

**From:** [Sue Kelley](#)  
**To:** [Docket, Hearing](#); [Paul Bollwerk](#); [William Froehlich](#); [Sue Abreu](#)  
**Subject:** [External\_Sender] RE: Proposed License Amendment Request, Nuclear Fuel Services, Docket No. 70-143  
**Date:** Monday, January 23, 2023 1:52:49 AM

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Hon. Paul Bollwerk, Hon. William Froehlich, Hon. Sue Abreau, Judges  
Atomic Safety and Licensing Board  
Rockville, MD

Via email only

to [hearing.docket@nrc.gov](mailto:hearing.docket@nrc.gov), [paul.bollwerk@nrc.gov](mailto:paul.bollwerk@nrc.gov), [william.froehlich@nrc.gov](mailto:william.froehlich@nrc.gov), [sue.abreu@nrc.gov](mailto:sue.abreu@nrc.gov)

Honorable ASLB Judges:

I am writing to object to the Board's failure to provide clear instructions as to how non-parties to this license amendment proceeding are allowed to provide comments to the Board. The August 31, 2022 Federal Register notice referred non-parties to an ADAMS document which was not hyperlinked, and the notice contained zero explanation that persons would be allowed to provide public comments to the Board at the time of the December 12, 2022 hearing.

NRC regulations at 10 CFR § 2.315(a) state, "A person who is not a party . . . may, in the discretion of the presiding officer, be permitted to make a limited appearance by making an oral or written statement of his or her position on the issues at any session of the hearing or any prehearing conference within the limits and on the conditions fixed by the presiding officer." This was not done with regard to the Nuclear Fuel Services pre-hearing on December 12. I thus object and request that the Board place my below comments into the record of this proceeding and be deemed properly submitted pursuant to 10 CFR § 2.315(a).

I was here 'before' Davison Chemical Company and 'before' NFS. As a citizen of Erwin, TN with family and friends living in Erwin, I'm astounded the NRC would even think about using NFS to try to do yet another 'new' process at this plant, especially NFS's newest 'ask for' in helping to make nuclear bombs. This is against my religion, and I do NOT want my tax dollars paying for ANY nuclear bombs, much less in my own backyard! What are they thinking??? NFS has a plate-full of projects ongoing now which includes nuclear navy fuel, the CD line, the 'Reliable Fuel Supply program', and their other 'outside private' processes. BTW, has NFS finished with Uranium One yet? I and others know about NFS working with Uranium One. NFS received Uranium One from Westinghouse in Sumner, South Carolina a few years ago. What I don't know is if they're still involved with its up/downblending/processing of uranium one or if they've finished with that project.

NFS has a very long, sordid history of spills, fires, releases, explosions, leaks and other safety issues. They are ALL documented with their dates & sources being NFS, the NRC, Congressional Records, and the press. As a previous member of ECAN, I know this to be a fact. There are literally hundreds of chronological timelines on NFS from the time of their 1st AEC report, which was 'not' good, up to retired General Joe Henry being sent in to 'clean up' NFS and set them on the 'straight & narrow'. Gen. Henry's mission failed. NFS has the reputation of being "the most dangerous plant the NRC licenses", and with good reason...they are. (Personally I would love to know how retired general Henry started out at NFS, ended up

as president of BWXT, retired from BWXT with a one million 'golden parachute', then received emails from the disgraced traitor general Michael Flynn who had just returned from the Middle East with retired General Hewitt from the NEI). But, back to NFS.

NFS was 'never' meant to be a nuclear facility and was not built to be one. It started out as Davison Chemical Plant, then 're-built' using Fernald's plans. Most of the equipment & process designs were copied from similar operations at the Atomic Energy Commission's (AEC) feed material processing plant in Fernald, Ohio. Source: AEC Report #1 on NFS, 1954. NFS is 65 years old and has had nothing but problems. Anything you can think of has happened at NFS. The thing is, it's STILL happening. I'm aware of what the NRC says & puts into their LPR's, but the NRC does not read their own reports. ECAN and others do!

