



## International Isotopes Inc.

December 17, 2010

Dr. Asimios Malliakos  
U.S. Nuclear Regulatory Commission  
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Subject: Clarification Regarding Comments Received During the Environmental Impact Statement Scoping Process for the Proposed International Isotopes Fluorine Extraction Process and Depleted Uranium De-Conversion Plant.

Dear Dr. Malliakos,

First I would like to express my appreciation for the work that you and your team has conducted during the course of the Environmental Scoping process. I believe the NRC's Environmental Scoping Process has been comprehensive and that the July 29, 2010 public meeting was well organized and provided members of the public with a clear description of the Fluorine Extraction Process and Depleted Uranium De-conversion Plant and the NRC's role in the licensing process.

However after reading the Scoping Summary Report I felt that Section 2.0 *Issues Raised During the Scoping Process* was quite misleading. For example in the second paragraph of Section 2.1 it is reported that 10 individuals offered specific oral comments to the proposed facility. In the sentence that follows it is reported that 28 written comments were received by various individuals. A reader of the Summary Report would likely assume that the written comments were submitted by 28 individuals. I was able to locate 25 of the 28 written comments received during the scoping process in the NRC's ADAMS database. Of the 25 comments in ADAMS, 24 were submitted by a single individual, Mr. Phillip Barr. Of the comments submitted by Mr. Barr 13 were in regards to seismic activity, four were in regards to the Ogallala aquifer and §61.50 suitability requirements, four were in regards to high winds and sand storms, two were in regards to a transportation corridor and one comment was in regards to the Lea County water supply. While there is nothing that prevents a person from submitting multiple comment, the issue I have with Mr. Barr's comments is that the majority of them are duplicates. In fact the four comments submitted pertaining to the Ogallala aquifer happened to be the same email submitted four separate times. The same is true regarding the four comments submitted on wind and the two comments regarding the transportation route. Of the 13 seismic comments, one email was submitted four times, a second email was submitted three times, a third email was submitted two

times and a fourth email was submitted three times followed by a fourth email containing a slight revision to the text. I do recognize that the NRC has no way of preventing an individual from submitting public comments as if they were voting for their next American Idol, but I do believe the NRC can and has a responsibility to tally comments accurately and record them in an unbiased report.

Similar clarity is needed in Sections 2.2.4, 2.2.5, 2.2.6, 2.2.7 and 2.2.8. All of these sections begin with the phrase "one commenter". Without further distinction it is unclear if the phrase "one commenter" is used to indicate the same individual has commented in each topic or if one commenter provided comment(s) for each topic. Only after reviewing the comments available in the public record is it apparent that the "one commenter" referenced in each section is indeed a single person, Mr. Barr. Mr. Barr can also take credit as being the "one commenter" expressing opposition to the project in Section 2.2.1 and as being the "one commenter" that suggests the disposal path is unsafe in Section 2.2.3.

This lack of clarification in the Summary Report makes it appear that there are several individuals opposed to the project for a multitude of reasons, when in fact Mr. Barr has submitted at least 24 comments covering only four topics made up from a few comments submitted repeatedly. By omitting this fact from the Summary Report it appears that the majority of people providing comments during the scoping process submitted comments opposing the proposed project. This presumption is an inaccurate representation of the overwhelming acceptance of the proposed project by the local community and their elected officials and undermines the dedication and hard work the citizens of Lea County accomplished, which ultimately resulted in our decision to select Hobbs, New Mexico as the location of the facility.

I believe it is appropriate to distribute a revised Scoping Summary Report that provides clarification in Section 2.1 in regards to the number of individuals that had provided written comments and the topics that these comments covered. Clarification in Section 2.1 would enable a reader of the report to better understand the context of Sections 2.2.1 through 2.2.8. In addition, future reports and correspondence intended to summarize public comments and acceptance or opposition to the proposed project should be written in an unbiased and transparent manner.

Sincerely



John J. Miller, CHP  
Radiation Safety Officer  
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