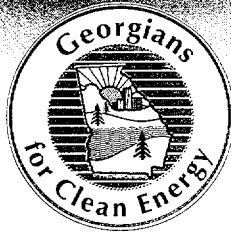


Main Office:

427 Moreland Avenue, NE, Suite 100
Atlanta, GA 30307
404-659-5675 (phone) 770-234-3909 (fax)
georgia@cleanenergy.ws



www.cleanenergy.ws

Savannah Office:

3025 Bull Street, Suite 101
Savannah, GA 31405
912-201-0354 (phone and fax)
savannah@cleanenergy.ws

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Emailed to teh@nrc.gov

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Mr. Mike Lesar, Acting Chief
U.S. Nuclear Regulatory Commission
Rules & Directives Branch
Division of Administrative Services
Office of Administration
Mail Stop T6D59
Washington, DC 20555

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COMMENTS REGARDING THE PUBLIC SCOPING FOR THE DRAFT
ENVIRONMENTAL IMPACT STATEMENT FOR THE MIXED OXIDE (MOX) FUEL
FABRICATION FACILITY

Georgians for Clean Energy is a non-profit, statewide membership organization that strives to protect air and water resources by changing how energy is produced and consumed. We are based in Atlanta, Georgia and have a field office in Savannah.

Attached please find our oral comments that were presented at the public scoping meeting held in Savannah on April 18, 2001. The comments and questions below are in addition to our earlier oral statement.

We would like to make it clear from the outset that we strongly oppose the production of any type of plutonium fuel. We believe that the U.S. Nuclear Regulatory Commission (NRC) has only one option that would truly protect the public health: deny the license application request for the MOX fuel fabrication facility (or plutonium fuel factory). We urge that the pursuit of developing a plutonium fuel economy be ceased in all sectors of government and private enterprise.

As we have stated earlier, though the NRC is only mandated by Congress to review the license application for the MOX fuel fabrication facility, this facility is part of a larger initiative that expands well beyond the physical boundaries of the Department of Energy's (DOE) Savannah River Site (SRS). This facility cannot be analyzed separate from the other facets of this ill-advised scheme. We plead with the NRC to realize this obvious fact and halt promoting the ill-founded, ridiculous notion that this plant can be looked at independently. For example, there is no acceptable reason for the NRC to support the notion that the high-alpha waste stream

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generated in the MOX fuel fabrication facility, an added waste stream to the SRS complex if this scheme goes forward, is not part of the analysis of this draft Environmental Impact Statement (DEIS) because the waste will leave the plant through a pipe to be "treated" at a separate DOE building.

Furthermore, as an example, the new increases in waste levels and new types of wastes that this plant will generate, which were not accurately mentioned in the DOE's 1999 Surplus Plutonium Disposition Final Environmental Impact Statement nor in early correspondence from Duke, Cogema, Stone & Webster (DCS), should constitute the need for NRC to reject the proposal from the outset and at least call for updated and factually correct figures that will allow the agency to properly evaluate all aspects of MOX fuel fabrication facility impacts.

Additionally, we believe that many important issues have not been addressed and significant information has been wrongfully withheld from the public and deemed "proprietary." It is very difficult, if not impossible, to evaluate the DCS Environmental Report (ER) and Construction Authorization Request (CAR) when there are tables upon tables and pages upon pages that are blank. If this is truly a public process, why is the information withheld? Who decides what can be seen and what cannot?

Also, the public's ability to access the information needed to file scoping comments for the DEIS is poor. It is unacceptable to charge public citizens \$44 for the pertinent documents on disk or to charge a per page fee through the Public Document Room when thousands of pages are involved. We received a free copy of ALL needed documents, in a very organized format, for FREE, through the hard work of another organization, the Blue Ridge Environmental Defense League (BREDL). No offense to BREDL, but we are confident that the NRC budget far outweighs theirs—and the NRC is taxpayer funded no less. It is preposterous that citizens and concerned organizations can receive these important materials more easily and with less "hassle" from a non-profit, non-governmental organization than they can from the government agency that is charged with educating the public over nuclear materials and nuclear safety. Why isn't the licensee, DCS, required to provide the volumes of documents needed to handle the public concerns? We would appreciate a response from the NRC on how it intends to handle distribution of all future materials involved with this program and urge the agency to employ measures that make it as simple as possible for public participation to occur. One copy at a local library is not enough.

