DS09 - Andrew Persinko

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UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION

Ex Parte: Environmetalists, Inc., Petitioner, In the Matter of Standard Review Plan (NUREG-1718 draft) for Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility	UNDOCKETED ACTION

PETITION TO WITHDRAW NUREG-1718 draft PENDING THE INITIATION AND COMPLETION OF APPROPRIATE ADMINISTRATIVE PROCEEDINGS.

Environmentalists, Inc. is a non-profit corporation of approximately 40 members organized under and by virtue of the laws of South Carolina and having a prinicipal place of operation at 1339 Sinkler Road, Columbia, South Carolin, 29206. The Petitioner is dedicated to protecting the health and safety of South Carolina citizens and preventing pollution from harming the environment.

On behalf of its membership, Environmentals, Inc.(E.I.) petitions the United States Nuclear Regulatory Commission (NRC) to withdraw NUREG-1718 draft and to begin appropriate Administrative proceedings under the Administrative Procedures Act and the National Environmental Policy Act (NEPA) in which E.I. may participate. Because of the connection between NUREG-1718 and the preparation of a Safety Program Description and Integrated Safety Analysis (ISA) Summary by an Applicant, the inadequacies in the document (as herein identified) will inevitably generate deficiences in the ISAs. The inadequacies of NUREG-1718 draft, therefore, need to be addressed in a more formal process that is open to public participation.

Environmentalists, Inc. sets forth the following contentions in support of its petition:

A. NUREG-1718 draft limits the possibility for state and federal agencies, legislators, government officials, independent researches, public interest organizations and citizens from being able to understand, comment, raise questions or be involved in consideration of the proposed guidance for those who will perform safety, safeguards and environmental impacts reviews related to construction and operating applications regarding a mixed oxide (MOX) Fuel Fabrication Facility. For example;

1. The draft report fails to explain how its source of evidence have been factored into the rules, codes, standards and laws nor have specific sources of evidence been identified.

2. The NRC plan lacks clarity in regard to what equipment needs to be required to overcome the accidents, leaks, exposures of workers and members of the public which have been experienced at facilities where plutonium and uranium are present. (at Nuclear Fuel Services, Savannah River Site, facilities in other countries-England and France, etc.)

3. By depending only on Federal Register notification (Except for the Department of Energy (DOE), the NRC restricted input from persons and organizations whose interests and rights are affected as well as denying knowledgeable, experienced sources of evidence and information access.

B. Since NUREG-1718 draft is part of the NEPA process, being the document which provides guidance in regard to license applications, it needs to fulfill the requirements and intent of NEPA. The NRC report fails to accomplish the provisions or the goals of NEPA.

C. The NRC's likihood-consequences approach is not appropriate when the substances involved include a powerfully destructive explosive which is also a cancer-causing poison whose lethal capability lasts far into the future.

D. It is unclear why those preparing NUREG-1718 draft limited the report's references almost exclusively to laws, regulations and standards.

E. NUREG-1718 draft does not adequately address oversight and maintenance as they relate to the radioactive materials involved in the operation of a MOX facility.

F. The draft NUREG fails to adequately address the problems arising from plutonium being very hard to detect.

G. NUREG draft is deficient in assessing the effect a new discoveny about plutonium (being much more difficult to contain thanpreviously thought due to a form of plutonium becoming soluble in water) wil have on reviewing the design, construction and operation of a MOX fabrication facility.

H. Another issue not covered is the proper order for for considering the operations/facilities required to prepare weapons plutonium for fabrication into MOX fuel. Since the final outcome is a commercial endeavor, those activities leading up to mixed oxide (MOX) fuel becoming a product for electric utilities (removing plutonium from nuclear bombs, transporting the bombs to the site where various operations are planned to take place and managing the waste by-products), need to be licensed in accord with NEPA.

As more information becomes available, additional contentions will be added. We reserve the right to amend this filing.

The identified failures in NUREG-1718 draft demonstrate the need to halt this faulty process before any further motion is made toward setting a defective basis for reaching decisions., therefore the Petitioner respectfully requests:

I. That NUREG-1718 draft be withdrawn:

II. That an Administrative Proceeding be initiated wherein Environmentalists may participate.

In the event that this petition is denied, werequest these contentions then be treated as comments.

Respectfully submitted,

Ruth Thomas

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