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August 30, 2002

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COMMENTS REGARDING THE REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE MIXED OXIDE FUEL FABRICATION FACILITY

Georgians for Clean Energy is a non-profit conservation and energy consumer organization that has focused on energy and nuclear concerns for over 18 years. We are based in Atlanta and have a field office in Savannah with members throughout Georgia.

We would like to make it clear from the outset that we strongly oppose the production of any type of plutonium fuel for a variety of reasons: it is an experimental program that has never been pursued at this scale; poses a risk to workers and the surrounding communities at both the production and reactor sites; will increase the volumes of hazardous, radioactive waste streams at a location already plagued by enormous quantities of dangerous waste and previous contamination; raises complex consumer and rate-payer concerns over government subsidies unfairly benefiting one type of energy production over others in a increasingly competitive electricity production market; increases the health impacts to communities in cases of severe accidents at reactor locations; and blurs the division established between military and civilian nuclear programs.

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 it will allow plutonium, a dangerous material highly sought after for use in nuclear weapons, to enter civilian commerce and the international marketplace.

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In the NRC's April Federal Register Notice, the staff solicited public comments on the NRC plans to revise the Draft Environmental Impact Statement (DEIS). The NRC staff specifically requested input on:

1. How the immobilization of surplus plutonium as a No Action Alternative should be discussed in the DEIS, since DOE has cancelled plans to build the Plutonium Immobilization Plant.

2. Whether there are additional reasonable alternatives not identified during scoping that should be considered in the DEIS in light of the program changes.

General Concerns

First, we request that public comment period be extended beyond the August 30th, 2002 deadline. The NRC just conducted public meetings this week on the supplemental Environmental Report (ER). The public needs time to review those materials. Additionally, the NRC intends to hold public meetings in mid-September in various impacted communities on the status of the NRC's draft EIS for the plutonium fuel factory. Those in attendance may have useful comments for the NRC at that time or afterward, when they have time to review what was presented. Additionally, some materials needed to fully understand the current proposal have yet to be publicly released. Since the overall timeline for review and possible approval has also been extended or pushed back, the public should also receive additional time.

Secondly, in tandem with the NRC's attempts to produce a supplemental draft EIS, Georgians for Clean Energy believes that the Department of Energy's (DOE) Office of Fissile Material Disposition should also immediately begin the process to prepare a Supplemental Environmental Impact Statement (SEIS) on plutonium disposition. We suggest that the NRC request the DOE to conduct a SEIS as well.

To clarify why this is important: at a March conference that our staff person Sara Barczak attended in Savannah, Georgia, with an audience consisting of many locally impacted communities in both South Carolina and Georgia that are directly concerned with the MOX mission and participated in the original EIS process (with both the DOE and NRC), representatives of the Department of Energy and Westinghouse Savannah River Company failed to answer her question regarding a DOE report to Congress released in February that concluded that two more MOX reactors were needed to accomplish the plutonium disposition mission. Since the DOE itself cancelled the immobilization process, which was part of its original "dual track" approach referred to in the Surplus Plutonium Disposition Final Environmental Impact Statement in December 1999, they should be capable of answering questions such as the one posed. Perhaps they should conduct their own SEIS to figure out what they are actually doing and why.

Clearly, there have been a number of substantial changes to the plutonium disposition program, making it clear DOE must prepare a SEIS—just as the NRC has determined it necessary to prepare a SEIS due to changes in the program. The public was asked to originally comment on a much different plutonium fuel program than what is now being pursued and given the national

and global security significance of the plutonium disposition program, it is imperative that DOE immediately begin an open and public SEIS process.

Immobilization Alternative

We recommend that the NRC conduct a "no action alternative" in the true sense of that statement (i.e., study what would occur if the plutonium in question remained at the various DOE facilities and did not travel to SRS, despite that current reports stating that some plutonium at Rocky Flats, CO have already been shipped to SRS).

As for immobilization being evaluated as a "no action alternative," we support and encourage any efforts by the NRC to study this possibility. The DOE has yet to adequately describe why the immobilization program was cancelled and since they have not conducted a SEIS to address the impacts of substantially increasing the amount of plutonium to be converted into plutonium fuel, the NRC should go forward with original efforts to analyze immobilization as a "no action alternative." Since the DOE, by method of elimination, has defined "action" as "produce MOX," it seems conceivable that immobilization could fit the "no action" definition.

Additional Concerns for DEIS

The increase in plutonium slated for possible MOX production will result in increased volumes of high-alpha waste (among other waste streams). Other changes in the aqueous polishing process and PUREX process should be evaluated as they impact waste volumes, potential discharges, worker exposure, building requirements, time tables, etc. Technologies to remove chlorides that are currently used at the La Hague plant in France, and have been proposed for use at SRS, should be made available for public scrutiny prior to the issuance of the DEIS—including past experiences with releases, accidents, worker exposures, etc. at that facility.

Water resources are limited, as recent droughts across the nation, particularly in the Southeast, have demonstrated. The impacts on water usage and contamination by the plutonium fuel factory should be analyzed. Currently, SRS requires enormous amounts of surface and ground water, in the tens of billions of gallons, *just to support currently established operations*. The site is already a federally listed Superfund site with more than 500 separate hazardous sites, some of which have already contaminated surface and ground waters. It is imperative that the following question be addressed: What additional water use will be required and what additional water contamination will be generated by the plutonium fuel factory, over its entire operating life, versus the proposed "no action alternatives," including immobilization?

The change in ownership within the international consortium, DCS, must be more thoroughly investigated at the request of the NRC. The possible involvement of Framatome in the consortium, or in partners of the consortium such as Duke, should be studied to see how it affects current law limiting the percentage of foreign ownership in these types of programs. Additionally, the financial viability of all partners, especially Duke, should be investigated as new information about corporate malfeasance has been on the forefront of American policy reform. Furthermore, Congressional changes to the Price-Anderson Act, which have yet to be passed in any federal energy bills, should be analyzed to see how those proposed changes may or

may not affect the plutonium fuel program, the DCS consortium partners, and the possible "no action alternatives."

The DEIS should address in detail the impacts of having any combination of the sand and HEPA filters in place. Possible worker exposures and releases to the environment may have increased due to increases in the amount of plutonium to be converted into plutonium fuel and the various process changes that have occurred. The use of both types of filters in the facility is recommended in order to provide the greatest protections to workers and the surrounding community.

Though in numerous NRC and DOE meetings on various nuclear-related topics, the issue of terrorism is supposedly going to be addressed in separate guidelines and under "top-to-bottom" agency reviews, it is extremely pertinent and vital to address terrorism concerns and security measures in *this* DEIS.

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
Georgians for Clean Energy – Savannah Field Office

cc: Secretary Spencer Abraham
Senator Max Cleland
Senator Zell Miller
Representative Jack Kingston
Governor Roy Barnes
Governor Jim Hodges
Jim Setser