these events to the Tennessee Bureau of Investigation,
5 the Federal Bureau of Investigation, and the
6 Department of Energy.

7 She maintains these statements with news
8 media interviews whereby she was claimed she was fired
9 for being a whistleblower. You may reference WSMV,
10 February 3, 2010; WJHL, February 29, 2010.

11 She openly admitted that it was necessary
12 for her to contact the TBI, the FBI, and the NRC to
13 share her many concerns about the lack of safety for
14 employees in radioactive material control while
15 employed at NFS. According to her interview with WJHL
16 she states, "It's terrifying, really terrifying." And
17 Karen, I don't think you would deny that. "I was
18 scared to death. Ms. Brackett opened her official
19 whistleblowing case through OSHA in February 2010."

20 She also stated "It was just crazy the
21 things that go on there because they're so afraid of
22 losing their jobs. It's so bad it's beyond words. I
23 was afraid of handles falling off hinges. When I
24 asked a senior operator why the problem had not been
25 reported, he just said you could lose your job.

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1 People lose their jobs for reporting less than that."

2 That's fine, that's fine. I know nobody
3 wants to hear this. But this is the truth.

4 MS. SALTER: Okay.

5 MS. WALLACK: She said it. She said this.
6 She made these --

7 MS. SALTER: Okay, thank you. The public
8 comment period is for you to make comments to the NRC
9 and to protect everyone here we can't get into a
10 private or personal attack, a personal attack on
11 another individual, because it is a public comment
12 meeting for comments on the Draft EA to the NRC.

13 Now you said it was relevant so I did give
14 you a chance to do that, and in this particular forum,
15 we are talking about the draft environmental
16 assessment and the finding of no significant impact.
17 So we're not talking about the safety, but I did, in
18 all fairness, I did give you an opportunity. We're
19 not going to get into a debate. This isn't a debate.

20 It's an opportunity for you to provide comment to the
21 NRC on the Draft EA and the Draft FONSI.

22 Everyone has an opportunity to comment.
23 We don't screen comments, so any member of the public
24 comes and signs up which she did, so we give everyone
25 an opportunity and I know there were people here that

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1 made direct comments on the Draft EA and FONSI and
2 there were others who didn't, not only Ms. Brackett.
3 So you know, that is the way public comment meetings
4 go and we understand that at the NRC. But in all
5 fairness, we don't want anyone to be personally
6 attacked and so that's why we intervened when you came
7 up. But in all fairness, you said it was relevant to
8 this and we did give you an opportunity to make that
9 comment.

10 So but there is an opportunity for you to
11 comment on the public meeting process and that is
12 through the public meeting feedback from which are
13 located out on the registration desk. So if you don't
14 like the way something went this evening, please take
15 a form and fill it out and you can either leave it
16 here or drop it in the mail to the NRC. Or even if
17 you did like something, let us know. We do want to
18 continue to improve the public meeting process that we
19 have. It's an important part.

20 We thank all of you for coming out this
21 evening. We don't have any other individuals who have
22 signed up to speak, so with that I am going to turn
23 the meeting over to Dave Skeen and Dave is the Acting
24 Deputy Director of the Division of Waste Management
25 Environmental Protection in the Office of Federal and

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1 State Materials and Environmental Management Programs.

2 And he's going to just have a few closing remarks and
3 then we'll close the meeting. Thank you.

4 MR. SKEEN: Well, thanks for that. I want
5 to say I've been to a lot of public meetings. We do a
6 lot for license renewal, for a lot of different things
7 that the NRC does and I'm always amazed at the level
8 of comments that we get from folks, especially the
9 local population around some of the facilities that we
10 have.

11 I think we got some good commentary
12 tonight. I particularly like the ones when they're
13 very specific to the environmental assessment and
14 you're calling out this page and that page and this
15 section. That helps us. And I want to make sure
16 everyone understands, an applicant for a license or a
17 license renewal can come to us and ask us for
18 whatever, 10 year, 20 year, 40 year license. That
19 doesn't mean we approve that. That means they think
20 they can operate their plant that long and it's up to
21 us to look at the information and determine if that's
22 the case or not.

23 And so we're in the middle of that process
24 right now. And as far as the environmental assessment
25 piece goes, we put up the draft out there, based on

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1 information that we got and comments that we had up to
2 this point and the whole point of doing that is to let
3 folks have another look at it and then come and tell
4 us in meetings like this or in written comments or
5 other venues, you have until like we said until
6 November to put anything in writing that you want to
7 put down. And anything you said here tonight has been
8 transcribed, so we have those comments as well as any
9 written comments that you gave us.

10 The staff will go back and look at that
11 and I heard several comments about this is out of
12 scope and that's out of scope. It may be true that
13 some of the comments we get are out of scope for the
14 environmental assessment piece of the licensing
15 review, but there's more to the licensing review than
16 that. So all of your comments, whether they're within
17 scope of the environmental assessment or not go into
18 our data here that we're going to take back and it
19 gets parsed out to the right folks back at the NRC to
20 review for the sections that they're looking at.

21 So I don't want you to feel that the
22 comments you gave us that you may have heard a lot of
23 people say well, it was out of scope so you don't
24 care, that's not true. We care about all the comments
25 we get and we will review all the comments we get and

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1 that will help us make a good decision on this.

2 So with that, I appreciate it. It was a
3 great turnout. I see a lot of folks here and like I
4 said, I've been to several public meetings and I think
5 overall the crowd did well. Everybody kept their
6 comments to a reasonable amount of time and we really
7 are trying to make the best decision we can. And we
8 make our best decision when we get the best
9 information we can get. So certainly, if River Keeper
10 is doing a study and they want to provide that to the
11 NRC, we would certainly look at that. We would be
12 glad to look at that.

13 Any of these other studies or information
14 that you have, the NRC makes a better decision when we
15 have all the information, so please, if you have
16 information, that's why we're here. We want comments
17 and we want the information that you can provide us.
18 So with that I thank everybody for coming out. I know
19 there was talk of possible tornadoes tonight, but we
20 still had a strong turnout anyway, so that shows how
21 much you folks care about what's going on down here
22 and it speaks well of the City of Erwin and this area
23 of the state. So again, I appreciate you coming out
24 and we'll be around for a little while. If people
25 want to talk, we had the room until about 9 o'clock,

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1 so we'll be tearing down and doing things here to get
2 ready to go, but we'll be glad to stick around and
3 talk to you individually, if you want to.

4 So with that, I'd like to say good night.

5 I appreciate the staff and the security we had from
6 the police department here, our court reporter, as
7 well as our sound technician there. And I can't get
8 away without thanking Tarsha Moon out front. Tarsha
9 set all this up and did all the logistics for us. So
10 with that, thanks a lot. We appreciate it and good
11 night.

12 (Whereupon, at 8:30 p.m., the public
13 meeting was concluded.)
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