



Erwin Citizens Awareness Network, Inc. (ECAN)
P.O. Box 1152
Jonesborough, TN 37659

July 11, 2023

Jill S. Caverly, Senior Project Manager
Environmental Review Materials Branch
Division of Rulemaking, Environmental and Financial Support
Office of Nuclear Materials Safety and Safeguards
US Nuclear Regulatory Commission
Two White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

VIA EMAIL: jill.caverly@nrc.gov

RE: COMPLAINT RE NRC INACTION ON POSSIBLY MATERIALLY-FALSE STATEMENT BY BWXT-NUCLEAR FUEL SERVICES, INC (NFS), DOCKET #70-143, IN RAI RESPONSE 7, JUNE 30, 2022 (ML22193A034)

Dear Ms. Caverly:

On June 29, 2023, Erwin Citizens Awareness Network, Inc. (ECAN) and Appalachian Peace Education Center (APEC) members attended NRC Public Meeting “Teleconference with Nuclear Fuel Services, Inc. Regarding Additional Information Needed on the U-Metal License Amendment Request”. During the public comment period of this “Observation Meeting”, ECAN expressed its serious concern that NRC Staff seemed to have not noticed or has chosen to ignore the gross inaccuracy of an NFS response to one of the questions posed in your April 28, 2022 Request for Additional Information (RAI), ML22111A281.

Specifically, during the June 29th meeting, ECAN expressed its disbelief that RAI Response 7 -- which stated that “the downblending operations...has been safely performed by NFS for over 20 years” -- did not raise alarms at NRC. We stated emphatically that this patently-false statement peddled to you and copied to James Downs by Tim Knowles, NFS Director of Safety and Safeguards, should have been cause for outright rejection of NFS’s Environmental Report.

With this letter, Erwin Citizens Awareness Network submits our complaint of the Nuclear Regulatory Commission’s apparent choice to ignore fraudulent claims made by Nuclear Fuel Services. Acceptance of NFS’s patently-false statement leads ECAN to question the quality of NRC’s review of NFS’s License Amendment Request (LAR) in general because, as is said in economic modeling, “garbage in/garbage out”. Further, ECAN believes that this extreme example of NFS sophistry is likely the tip of the iceberg and that, if NRC continues to accept NFS falsehoods as fact, NRC’s Environmental Assessment will be nothing more than the agency’s attempt to make a silk purse out of a sow’s ear.

Further, ECAN copies James Downs & Branch Chief Samantha Love on this letter because our concerns extend to the quality of NRC’s analysis of the safety of NFS’s proposed, experimental operations if Staff continues its seeming reliance on the licensee’s fantastical claims. After all, a

safety finding was made by the NRC for the BPF (ML050110444) in January 2004 and NFS had a loss-of-containment accident in that same facility only 27 months later.

During the June 29th meeting, ECAN's brief summary of the March 6, 2006 loss of containment of 37-liters of highly-enriched uranium in the BLEU Processing Facility did not do justice to the magnitude of the accident or the flood of events that ensued – like Confirmatory Orders, Confirmatory Action Letters, Safety Culture Board of Advisors (SCUBA) site visits and studies, House & Senate inquiries, Confirmatory Orders reissued, as well as dozens of media reports.

Therefore, please find enclosed two ECAN products that will better inform your understanding of the public's view of how colossal a fabrication NFS's claim of safely downblending really was. The first ECAN report is a list of the Local, National and International news stories on NFS's March 6, 2006 loss-of-containment accident. This "MEDIA" compilation of forty-four (44) articles was created by Barbara O'Neal. The second attachment is a 63-page "Chronological Timeline of the BLEU Project at NFS" created by Sue Kelley. Unencumbered as you are by redactions and SUNSI, you should be able to learn more than ECAN about the March 6, 2006 accident in NFS's downblending operations. Still, we hope that you find the enclosed reports informative.

Finally, ECAN has questions and seeks answers that we hope you will provide by the end of this month, if possible:

- 1) Isn't making a materially-false statement to a public official a criminal act under 18 U.S.C. Sec. 1001?
- 2) Given the fact that NFS had a loss-of-containment accident in its Blended Low Enriched Uranium (BLEU) Processing Facility (BPF) and the BPF is central to the license amendment sought, wouldn't NFS's false claim that downblending was conducted "safely" for over 20 years be considered "material"?
- 3) Doesn't NRC have provisions for sanctioning a licensee under 10 CFR 61.24 for making "any material false statement"?
- 4) Unless the NRC intends to merely cure the deficiencies in NFS's Environmental Report despite its innumerable shortcomings, would you be willing to visit with ECAN in the near future to hear our comments on the ER?

Please enter this letter and its enclosures into ADAMS. Thank you.

Looking forward to your reply,

Linda Cataldo Modica.
f/Erwin Citizens Awareness Network, Inc. (ECAN)

cc: James Downs, Senior Project Manager-Division of Fuel Management via email:
james.downs@nrc.gov
cc: Samantha Love, Branch Chief via email: samantha.love@nrc.gov

ENCLOSURES:

"MEDIA; News re: March 2006 Highly Enriched Uranium Spill at Nuclear Fuel Services"
compiled by Barbara O'Neal;
"Chronological Timeline of the BLEU Project at NFS; (From 1994-2009)", a product of
Erwin Citizens Awareness Network compiled by Sue Kelley.