

## NFSDEACEm Resource

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The attached document represents my public comments referencing the renewal of U.S. Nuclear Regulatory Commission License No. SNM-124 for Nuclear Fuel Services, Erwin, Tennessee. Docket No. 70-143. These comments address the Draft Environmental Assessment of October 2010.

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Greeneville, Tennessee

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**Draft Environmental Assessment**

**For The Renewal OF U.S. Nuclear Regulatory Commission**

**License No. SNM-124 For Nuclear Fuel Services, Inc.**

**Docket No. 70-143**

**I have read the draft of the Environmental Assessment and challenge its contents based on one simple fact:**

**The draft EA is comprised primarily of information provided by the licensee. In June 2010, the Safety Culture Board of Advisors outlined and documented:**

**On Page 147..."Signing that an action was complete when it was not are examples of FALSIFICATION AND/OR FRAUDULENT BEHAVIOR THAT ARE UNACCEPTABLE AT NFS."**

**Within this same report, another example of falsification is documented: Page 89: FIRE DAMPERS HAD NOT BEEN INSPECTED SINCE 2003 AND INACCURATE INFORMATION WAS GIVEN TO NRC.**

**Is such an action not considered that of intensive fraudulent behavior on a matter that appears intensely critical? Does the performance of such, fire dampers, not fall into a category of critical concern? Does the NRC not consider fire dampers as an area critical to safety? Such an "item relied on for safety" no longer requires inspection by the licensee in their opinion and the discovery of falsification was handled by the NRC in what manner? Does such documentation represent a criminal action? Signing that an action is complete when it is not is considered "safe" in the eyes of the regulators?**

**Continuing on Page 4-14, 4.11,of the EA, **Public & Occupational Health**: NRC staff concludes that the impact to occupational health from non-radiological operations at NFS would be small. In contrast, the SCUBA report reads, **Page76, The injury rate for the site does not compare favorably with the industry and****

**any emphasis to improve the situation has been limited and not a priority.** Does the NRC not consider this finding to be significant and fall into the goal of their mission? Does the regulator not demand the licensee to ensure safety AND production? How does the NRC view this particular conclusion provided by SCUBA?

These, along with other contradictory claims preface the contents of the draft EA in my opinion and based on this finding, I personally must question the integrity and accuracies of the Draft EA. If this EA contains discrepancies when compared to the two SCUBA reports, it represents further investigation is warranted by the NRC and any other agencies applicable to regulations. If the SCUBA I & II were necessary based on the past non-compliance and the purpose was to assist in improvements, why has no action been taken to address each and every facet of these reports? Based on these reports, how is it feasible the NRC could consider a forty year license renewal?

How is the public to trust the information provided to the NRC based on documented “falsification of records”? Since all the monitoring reports for discharges/effluents are relied on by the licensee, and the issue of “falsification of records” being prevalent, how does an individual find trust in the licensee’s reports in its entirety?

This draft EA is designed by the licensee. This fact, coupled with the above proof of falsification of records, would seem enough for the NRC to step up to the plate and question the integrity of the draft EA.

The NRC cannot, without guilt and shame, suggest to current interested parties to refer to past environmental review documents; to limit redundancy on issues that have previously been reviewed and contain more detailed descriptions of those aspects of analysis that remain unchanged. It **is** worthwhile to those interested parties to have immediate disclosure of past analysis and “spare” the public the frustration for those that do not have access to such information. **I consider this to be another action of burden on the public.** Those detailed descriptions/analysis should accompany and/or be part of the existing Draft EA as

they are entirely relevant. It is the understanding that there are guidelines and regulations that the NRC not waste paper on the process of reprinting these documents being referenced. This 40 year license renewal request is unprecedented in this particular industry and one would think the NRC would make exception to such a regulation based on the sensitivity and critical nature of such a request. If approved, such action would carry their operations for **a total of 93 years**. There's no restarting of the clock as the NRC claims. Such an action of omitting past review documents suggests to me that there might well be discrepancies when compared with the existing draft EA and the SCUBA findings.

The reason for not including the pertinent document is labeled: **redundancy**. Certainly, **redundancy** is most prevalent throughout the draft EA and I'd like to address only a few.

**“Planned, Estimates, Potential, Believes...and of course, small, small, small impact.”** Such a request as that presented by the licensee for forty more years is most critical and it is a known fact that such consideration is unprecedented in this particular industry in this part of the world. An EA should be precise and specific and such terms are used, in my opinion, in a reckless and careless manner.