Also, the monetary costs of the MOX fuel fabrication facility have escalated significantly and the facility may be at risk for financial reasons. The true costs of this program to the taxpayer and electric utility ratepayer have to be properly reported to the NRC in advance of the agency's compilation of the draft EIS. We ask the NRC to confirm, before an accurate DEIS can be issued, with Congress, the DOE, DCS, and the public service commissioners in each state across the nation to determine what these true costs will be and provide that information to the public perhaps in a separate report supplied by the General Accounting Office.

Georgians for Clean Energy has numerous other questions, some of which were raised during the Savannah scoping meeting, that have yet to be answered. We request the NRC to address and

answer each accordingly. We hope that these questions may be of use to the NRC as well in preparing its own recommendations.

- Is the NRC going to determine how contaminated SRS is currently in comparison to what the site was like over 50 years ago, before anything was built at the site? If not, why not given how it is important to assess the actual impacts, especially in regards to increased radiation levels, which this facility will have on the surrounding environment. The MOX fuel fabrication facility is planned for the F area, a region that is already heavily contaminated from previous nuclear weapons related activities. What is being done to categorize the contamination in that area as baseline? It seems inaccurate to allow existing contamination to be used in determining the baseline.
- If construction of the site begins, contaminated soil, vegetation, and debris will inevitably be disturbed. What types of protective clothing, equipment, and worker protection measures will be required to protect the workers from breathing in or inadvertently ingesting existing contaminants?
- Are sand filters being proposed in the MOX fuel fabrication facility to address particulate emissions? If not, why not because it is our understanding that these would be needed throughout such a facility?
- What chemicals and methods will be involved with the moving of materials and wastes to existing waste tanks? Tank 6 has recently had numerous leaks. Which high level waste tanks will be available to accept new waste streams from the MOX plutonium fuel fabrication facility? How are the large volumes of liquid wastes generated from the facility going to be dealt with? If the NRC is not required to analyze this question, why not?
- Why has the analysis around the event of earthquake or tornado been dismissed? Why was the Charleston earthquake dismissed as unlikely and not credible? Plutonium fuel production is being proposed on top of a significant water recharge area in the Southeastern United States. Regardless of the probability of the incident, if a natural disaster happens causing the high level waste tanks to rupture for instance, impacts across large distances will occur through airborne, groundwater, creek, and stream releases leading to eventual contamination of the North Atlantic. This scenario has to be evaluated and if the NRC chooses not to pursue this we demand to know why not.
- Why is there not mention of an emergency management plan for the site? For communities near the site, downwind, and/or downstream, it is imperative to know how these communities will respond to an accident on site. Also, for cities like Savannah that just last year had to evacuate the city during hurricane season, how will people be routed if there is an accident at SRS during the mandated evacuation? If this scenario is deemed "highly unlikely" and does not need to be assessed by the NRC, how will that determination help city managers, police officers, public citizens, etc. plan for or take action during a potential emergency?
- In Appendix F in the Environmental Report, items are categorized as highly unlikely, and unlikely, etc. First, we request understandable definitions for the headings that are used

throughout this appendix. We would also like to have an understandable description of what Table F-3 represents, including all the terms used in it, as it says in the appendix that this “matrix is acceptable to all receptors.” Who finds these times acceptable and how was that determined? For instance, have workers at SRS, citizens near the site, those downstream, or those along transportation corridors been polled to see if these items are acceptable to them?

