

RAS 14043

DOCKETED
USNRC173 Roy Duncan Lane
Erwin, TN 37650

August 27, 2007 (2:55pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

August 27, 2007

Secretary
U. S. Nuclear Regulatory Commission
ATTN: Chief, Rulemaking and Adjudications Staff
Washington, DC 20555-0001

(Via Facsimile 301-415-1101)

Re: Federal Register, Docket No. 70-143, License No. SNM-124, Nuclear Fuel Services (NFS), Inc.

References:

- a. NRC Confirmatory Order (CO) to NFS for Program Improvements, originally dated February 21, 2007, marked Official Use Only (OUO), modified NFS's Special Nuclear Materials License. Due to the OUO classification, I and other members of the public were denied our due process rights, because we were not aware that the CO even existed, therefore, we did not know that it offered us rights to a hearing.
- b. Federal Register/Vol. 72, No. 145/ July 30, 2007, Notices, Pages 41528-41531 provided an opportunity to request a hearing within 20 days (understood as 20 working days, which would be August 27, 2007; confirmed by NRC Ref Librarian).

As a concerned citizen living less than one-half mile from the Nuclear Fuel Services plant in Erwin, TN, I request that the NRC hold a hearing in this area to explain to the public why the serious spill of highly-enriched uranium on March 6, 2006 was kept secret from the local community, and why it was classified.

If it was a DOE classification or restriction, then why didn't someone in NFS management realize the gravity of the situation and simply pick up the phone, consult with the NRC and the DOE, and push for a decision to wave the restriction so the local authorities and public could be informed? This one simple action would have saved thousands of dollars (of taxpayers money), thousands of man-hours, and more importantly, the loss of public trust. If the NRC commissioners thought it was the second most serious of three nuclear incidents occurring during the year, then why did NFS management not comprehend it as such? There is a wide disparity here that I fail to understand.

I am sorry to say, but I believe the March 6, 2006 spill was a blatant cover-up, using security as an excuse. It really is ironic that in the name of security, information about the spill was withheld, because at last count, 50 major newspapers, worldwide, including Russia's Pravda, have carried the story, along with a map, pinpointing Erwin. So in reality, the whole community has been affected or harmed because this negligence and cover-up has made us more vulnerable to terrorist and other crazies, than we ever were before.

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I, and I believe the community as a whole, was affected because due to the restrictions at NFS, the CDC's Agency for Toxic Substances and Disease Registry (ATSDR) could not do a thorough job of checking our water and air for their 2006 public health assessment. (The May 29, 2007 final report is on their website). Only volatile organic compounds could be checked (and not very well), and radionuclides were off limits. As a result, we really don't have any better idea of the safety of our air and water now than before the study was done. Since the study took place in 2006 and Dr. Charp was not informed of the March 6, 2006 spill, the results of the study are really invalid.

I believe I am, and the community as a whole is, affected because I do not believe that NFS has adequate protection from attack, and I'm not sure how they can. I was working in my backyard recently and I was startled when two black hawk helicopters popped up quickly from behind the mountain, flew directly over NFS, circled around and flew very low back over NFS, then quickly disappeared behind the mountain (less than a minute). Later, in the newspaper, I learned it was Tennessee National Guard aircraft conducting a flyover for the NFS 50th Anniversary. While the NGB Reg 360-5, para 4-12 c and d, prohibits flyovers for anniversaries, especially private businesses, and so do DoD regs, it did show how vulnerable NFS really is. If the National Guard aircraft can slip over the mountain in a low-flying, stealth-like manner, then non-military aircraft can too. These mountains are wonderful places for helicopters to hide. Additionally, I suspect that the use of shoulder-fired missiles from the back of truck going down I-26 or even Banner Hill Road, would be relatively easy and could do some serious damage.

I am affected because from what I have been able to find out by talking to the local emergency manager, there really is no plan for public safety or evacuation in case of an accident or emergency involving NFS (or Studsvik), and none of the local officials were informed about the March 6, 2006 spill.

I was affected because I had no information on which to make a decision about my health and safety. Perhaps I would have chosen to move away from the area. I also believe that as a result of this spill and the myriad of recurring violations and their wide-spread publicity, my property value will be adversely affected in the future, if it isn't already.

Ref the Confirmatory Order, page 7, part IV, I am troubled by the statement made by William D. Travers, NRC Regional Administrator, "I find that the Licensee's commitments as set forth in Section V are acceptable and necessary and conclude that with these commitments, the public health and safety are **reasonably** assured." That's about like the ATSDR report that stated NFS poses "no **apparent** health hazard," but then went on to say "the lack of knowledge about the karst formations is of concern for there is insufficient data to determine if the contaminants associated with groundwater in this area will impact public wells in the future. Because the contaminants present in the groundwater are a mixture of many volatile organic compounds, health effects of mixtures may be an issue," and, "although some exposure might be occurring as a result of site conditions via the atmospheric exposure pathways, exposures are not a levels **likely** to cause adverse health."

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If the NRC decides to unseal certain NFS materials and documents, then I request you send me, by U.S.P.S. any and all aerial photographs taken of my home and property during an aerial photo survey of Nuclear Fuel and surrounds. When I requested the photo(s) I was told they were part of the classified/restricted material and would have to be extracted before I could receive them. I'm sure the local Veterans group would also like to get the aerial photo supposedly taken of the new Veterans Park in Erwin.

In addition to the reasons I have named in pages 1 and 2 of this letter, in reality, I think **your organization should tell me, with particularity**, how I was or could have been harmed by this March 6, 2006 spill, or any other violations, and how it is going to insure my safety in the future. The only visions I have in my mind are drawings from the ATSDR report showing the 2000 spill and its migration to a nearby industry a year later in 2001. I don't think I need to tell your organization that radiation knows no boundaries, it does not stay within the walls or confines of a building or fence, and I don't believe you take a piece of cheesecloth and "simply" clean it up.

Given the NFS history of accidents and violations over and over again, it is psychological stressful to live in such close proximity to an industry that seems to disregard the health and safety of its employees and the surrounding community. And now, it seems that the very agency bound by law to inspect and regulate them, has failed as well. As human beings and taxpayers, we deserve some answers.



Barbara A. O'Neal
Concerned Citizen

Copies Furnished:

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(Via U. S. Postal Service)

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