**For example:**

**The draft EA references Plans/Planning:** And it is simply that; it's **talking the talk, yet the walk remains to be seen**. This industrial posturing and intent of future plans and promises is historically a consistent characteristic of NFS.

Next: **Estimates**, ie: Page 4-15of the EA: Routine air monitoring is **NOT CURRENTLY PERFORMED** for non-radiological criteria and hazardous air **POLLUTANTS**. Table 2-1 Indicates that **NFS ESTIMATES OF POLLUTANTS TO THE AMBIENT AIR ARE IN COMPLIANCE.....ESTIMATES**...Since when is the public protected and **SINCE WHEN** is an **ESTIMATE** considered safe? This is significantly unacceptable to the Safety of the Public.

The licensee, NFS publicly admits one of the effluents being discharged into the Nolichucky River is high enriched uranium. When it leaves the facility, NRC claims possession and responsibility until it leaves the outfall or pipe. Is it the NRC's position that once this contaminant marries into the river, they no longer have to think about the impacts? Legally, does the NRC not have a mission statement that addresses its goal and is it being met as it relates to this discharge?

The NRC has outlined that the licensee, NFS, may discharge daily and may exceed their limits on any given day, however, cannot exceed their annual limits. Why would the NRC not regulate the licensee to monitor, record and meet "daily"? Does the NRC leave this contaminant to be dealt with by the Tennessee Department of Environment & Conservation?

What is the process to remove high enriched uranium from the drinking water? What agency is willing to answer this question for the communities of Jonesboro and Greeneville? If they blend the water, what is that process? If they don't remove the high enriched uranium, is the public left to determine what the health impacts are when they've been consuming the water for fifty years?

In a report dated May 18, 2007 from the Agency for Toxic Substances and Disease Registry, it was stated on page 79, "The exchange of information between ATSDR and the EPA operates smoothly through the work of the ATSDR regional representatives who are headquartered in the EPA offices. The sharing of information among other federal or state agencies; however, does not occur as smoothly.

Why aren't the responsible agencies working together to provide adequate and scientific responses to the public's concern on this matter? Why does one agency merely point to the other?

Within this same report, on page 80, "All radiation monitoring is under the auspices of the State of Tennessee and the Nuclear Regulatory Commission. As discussed in the public health assessment, ATSDR CANNOT COMMENT ON THE

RADIATION ISSUES UNLESS THE SITE IS PLACED ON THE NATIONAL PRIORITY LIST (SUPERFUND).”

If the radiation monitoring is under the auspice of your agency, the NRC, why is it that the licensee, NFS, is allowed to collect and document their own sampling/monitoring and this information is relied on by the regulator? When is the last time the NRC made its way down to the outfall pipe and collected its own samples of water for monitoring?

**Do the terms ESTIMATES(noun) & ESTIMATES(verb)** equal a convenient way to not answer the question? To me, it indicates uncertainty, which in this case, is unacceptable and requires specific amounts. Is the public required to accept estimates as factual?

**Believes:** ie: Page 2-5: **NFS BELIEVES**...Elevated levels for nitrate/nitrite as nitrogen and total recoverable magnesium levels in the storm water are consistent with naturally occurring background levels in surface water and groundwater in the vicinity of the site, while the contributor for the elevated total recoverable aluminum **is not known**(NFS, 2003). **NO FURTHER CORRESPONDENCE BETWEEN NFS & TDEC CONCERNING RESOLUTION OF THIS ISSUE HAS BEEN IDENTIFIED.** So, since NFS **believes** it is naturally occurring background levels and it is not known...well, again, here we are in the **world of beliefs** on a matter that is highly significant.

The industrial neighbor, Impact Plastics was awarded a settlement for property contamination, right?

**BELIEVES:** ie: Page 3-13: NFS has conducted past site development activities (e.g., enlarging a culvert through which Martin Creek passes, rerouting and rechanneling Martin Creek) that it **BELIEVES** HAS SUFFICIENTLY ALTERED THE TOPOGRAPHY SO THAT THE SITE WOULD BE PROTECTED FROM A 100-YEAR FLOOD (NFS, 2009b). A critical area for “**believe**” to be applied.

The term “**believes**” appears to relieve the facility of any further research? Is the term “**believes**” considered factual? **DOES THE TERM “BELIEVES” REPRESENT A FINAL CONCLUSION?** Unacceptable.

