

**From:** [Barbara O'Neal](#)  
**To:** [Docket, Hearing](#); [Paul Bollwerk](#)  
**Subject:** [External\_Sender] Limited Appearance Statement, Docket No. 70-143-LA, ASLBP No. 23-976-01-LA-BD02, Jan. 23, 2023  
**Date:** Thursday, January 26, 2023 12:21:59 PM

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(Note: I have tried to send this email from my [charter.net](#) email address with no response. Am now trying gmail).

Reference: ASLBP No. 23-976-01-LA-BD02, and ASLBP Memorandums, November 9, 2023 and January 23, 2023.

Honorable ASLB Chair and NRC Rulemaking and Adjudications Staff: Thank you for the opportunity to submit a limited appearance statement in order to make the Atomic Safety and Licensing Board aware of my concerns at issue in this proceeding.

Today, I mailed the letter below, along with two enclosures -- one is 8 pages and the other is 360 pages, as noted. It should arrive on Thursday (USPS Tracking # 9505 5124 7673 3024 1317 70). I apologize in advance for the large enclosure, but I believe you need to see it to better understand this issue. I have worked on it for years.

Both enclosures are Word docx (1MB) and it will attach to the email, however, I know the NRC does not like attachments based on a previous discussion with Mr. James Downs, NRC. Let me know if I should send the two attachment via email.

Letter is as follows:

296 Princeton Gardens  
Johnson City, TN 37601

January 23, 2023

Office of the Secretary  
Attn: Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Reference: **Nuclear Fuel Services, Inc. License Amendment Request, Docket No. 70-143-LA, ASLBP No. 23-976-01-LA-BD02, and ASLBP Memorandum January 23, 2023**

Thank you for the opportunity to submit a limited appearance statement in order to make the Atomic Safety and Licensing Board aware of my concerns at issue in this proceeding. Please accept this letter and enclosures as my *public comment* to the above case.

I was born and raised in Erwin, TN, and am now 78 years old. After 35 years working for Dept. of Defense, I retired and came back to Erwin in 2004 to take care of my Mother and build my dream home on property that had been in my family for over 100 years.

BUT, I would soon learn that my dream home was not be enjoyed, because of safety issues at two nearby nuclear facilities – Studsvik (now Erwin Resin Solutions, part of Energy Solutions) and Nuclear Fuel Services, Inc. (NFS) (now part of BWXT), both of which are co-located together on NFS property inside the City Limits of Erwin (a small Appalachian town of approximately 5,000 people).

I quickly learned through a TN Dept. of Environment Public Notice in The Erwin Record (1996), that Studsvik had been presented to people of Erwin as an “Environmental Restoration Facility,” when in fact, it was bringing in radioactive resins from all over the U.S. and reprocessing them. There was no mention of radioactive resins in the Public Notice. Studsvik wanted to build another incinerator, which the community rejected by signing petitions.

Then, I learned about the horrific safety issues at Nuclear Fuel Services (NFS), when they had a spill of high-enriched uranium and a near criticality in 2006 that made news around the world; 46 newspapers carried the story. It was then that I really started paying attention and found out that the Nuclear Regulatory Commission (NRC) had kept everything hidden about NFS from the public for three years, supposedly as a result of 9/11. I saw the letters from Congress encouraging the NRC to release the information on NFS to the public. It took a year for this information to be released. By that time, I had become more proficient in the use of the NRC’s public database, ADAMS.

I began reading, printing, and studying the documents as they were released, and became more shocked as I read. These three years of documents was just the tip of the iceberg. It would get worse, much worse. I learned that the NFS President had problems with alcohol, and later that his Deputy was convicted of child pornography, and that their company doctor received

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Confirmatory Orders for falsifying records. In late 2008, the company was sold to BWXT. Perhaps things would get better, but they didn’t. Keeping in mind, it was BWXT that owned NFS’ twin, NUMEC, in Apollo, PA, and they did not have a good reputation.