- Is U.S. Enrichment Corp. shipping cylinders of uranium hexafluoride gas to turn into uranium dioxide to be used in the MOX fuel fabrication at SRS to the uranium fuel fabrication facility in Wilmington, NC? If not, what facility will be receiving the uranium hexafluoride gas? Will the NRC address the increased impacts associated with this step in the plutonium fuel production process for each individual facility involved?
- Also, according to the ER, there are currently huge quantities of uranium hexafluoride gas on site at SRS. Are those supplies going to be used during any step of the plutonium fuel production process? If so, that means converting it into uranium dioxide that produces elements in the waste stream that are not in the ER. Why wasn't this addressed in this document?
- Will the NRC review the entire docket and LERs for the Duke reactors McGuire and Catawba to assess their historical operating performance? If not, why not?
- The applicant statement on P. 3-14 and 3-15 that no HLW (high level waste) will be generated by any of the facility operations seems misleading. We demand that the NRC scrutinize this statement for its content and in relation to the applicant's broader intentions.
- Are the deep boreholes mentioned in Table 1-1 in the Environmental Report on P 1-13 the same boreholes that were drilled for high-level waste some years ago in that area? If they are not these same boreholes, then what are the boreholes that are being referred to in the ER and where are they located? Georgians for Clean Energy is opposed to any waste being injected or otherwise placed in any form in boreholes, due to the contamination that would result.
- Why is the MOX plutonium fuel fabrication facility exempted from National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements (P 7-3 & 7-4)? Does that mean that all NESHAP requirements are exempted?
- In reference to an ER section on underground injection (Section 7.2.1.3)—what will be injected underground? "There is a possibility that the soft zones beneath the MFFF will require grouting. If a decision is made to grout, an Underground Injection Control Permit will be acquired." How can NRC evaluate impacts if DCS does not know what it needs? The NRC must require a full accounting of what grouting involves, what these soft zones are, and what impacts this grouting can have. How will the NRC address this concern?
- Pages A-22 & A-23 in the ER, from a comment made in the EIS on Plutonium Disposition, mention that Section 7 of the Endangered Species Act “must be reconsidered if there is new information that reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered.” Has the NRC reviewed all the comments in the Final EIS on Plutonium Disposition to make sure that similar requests have been honored? Has

this request been reconsidered since numerous changes have occurred since this correspondence was submitted including new waste streams, increased volumes of waste, changes in the size of the facility, etc.? If not, why not?

- Why did the NRC change the analysis criteria on Environmental Justice and fail to issue this information publicly? In an attachment to a 12/11/00 letter to DCS the NRC stated: "The SRP states that the Description of the Affected Environment should include '[s]ocioeconomic information, including that for low-income and minority populations within a 50-mile radius [emphasis added].' This dimension is incorrect. DCS should follow the Nuclear Material Safety and Safeguards Policy and Procedures letter 1-50, Rev. 2, which states that 'if the facility is located outside the city limits or in a rural area, a 4 mile radius (50 square miles) should be used [emphasis added].'" When was this letter made publicly available, according to the NRC?

In conclusion, we urge the NRC to consider more wisely and more strategically a decision of whether to license this facility at all. As we see it, the plutonium fuel program should be stopped and the NRC is in the position to protect citizens and the environment by denying the license request.

If you have any questions or concerns regarding these comments, please do not hesitate to contact us.

Respectfully submitted on behalf of Georgians for Clean Energy,



Sara Barczak
Safe Energy Director

Attachment

COMMENTS REGARDING THE PUBLIC SCOPING FOR THE DRAFT
ENVIRONMENTAL IMPACT STATEMENT FOR THE MOX FUEL FABRICATION
FACILITY

Submitted on behalf of Georgians for Clean Energy
April 18, 2001

Georgians for Clean Energy is a non-profit, statewide membership organization that strives to protect our air and water resources by changing how energy is produced and consumed. We are based in Atlanta, Georgia and have a field office in Savannah.

In making comments to the U.S. Nuclear Regulatory Commission (NRC) at tonight's public scoping meeting for the EIS for the plutonium fuel factory, we bring attention to several issues that our organization urges the NRC to thoroughly evaluate and address in producing the draft Environmental Impact Statement. Let me begin by stating that we are deeply disappointed that the NRC today accepted the Construction Authorization Request from the international consortium, Duke, Cogema, Stone & Webster as we believe that many important issues have not been addressed and significant information has been wrongfully withheld from the public and deemed as "proprietary."

1) We ask that the NRC consider the impacts of plutonium fuel on individual commercial reactors. Until this is done, and it needs to be done up-front during the Environmental Impact Statement process, the EIS is not completed. Nuclear Plant Vogtle, which is across from Savannah River Site, on the Georgia side of the river, was listed as interested in plutonium fuel. It is unacceptable to evaluate reactors generically as they all have different performance records, operating histories, etc.

