

**From:** [Frances Lamberts](#)  
**To:** [Docket, Hearing](#); [Paul Bollwerk](#); [William Froehlich](#); [Sue Abreu](#)  
**Subject:** [External\_Sender] Corrected Comments re Proposed License Amendment Request, Nuclear Fuel Services, Docket No. 70-143  
**Date:** Sunday, January 22, 2023 9:56:15 PM

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

Via email only  
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RE: Proposed License Amendment Request, Nuclear Fuel Services, Docket No. 70-143

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 prehearing 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).

In the mid 1990s, a freshwater mussel, the Appalachian elktoe which had been common in the Nolichucky River became federally listed for protection, being then critically endangered. Surveys by various agencies involved -- the US FWS, TVA and others -- had found only eight live individuals after years of monitoring and searching, and NONE upstream of the Nolichucky Dam. Although sedimentation from mining on one of its head-water streams, in North Carolina, land-use and other changes were among causes for the severe water deterioration, so were industrial waste discharges into the river. These have included, since decades, a large number of chemical and radiological pollutant effluents, potentially from leaks or from accidental spills, or allowed under diffusion-theory water permits to the Nuclear Fuel Services Plant, situated right in the then "dead zone" for the mussel.

The waste's long-lasting and often highly toxic effluents, containing substances like the radioactive poisons not naturally found in water, is known to affect human health too, not only through cancers but through cardiovascular and other diseases. It clearly passes off a heavy exposure and health-care burden, and a water treatment cost burden, to downstream communities. The facility's waste outfall in the Nolichucky River is only a short distance upstream from my town's water intake. In the Erwin community, which receives part of its public water from wells near the grounds of the NFS facility, there have long been strong concerns about high cancer incidence, and a study related to this by the Agency for Toxic Substances and Disease Registry some years ago found the facility to be an Indeterminant Public Health Hazard, based on past operating conditions at the plant.

The Nuclear Fuel Services' license-amendment application appears to me like a case of rivalry with a long-established other facility, the Y-12 weapons plant in Oak Ridge, for materials production in nuclear-war fighting. That, however, as we know, could annihilate the human civilization and perhaps even most or all life on earth. I would remind the Board of the fear stated by President Reagan, in a White House document in 1985, that our vulnerability to the effect of extreme and long-lasting atmospheric disruption through a nuclear winter was "not currently a part of the understanding of nuclear war" though it would likely mean "the total loss of human agricultural and societal support systems [and] the loss of almost all humans on Earth." It led him and the then Soviet Union president, Mr. Gorbachev, to negotiate the INF treaty leading to destruction of an entire class of nuclear weapons.

We now see ourselves, and the world, threatened by the scientific advances which, during the 20<sup>th</sup> century, saw the first use of atomic weapons, and establishment of nuclear-power generation. Now, the surrounds of the largest nuclear plant in Ukraine have been repeatedly attacked in the current war there, raising the specter of another Chernobyl. President Putin has threatened, in response to what he perceives as "threats for our country" action by Russia whose "consequences will be such as you have never seen." The warning and several related actions have been widely understood as threat to go nuclear. Rightly, therefore, the Union of Concerned Scientists points to the possession of nuclear arsenals as a potential incitement to conventional war-fighting also, given justified fear of the horrendous humanitarian and environmental, catastrophic effects of any use of these weapons.

We all are facing a growing risk of nuclear war. We see proliferation of nuclear weapons and, generally, a renewed arms race in the nuclear-weapons states. In the context of these threats, more weapons-material production in our neighborhood, with license for such to a private, for profit firm, is ill advised and unacceptable to me as a concerned local citizen.

So is the potentially redundant production of nuclear-weapons-related material, seemingly in competition with the long-established Y-12 facility, in the context of the Treaty on the Prohibition of Nuclear Weapons, now established in international law.

I plead with the Board that

- (1) the license amendment applied for by Nuclear Fuel Services, at the very least, have a requirement of quality-control and materials-processing-safety standards such as required at the Y-12 plant; and
- (2) that it be considered only after a publicly available Environmental Impact Statement has been conducted and a public hearing been granted.

Purity of our air, soil and life-giving waters is critically important to our health, as to that of aquatic creatures which, like the Appalachian elktoe, are the best indicators of good water quality. I would have it and others of the web-of-life now rare aquatic creatures restored and any new, radioactive and other poisonous discharges to the Nolichucky River prohibited.

I thank you for considering my comments and plea.

/ s / Frances Lamberts  
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