**SMALL...SMALL...SMALL...IMPACTS...BASED ON THE CONVENIENT SYSTEM IN PLACE USING THE TERM “BELIEVES”, is this indicative that critical findings hold this same reasoning?**

On Page 2-11: **REPLACE THE MAIN PROCESS VENTILATION STACK:** What current & existing conditions require this stack to be replaced?

How many other nuclear facilities in the United States have two NRC resident inspectors on site?

Seismicity: Whose standards were used and who determined? Were there any retrofits to the facility?

The appendix page: Flora and Fauna In The Region Around Nuclear **Field** Services: Is this a typographical error? What “scientific” consultants participated in these studies applicable specifically to the licensee’s region if not accurately listed to Nuclear Fuel vs. Nuclear “Field”?

**Public Contamination:** The industrial neighbor, Impact Plastics was awarded a settlement for property contamination. In regards to the infamous plume; does the NRC have its own facts and scientific data to ensure this plume is confined? What role did the NRC play in the responsibility of possession/regulating in this lawsuit?

**Table/Chart:**

On page 2-8 of the Draft EA, Table 2-5. Radionuclides in Effluents at the NFS Site. The word “at” should be clarified as this term implies these effluents are permanent residents of NFS and are confined. These effluents “discharged by and at” should be considered to replace “at” for a better instrument of clarification.

**Another significant issue I find questionable is on page 1-5, 1.5.3, “Issues Outside the Scope of the EA”.** There is great confusion and such exclusion finds me totally perplexed as to what this action is based on and is this action legal? Is this an example of segmentation? One is left to question, is it coincidence that those issues determined to be “outside the scope of the EA” are related to specific areas that reveal non-compliance and long standing NFS cultural deficiencies?

In addition, the existing draft EA is incomplete as once again, there appears a large degree of segmentation as the **Safety Evaluation Report** is not included. This segmentation takes me back to the manner in which the BLEU license request was presented as segmentation of licenses appeared in the forefront.

The abundance of safety and performance violations, many years of non-compliance, an estimated 250 plus page binder was presented to Mr. Habighorst at the NRC hearing on October 26, 2010. This history is indeed relevant to this 40 year license request as it reflects the historical non-compliance. I would suggest the NRC compare the contents of this binder to the two SCUBA reports and see the reality of the lack of improvement over the years. In doing so, the NRC might discover the inadequacies of its own performance in fulfilling its mission statement.

And only a stone’s throw away, the Nolichucky River, an ancient river that is now the recipient of toxic and radiological contaminants. The draft EA outlines twenty two different radioactive toxins that appear at liberty to reach both our air and water.

Over the years, I have personally observed the ongoing process at NFS as positions of the president and other upper management personnel come and go, frequently. Restructuring and reorganizing transpires, but if the infrastructure of the facility is not stable and in tip-top shape, there is no change. The infamous “band-aid approach” used by the protectors, the NRC, remains applicable and acceptable by the regulators.

Each new leader/manager will implement “his” change, “his” improvements and he will claim victory as “he” addresses his public; to comfort and convince them that it’s a new day and there’s little to be concerned about, especially those contaminants, claiming they are within the limits of their permits. How does one measure contamination? If it’s contaminated, it’s contaminated. Just ask their neighbor. I am not comfortable that the contamination that exist on the property of an industrial neighbor remains stable and is not migrating. In fact, what does the NRC present to the public that proves this contamination is not finding its way into the Nolichucky River?

**Decommissioning** ...now, in a year, in ten years or forty...how can the licensee claim there are monies reserved for such when there is no decommissioning plan? It seems a simple fact that a plan provides and outlines required equipment, labor, etc which equal a budget. Where’s the plan? Impacts of decommissioning are referenced throughout the draft EA; shouldn’t a plan be in place? Throughout the Draft EA, the alternative of decommissioning is referenced. How can the licensee and/or the NRC legally use such an alternative when such a plan is not even in place? This area of the draft EA is highly questionable, and even suggests legal repercussions. Fifty three years of not having such a decommissioning plan in place raises enough questions but to proceed and present to the public a FONSI, with the knowledge there is no such plan in place is unfathomable.

In closing, I would like to stress the fact that, past history is entirely relevant to the license request as:

**The footsteps of the past always fall on the heels of the present.**

**Please provide a “quality and accurate, scientifically supported Draft Environmental Assessment” to include a decommissioning plan and Safety Evaluation Report, for public comment. At most, only one year of renewal should be considered until all matters are resolved and this facility proves itself compliant without violations.**

