

From Barbara O'Neal

NRC

Comments and Questions – NRC Category 3 Meeting – Erwin, TN, August 30, 2012,

Re: NFS 25-year License Renewal

Introduction

I have been coming to these NRC meetings since September of 2007, and let me just say, for the record, that I am not anti-nuclear. Nuclear medicine has helped lots of people who have cancer and there is a lot of cancer here. I'm not necessarily a tree-hugger either, but I do believe in taking care of the environment, because if we don't support it, it will not support us.

Correction to Greeneville Sun article, Aug. 25-26, 2012

I want to make a correction to a recent Greeneville Sun article about the sinkhole dye -- the statement that "the dye was also found in an NFS monitoring well near Impact Plastics." I do not know if it was the monitoring wells offsite at the Industrial Park or onsite at NFS that detected the dye. On the Linear Trail Bridge last Wednesday morning when I took the photo, Mr. Terry Haynes said to me and County Commissioner Gene Wilson, "NFS monitoring wells detected the dye first about 9 p.m. Tuesday night." He did not specify which ones. The point is it's good to know that these monitoring wells work like they're supposed to, and thanks to NFS for having them.

Safety and Safeguards Evaluation Report (SER)

Since the Safety and Safeguards Evaluation Report was released AFTER the 25-year license renewal, but is a part of the renewal, I would like to bring out what I believe are some important points regarding the "Safety" and "Environmental" portion of this report, as well as the "Decontamination and Decommissioning" and finally "Commitments by the Licensee."

My statements will contain questions, and since I have a limited amount of time, I will give you my transcript for the record with my questions highlighted, and you can answer them when I'm finished. I also have some "Takeaways" for any Congressional Staffers who may be present.

Safety and Environment

From the Love Chapel School sinkhole where the dye was inserted to its final destination -- into what was formerly a part of the River at the Linear Trail -- is a big safety and environmental issue, in my opinion. Remembering back to November 2009, I believe Linda Modica and I met with you Mr. Park, Mr. Ramsey, and Mr. Habighorst, regarding environmental issues and specifically asked you to consider doing a dye test because of the Karst topography. That is why I was so anxious to see where the dye appeared.

Watching this issue unfold with the sinkhole at Love Chapel School, and having read all of the environmental reports the NRC has released on NFS through the years, I don't believe I've ever read anything about an accident scenario involving a sinkhole or any mention of sinkholes.

(Question 1: Since the NFS Emergency Plan is locked up at TDEC and public can't see it, does it address sinkholes and accident scenarios involving sinkholes?).

If they are NOT addressed, then I believe that NFS and Studsvik, the radioactive waste processor, should voluntarily cease operations until possible accident scenarios involving sinkholes under NFS property are thoroughly researched and addressed, and **added to both the NFS and Unicoi County Emergency Plans.**

In this 140-page report it addresses the fact that NFS requested a 40-year renewal, because NRC's new 2006 rules allowed it. And, during the evaluation process ongoing since July 2009, NRC, you rendered your opinion, that there would be no significant environmental impact over another 40 years, for a total of 95 years. I say opinion, because there was little, if any, scientific fact involved. That is after two separate samplings by the community had shown high-enriched uranium in the Nolichucky River. And the second one showed it all the way to Douglas Lake -- 95 river miles downstream. And, in some areas, there is even plutonium in the sediment along the River. I know, because I was involved in that sampling.

The State gave NFS only 3 years on their NPDES (National Pollution Discharge Elimination System Permit), and the State is yet to approve the renewal of their Hazardous Waste Permit.

My friends in Jonesborough and Greeneville drink that water...and for years you've told us that the high-enriched uranium is not above EPA drinking level standards. In an NRC meeting on June 24, 2010, when asked why ANY high enriched uranium had to go into the River, Mr. Eugene Cobey of Region II, responded that "it would be too expensive for NFS to do otherwise."

High-enriched uranium and plutonium are heavy metals. They accumulate in our bodies, and they can and do cause cancer, and I believe we are seeing evidence of that happening right here in this community after 55 years. The National Academies of Science didn't select NFS as one of the locations for a cancer pilot study for no reason.

Natural Disasters/Radioactive Waste

It doesn't seem to matter to the NRC that the buildings at NFS may not be able to withstand earthquakes, tornadoes, high winds, and floods (a portion of NFS is in the 100-year floodplain of Martin Creek) and now we have a possibility of sinkholes.

I believe all of these environmental issues are important and very safety related. However, in the end, it appears that it was NFS's "poor compliance history and safety culture issues" caused the request to change from 40 years to 25 years. And, I question 25 years.

I noted in the most recent Inspection Report, dated July 27, 2012, that NFS had two more spills of high-enriched uranium – one on June 12 and another on June 22.

Additionally, the Violation History that I presented at the October 26, 2010 public comment period, to be used specifically for this Safety and Safeguards Evaluation Report, has nearly doubled, based on the Inspection Report Index (1978-1999) that I received through a Freedom of Information Request.

(Question 2: I sent public comments to the NRC regarding an information request in March, including earthquake and flooding hazard "walkdowns." Plants must conform to their current license requirements by 2016, I believe. This inspection at NFS was part of the April 30, 2012, NRC Integrated Inspection Report (70-143/2012-002 and Notice of Violation and Temporary Instruction 2600/15 Inspection Report 70-143/2012-006) (ML12122A186).