As a housewife and mother I saw NFS accidents on the news regularly but paid no attention to them because the NRC said everything was fine...no harm done. How naive I was! It took the accident on June 6, 2006 that came close to causing 2 criticalities & a nuclear chain reaction outside of a nuclear reactor to get me involved, and involved I've stayed. That accident was kept secret from the public for over 1 & 1/2 years by the NRC 'before' it was reported to congress. By that time the NRC had passed 28 new license amendments for NFS, including one Confirmatory Order. It was a violation of our rights. We asked for a hearing but were denied. As a result, ECAN was formed. After all, someone 'had' to keep an eye on NFS for the safety of the workers, the public and the environment. It was plain for the world to see that the NRC didn't. As a result of this serious accident (Category II), NFS chose to have Alternate Dispute Resolution (another 1st), with an independent safety assessment. That team was named SCUBA. The SCUBA Report found a mountain of things wrong. NFS was to have a follow-up in a year with metrics to be met. The 2nd SCUBA Report was worse than the 1st. It said it would take 35 "man years" to get NFS to where they would be safe. That was in 2008-2009. NFS's 35 'man-years' are still ongoing. I am unable to find any more information about the SCUBA Report, but I know NFS didn't keep their word about the '35 man-years.'

Erwin is a small town with a population of 6,000 people, including homes, schools, 3 nursing homes, & small businesses. NFS is not the only nuclear plant in Erwin. Studsvik is a nuclear plant situated on the NFS site with a lead wall built between them. It uses THOR technology. NFS owns 10% of Studsvik. NFS is a stone's throw away from homes. Our hospital only has 7-20 beds. NFS is located inside Industrial Park, which means exactly that...industry surrounds them. Erwin has karst topography, which means the ground is riddled with sink-holes, one of which swallowed a home, swimming pool and part of a school extremely close to NFS. Dye was added to that sinkhole. The same day the dye showed up in the Nolichucky River 2 miles away. NFS is in a floodplain. I've seen photo's of NFS when it was 1st built. One more foot & the water would have been over the top of the NFS building. NFS is also in 3 earthquake zones; the New Madrid, the Appalachian Tectonic zone, and a 3rd earthquake zone not yet investigated. NFS is situated on top of 2 fault lines & 5 fractures.

Erwin's drinking water is 4 feet below NFS's "unlined" holding ponds. Everything NFS ever worked in is/was in those ponds. At a 2009 NRC meeting I asked a NRC commissioner if Erwin's drinking water had EVER been tested for radionuclides. I was told 'no'. I also asked about NFS "exceeding their limits so many times with no consequences." I was told NFS has NO limits nor ever will have 'any' limits. Being familiar with the number of limits NFS is supposed to follow, including ALARA, I found this surprising answer to be believable. I think that is the 'only' time the NRC told the truth. NFS has 65 years of NRC "Findings of no Significant Impacts" (FONSI'S). We've asked repeatedly for a site specific Environmental Impact Statement but have always been denied. Why? IMO it's because we're so contaminated the NRC fears doing one. The Nolichucky River is contaminated with radionuclides 95 river miles downstream. The marker traced straight back to NFS. A scientist was hired by various people & groups to find out the quality of drinking water in the Nolichucky, again with no help from NFS, the DOE, or NRC, but NFS wants to help make nuclear bombs on the backs of Erwin & the surrounding communities! NO! NO! NO! If granted to NFS, this new license would be yet another Major Federal Action with another FONSI just like DOE's last Major Federal Action of the Reliable Fuel Supply Program was.

Source: DOE, 0240 SA-1, Supplemental Analysis

The NFS site is on 80 acres almost in the middle of the town of Erwin. BWXT has 16,000 acres; Oakridge has 59,000 acres; Savannah River has 198,046 acres & Westinghouse has 340 acres. The DOE needs to pick a different site for making nuclear bomb fuel, a site that's NOT in the middle of a small town with another nuclear plant. Erwin has given MORE than their fair share for 'National Security' decades ago. Why are the DOE & NRC 100% right ALL of the time and the public 'wrong' ALL of the time for license amendments, safety, & the environment? ENOUGH IS ENOUGH! Grant this new amendment to BWXT in Lynchburg, VA. BWXT already owns NFS and BWXT isn't a danger to the community & 5 surrounding communities like NFS is. Would the ASLB want this nuclear bomb process done in the middle of their town or their own backyard?

If the judges are interested in reading my chronological timelines, I would be happy to share the main copy of NFS's History with them. It's shocking. You have my email address. I look forward to hearing from you.

Thank you for this opportunity to voice my concerns about NFS. I think it's the only time I've had the chance to.

/s/John C. and Wanda S. Kelley