EDO Principal Correspondence Control

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FINAL REPLY:

Don Moniak
Blue Ridge Environmental
Defense League

TO:

Chairman Meserve

FOR SIGNATURE OF : ** GRN ** CRC NO: 01-0177

Virgilio, NMSS

DESC:

Request NRC to Reject the Construction Authorization Request for a Mixed Oxide Fuel Fabrication Facility

ROUTING:

Travers
Paperiello
Kane
Norry
Reiter
Craig
Burns/Cyr
Reyes, RII

DATE: 03/26/01

ASSIGNED TO: CONTACT:

NMSS Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

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OFFICE OF THE SECRETARY
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ACTION OFFICE: EDO ✓

AUTHOR: Don Moniak

AFFILIATION: SC

ADDRESSEE: RICHARD MESERVE

SUBJECT: Concerns request for NRC denial of MFFF construction authorization request

ACTION: Direct Reply

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LETTER DATE: 03/23/2001

ACKNOWLEDGED No

SPECIAL HANDLING:

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BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

PO Box 3487 Aiken, South Carolina 29802 Phone (803) 644-6953 Fax (803) 644-7369
Email: donmoniak@earthlink.net Website: www.bredl.org

March 23, 2001

Chairman Richard Meserve
Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Re: Request for NRC denial of MFFF Construction Authorization Request

Dear Chairman Meserve:

I write on behalf of the Board of Directors of the Blue Ridge Environmental Defense League, Inc.(BREDL), and hereby request that the Nuclear Regulatory Commission reject the Construction Authorization Request (CAR) for a Mixed Oxide Fuel Fabrication Facility (MFFF) submitted on 2/28/01 by Duke Cogema Stone and Webster (DCS). The MFFF is a proposed plutonium fuel factory that would be constructed and operated on the Department of Energy's (DOE) Savannah River Site (SRS). The NRC should reject the review for the following reasons:

1. The MFFF proposed in the CAR and Environmental Review (ER) of December 20, 2000 bears little resemblance to the MFFF proposed by DOE in its January 2000 Record of Decision (ROD) for the Surplus Plutonium Disposition Environmental Impact Statement (SPDEIS). The "plutonium polishing" portion of the facility is much larger now than what was proposed a year ago, and the liquid radioactive waste stream are orders of magnitude greater:

Changes in estimates of annual radioactive waste generated at MFFF

Waste Stream	SPDEIS November 1999	DCS ER December 2000
Liquid High Alpha Activity Waste	DOE anticipated 130 gallons of contact-handled transuranic waste	81,300 gallons
Liquid Low-level Waste	57 gallons	214,000 gallons
Solid Transuranic Waste	68 cubic meters	160 cubic meters

As a result, the NRC's Standard Review Plan (SRP) for the MFFF (NUREG-1718) failed to adequately define how more than 80,000 gallons of "high-alpha" activity liquid waste generated annually at the plutonium fuel factory will be handled, stored, and treated to prevent a major radioactive waste spill at the Savannah River Site and subsequent contamination of groundwater.

The CAR and ER only minimally addressed the treatment and final disposition of more than 80,000 gallons of "high-alpha" activity liquid waste generated through aqueous plutonium processing. The proposal at this time is to send the liquid waste through a pipe to the F-Area at SRS for storage, treatment, and ultimate disposition. This approach to waste management functions to evade NRC oversight.

2. The MFFF involves the expenditure of hundreds of millions of dollars of federal funds for a facility that has no licensed customers at the present time.

3. The MFFF design employs HEPA Air Filters instead of more robust and fire-resistant sand filters. The Savannah River Site employs sand filters at its plutonium facilities and sand filters are proposed for the Pit Disassembly and Conversion Facility (PDCF) and Plutonium Immobilization Plant (PIP). The lack of commitment to the safest technology by the licensee illustrates its marginal commitment to real safety.

4. The financial status of the project must be accurately reported for two reasons:

a. The MFFF is a federally funded project with funding deriving from the Department of Energy. Not only is the DOE budget is facing major cutbacks, but the MFFF is dependent upon an agreement with Russia that was made by the last administration. It is unclear whether U.S. commitment to funding plutonium disposition in Russia will continue.

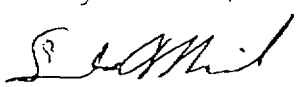
b. The DCS financial status is unclear. There have been numerous modifications of its contract with DOE (personal communication with DOE-Chicago office) and Stone and Webster's parent company, the Shaw Group, presently has a $2.1 billion project backlog--much of it inherited when it acquired Stone and Webster. In addition, DCS submitted an FY1999 financial statement (DCS-NRC-00037, February 28, 2001) but has failed to submit to NRC its FY2000 financial statement, calling into question its present financial situation.

5. DCS has failed to identify and describe its environmental and safety compliance record to NRC. The ER submitted by DCS in December 2000 failed to describe the regulatory compliance history of the licensee. Instead, DCS described the regulatory compliance history of the Savannah River Site Operating Contractor Westinghouse Savannah River Site. WSRC has not submitted a license application to the NRC. Duke Cogema Stone and Webster submitted the license application yet failed to define their own compliance history both here and abroad.

6. The CAR does not contain an Emergency Management Plan for the MFFF. DCS claims one is not necessary because it intends to prove that off-site doses in the case of an accident will be less than 1 rem. However, according to *Site Selection for Surplus Plutonium Disposition Facilities at the Savannah River Site*, the radiological consequences of a "design basis" earthquake at the MFFF would result in a 4.0 gram release of plutonium to the environment and a subsequent does of 9 to 178 rems to the nearest SRS worker in a nearby building; and a 770 millirem dose to the maximally exposed individual offsite. *However, because hunting and trapping occur at SRS the MEI should not be an offsite member of the public but an onsite hunter or trapper. Therefore, DCS must submit an emergency management plan.*

We look forward to hearing your reply to this request.

Respectfully submitted,



Don Moniak