In this report, it appeared that NFS could not provide seismic design documentation for some of the areas, nor could they provide wind design information, and the northern portion of NFS is in the 100 year floodplain of Martin Creek. Will the NRC now take another look at these issues, and add sinkholes – not just for NFS, but all your licensed facilities?)

Mixed Hazardous Waste

So here we have a plant, as NRC admitted, with a "poor compliance history and safety culture issues", storing Mixed Hazardous Waste for 55 years possibly sitting on top of some "Hollow Earth" underground. All of those factors, in my opinion, make for a potential disaster. And, for the record, this is now the second time I've brought this up -- the fact that this mixed hazardous waste is so close to people's homes, the River, a source of drinking water downstream, and groundwater, which is where our water comes from. The first time was October 26, 2010 during the public comment period.

While I'm not defending NFS for all the volumes of waste they've generated over the years, it is not entirely their fault that they have to store it on site, because depending on what level it is, there is no place on earth for it to go.

(Congressional staffers Takeaway 1: Tell Congressman Roe and Senator Corker to get busy with fellow elected officials on both sides of the aisle, and solve this radioactive waste problem. Find a place for it to go NOW, and get it out of Erwin, Tennessee).

Last Friday, I spent about an hour at TDEC talking about mixed hazardous waste with a gentleman who finally, in the end, said "but you've got to trust your government." And I raised my eyebrows, because I knew, in many cases, that the TDEC inspectors can't get into some of the areas to inspect. Here is an example, one of many, of a TDEC Inspection Report, "Inspector did not have proper security clearance to enter this area." So, he or she just has to take the licensee's word for it.

I DO want to trust my government. I was a federal employee for 35 year. But when it comes to nuclear safety and environmental issues in my community, I want my government to VERIFY, and thank you NRC for finally taking some independent samples in the River and Martin Creek.

(Question 3: Is there any chance NRC that you will re-look this Environmental Assessment, which should have been an Environmental Impact Statement, and this period of license renewal in light of the new information and the obvious need for accident scenarios involving sinkholes? Because if you don't, then I believe my next appeal will be to the new Chairman of the Commission, who I believe will understand this since she has a background in Geology).

Decontamination and Decommissioning

Now let's move on to the clean up of this facility one of these days, because I believe Erwin TN has paid its dues in health and safety to the defense of this country through the processing of Navy fuel for 55 years, not to mention the "commercial" production.

Page 8 and 9 regarding the Decommissioning Funding Plan, it states, "Although NFS is not a government licensee, most of the facilities at NFS have been constructed and operated to provide contract services to Federal Government agencies. Under these contracts, the **Federal agencies** have committed the United States Government to fund the cost of decommissioning these facilities. "

Page 72 it states that the cost estimate is approx \$338 million and the responsibility of decontamination and decommissioning of NFS is broadly divided between NFS, DOE, and a Joint Venture between NFS and Framatome. "**NFS stated that DOE would cover approximately \$306 million of the total cost estimate.**" Also, "**NFS committed to updating the cost estimate at least every 3 years as required by the code of federal regulations -- (10CFR70-25(e).)**"

(Question 3: Who, specifically, are these federal agency(ies) who have committed the taxpayers to this clean-up? And while we would like to trust what NFS says, what say you NRC?) I would like to see a signed legal document by these "federal agencies" submitted to both the City of Erwin and Unicoi County governments agreeing to accept responsibility for this decontamination and decommissioning.

(Congressional Staffers Takeaway 2: Could you please get these decontamination and decommissioning commitments from the Federal agencies in writing and get a copy to the City and County governments here in Erwin and Unicoi County). And, I would also like a copy for the Erwin Citizens Awareness Network files. Because it's doubtful that I will be around 25 years from now to ride herd on this.

Commitments

Page 6, Commitments: NFS has made numerous commitments to upgrade its programs and improve its performance. Many of these efforts will take years to complete. About 26 man years, according to the Independent Safety Assessment Team reports. That's longer than their current license renewal!

Throughout this 140-page document, the words commits/committed/commitments are used 137 times. And in many cases, it the "Applicant commits" and the "Application Committed." Not NFS commits, not licensee commits.

Your own NRC Inspector General stated in a September 19, 2011 report that commitments are neither legally binding nor obligations of the licensee, and that licensees are entirely responsible for tracking commitments made to the NRC, and we know that is not going to happen, because it has not happened in the past.

And, under Management Measures and Configuration Management, which have been ongoing problems at NFS for years, it appears that the licensee, in many cases, could only DESCRIBE how the programs SHOULD BE, not necessarily how they really are.

(Question 4: So, NRC, how do you plan to enforce these commitments, especially in the major problem areas of Management Measures and Configuration Management? I don't think this is fair to your inspectors to try to deal with these promises.)

The report stated that "if significant **new problems** are identified during the renewal term, the NRC can exercise its authority to **modify or suspend the license** or take other enforcement action as appropriate."

(Question 5: I believe I have outlined here, significant and potential new problems, and the need for NRC to re-look the Environmental Assessment and period of license renewal. Will the NRC do that? Please don't wait until a disaster happens to take some action).

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Respectfully submitted: Barbara O'Neal, on behalf of the Erwin Citizens Awareness Network, Inc., P. O. Box 1151, Erwin, TN; (423) 743-4985; barbaraoneal@embarqmail.com