I would soon learn that it was business as usual at NFS – production over safety. I had already

started accumulating quite a file, by year, and continued. People in Erwin complained about lots of cancer in the area, and a local doctor said there were lots of people with thyroid issues in Erwin. While the National Academies of Science proposed a cancer study, with NFS as one of the nuclear facilities, it was eventually cancelled. NRC said it was too expensive. I say, it is more likely than not that **the NRC did not want the truth to be known about this plant.**

NFS is a 65-year-old nuclear fuel facility that began in 1957. It has NEVER had a site-specific EIS. In the 1978 EIA (Environmental Impact Appraisal), on page 4-3, Table 4.6, footnote c, it states **“A 30-year lifetime is assumed for the plant.”**

During these 65 years, according to an expert environmental scientist, NFS has contaminated a major river – the Nolichucky – for 95 river miles all the way to Douglas Lake. And, the Nolichucky is a major source of drinking water for the people of Jonesborough and Greeneville, TN.

It is my understanding that NFS’ primary mission is to produce fuel for Navy submarines. Supposedly, they are the sole source. As someone who worked for Dept. of Defense for 35 years, it is hard for me to accept the fact that Naval Reactors would put all their eggs in one basket. What if something happens to NFS – a natural disaster, or otherwise, then what? I would be much more comfortable seeing Navy fuel made in a government-owned facility like Oak Ridge, rather than a privately-owned company. Plus, recently, NFS has had lots of Physical Security violations, and the most recent violations involved two MC&A (Material Control & Accountability) violations. I believe both Physical Security and MC&A violations are serious.

Just peruse, if you will, through the attached two enclosures – NFS Releases and Stack Exceedances and Violations History. I think you will agree that NFS should not be granted a license amendment to SNM-124 to produce the same thing they are producing at Y-12 at Oak Ridge. Plus, as I understand it, they are going to be using a dangerous and arcane process that Oak Ridge will no longer use when they get their new facility up and running.

Ladies and gentlemen, it does not pass the common-sense test. The eight new accident scenarios addressed in the NFS Environmental Report are not something you or I would ever want to see happen to my hometown: **Nuclear Criticality, Uranium Hexafluoride Release, uranium solution release, major fires, natural phenomena, security emergencies, and in addition to all that, two new chemicals will be associated with this process: Anhydrous Hydrogen Fluoride (AHF) Release and Anhydrous Ammonia Release.**

If NFS' primary mission is to make Navy fuel, then that is what they should do, and do it well. They should not try to emulate an old and dangerous process done at Oak Ridge. They do not have the acreage. They have a total of 82 acres. However, the Protected Area is much smaller – approximately 18 acres. Actually, their closest civilian neighbor could throw a rock and hit them.

Over the years, in the Biannual Effluent Monitoring Reports, the Total Effective Dose Equivalent of the MEOI (Maximally Exposed Offsite Individual) varies from 200-550 meters. That's close! Also, over the years, I have noticed that the Organ Doses and Total Effective Dose Equivalent (TEDE) at the MEOI Location have increased. For example, there are now 25 organs listed that receive effects from NFS effluents, the latest two were added in 2017 – Extra Thoracic and Heart Wall.

After nine years and many sleepless nights worrying that if I was away from home and something happened at NFS, I would not be able to get home, because no matter what route I took, I had to pass by NFS and Erwin Resin Solutions. So, I reluctantly sold my dream home and moved 15 miles away to Johnson City – which is not really far enough away if something catastrophic happens at NFS. It is interesting to note, however, that one of the neighbors at my new location happened to be a recent former President of NFS! Over the years, I don't believe any of the executives or even the resident inspectors at NFS have ever chosen to live in Erwin.

The people of Erwin are hard-working country people. They do not understand what is at stake here, but some of us do. I have watched NFS for decades and I personally worked many, many hours and years compiling the 8-page NFS Releases and Stacks Exceeding Limits (1962-1998) at Enclosure 1 (and this is not inclusive; just the worst of the worst), and the 360-page (Known) Violations List, 1974-2023 at Enclosure 2. I believe this information and the sampling done by an environmental expert more than validate the contentions in the subject case.

At some point, I request that this information be added to ADAMS for future reference and historical purposes.

Respectfully submitted,

Barbara A. O'Neal

2 Enclosures:

**Enclosure 1:** NFS Releases and Stacks Exceeding Limits 1962-1998, 8 pages

**Enclosure 2:** NFS (Known) Violations History, 1974-2023, 360 pages

Quote from former NRC Commissioner in an AARM Meeting on May 30, 2007,  
ML071570135

**“NFS is as safe as it’s ever going to be.”**