2) None of the reactors in the country, including the Southeast region, were designed to use plutonium fuel. Generation of electricity with plutonium fuel is an untried experiment and nowhere in the world has plutonium fuel using weapons plutonium been used. In Europe, plutonium generated from nuclear reactors during their operation cycle, not from bombs, was used. Weapons plutonium increases the wear and tear on a reactor. This needs to be addressed as it relates to decommissioning plans, decommissioning costs, and public safety.

3) We understand that utilities or utility consortiums are looking to receive a "free" plutonium subsidy from the federal government for the plutonium fuel. Issues such as "Whose money is this?" and "Will utilities be paid twice for the same kilowatt-hour--once by ratepayers and once by the government or taxpayers?" need to be addressed. At a previous public meeting in Augusta

which our organization representatives attended, the Department of Energy response to the subsidy question was that utilities will not pass any costs of using plutonium fuel onto ratepayers. With all due respect, we have heard that kind of statement before. Unfortunately, lack of sound cost estimates associated with the construction of nuclear plant Vogtle near the Savannah River Site resulted in the worst and most serious rate hike Georgians have ever experienced. Original estimates for a 4-reactor plant ballooned from almost \$500 million to more than \$8 billion.

4) A plutonium fuel subsidy unfairly advantages certain companies in a competitive utility market. This proposal to unfairly advantage nuclear energy suppliers through a subsidy is in sharp contradiction to the significant ongoing efforts nationwide to create a "level playing field" for power suppliers in an increasingly competitive utility market. Additionally, as nuclear power is not a truly clean or sustainable technology, this subsidy unfairly disadvantages clean, safe, innovative energy technologies, such as solar and fuel cells, which could actually benefit Georgia's environment and the health of its citizens.

5) The issue of who is going to buy electricity generated plutonium bomb fuel must be addressed. Polls around the country show consistently that when given a preference, the majority of people want to invest in clean, innovative technologies and energy efficiency and conservation, not fossil fuels and more clearly, not nuclear power. So, if a commercial nuclear reactor were to use the proposed MOX fuel, consumers essentially have to buy that fuel by the fact that their utilities would receive electricity from the same electric grid.

6) As an organization representing members that live downstream and downwind of SRS, and personally as a resident of Savannah, I call attention to the fact that the site is already heavily contaminated from over 50 years of nuclear weapons-related activities. The cumulative impacts that the Savannah River Corridor communities are already facing from past, current, and now future operations at SRS need to be evaluated within that context.

7) In a City of Savannah proclamation, adopted and approved on April 2, 1992, the Mayor and Alderman of the City of Savannah specifically requested that, "...the restart of the K-reactor cease and a full scale clean-up operation of the Savannah River Site begin immediately." We do not believe this proclamation has been upheld by the Department of Energy and do believe that if the NRC licenses this plutonium fuel factory, which will generate new waste streams and increase amounts of current waste streams, add to already overwhelming volumes and radioactivity levels at the site, and increase the threat of accidents and releases to the environment and surrounding communities, the NRC will be in violation of this proclamation as well.

8) According to the 5/23/2000 DOE FY2000 Environmental corporate database, future high-level waste generation volumes within all DOE sites across the nation, shows 95% of the generation from 2000-2070 to be from SRS. What percentage of that will be from the plutonium fuel production mission? What percentage will be from the plutonium fuel factory itself? The NRC needs to look at the larger picture even though they are not required to license every facility involved in this process.

9) Cost estimates for the plutonium fuel factory have skyrocketed due to the addition of the

plutonium "polishing" (reprocessing) facility to the MOX plant - to remove gallium (alloy) and americium. How will these projected cost overruns impact this facility? Any cost increases here will likely impact U.S. funds available for Russia and perhaps has implications for big cost increases in Russia. Environmental Management program budget cuts at SRS are slated to occur. We urge that you not support the channeling of funds into a program that will create more waste and more contamination is beneficial to our community.

In conclusion, we urge the NRC to consider more wisely and more strategically a decision of whether to license this facility at all. As we see it, the plutonium fuel program should be stopped and the NRC is in the position to protect citizens and the environment by denying the license request.

Respectfully submitted on behalf of Georgians for Clean Energy,

Sara Barczak
Safe Energy Director