

## NFSDEACEm Resource

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**From:** McLaughlin, Jonathan [jmclaughlin@nrdc.org]  
**Sent:** Tuesday, November 09, 2010 10:50 AM  
**To:** NuclearFuel\_DraftEA Resource  
**Cc:** Cochran, Tom; Fettus, Geoffrey  
**Subject:** Docket ID NRC-2009-0435  
**Attachments:** NRDCextensionreq9Nov2010.PDF

Dear Sir or Madam:

Please find the attached document:

**NSF-Erwin Facility; Docket No. 70-143; License SMN-124  
Comments on the Draft Environmental Assessment (Draft EA)**

Thank you.

Best regards,

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**From:** McLaughlin, Jonathan

**Created By:** jmclaughlin@nrdc.org

**Recipients:**

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Tracking Status: None

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Tracking Status: None

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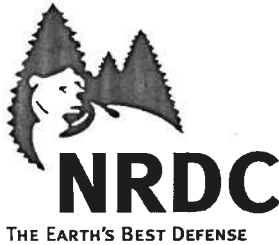
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Email: [NuclearFuel\\_DraftEA@nrc.gov](mailto:NuclearFuel_DraftEA@nrc.gov)

**Subject: NSF-Erwin Facility; Docket No. 70-143; License SMN-124  
Comments on the Draft Environmental Assessment (Draft EA)**

Dear Sir or Madam:

Representing the combined membership of millions of concerned citizens across the United States, the Natural Resources Defense Council (NRDC) writes today to respectfully request that the Nuclear Regulatory Commission (NRC) significantly extend the deadline for public comment on Draft Environmental Assessment (Draft EA) that accompanies the proposed renewal of License No. SNM-124 for Nuclear Fuel Services, Inc. 75 Fed. Reg. 199 (October 15, 2010). An extension of time is necessary for the following reasons.

First, the Draft EA is a document that will allow green light a major federal action that will have a significant impact on the environment and affected communities for the next several decades. We believe that an Environmental Impact Statement (EIS) is required for the review of this license application. Reliance on an EA and a Finding of No Significant Impact (FONSI) is unlawful under the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. §4321).

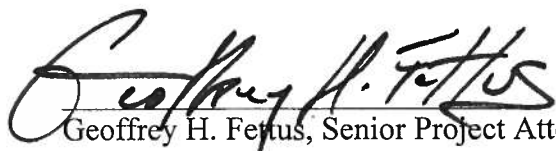
Second, combining what amounts to a cursory review of the environmental impacts of the facility with the unprecedented decision to license this facility for the next four decades demands a significantly higher level of scrutiny. For example, the Draft EA fails to afford the relevant federal and State agencies (e.g., DOE, NNSA, DHS, DOD, US Navy and EPA, DOI, US Army Corps of Engineers, US Geological Survey, US Fish and Wildlife Service, Tennessee Department of Environmental Conservation) opportunity to comment. The NRC cannot adequately foresee some of the potential environmental impacts associated with this facility beyond about 10 years. And more important, the EA excludes

areas that can impact the quality of the human environment and that are necessary to be covered in order to form the basis for an adequate environmental review. These matters include, but are not limited to physical security, nuclear material control and accounting, criticality safety controls and risks, probability of equipment failures, seismic risk analysis, safety culture, terrorism, the potential to construct improvised explosive devices on site, the history of license violations, NRC, other federal agency and state agency enforcement actions, and emergency plans, including response to fires and evacuation plans. The EA does not provide complete discussion or adequate data that are necessary to form the basis for an adequate environmental review by the federal and state agencies and the public. Other issues that must be addressed and that NRDC needs more time to analyze include the need for the facility, and whether the US Navy should be planning to phase out the use of HEU to fuel naval propulsion reactors; the amount of HEU used annually; the amount of HEU stored on site routinely; the chemical and physical form of the HEU stores and used on site; and detailed meteorological data (e.g., wind rose data giving the frequency of wind speed and direction at appropriate elevations). It is also unclear at this point if we (or others) might need access to sensitive unclassified non-safeguards information. We cannot make such a decision without adequate time to review the Draft EA. All of these details need to be spelled out and the brief period provided for comment on the cursory Draft EA is inadequate.

A thorough response cannot be accomplished by November 13, 2010 deadline and we suggest at least a 60-day extension of time from the current deadline.

Please do not hesitate to contact me if you have questions or concerns. Thank you for your attention and consideration of this matter.

Sincerely,



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