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*Environmentalists, Inc.*

Founded 1972  
Ruth Thomas, President  
1339 Sinkler Road  
Columbia, SC 29206  
803-782-8686

Organization and Purpose

Environmentalists, Inc (E.I.) is a nonprofit organization which was founded in 1972. At that time we, in concert with several other organizations, took part in a NEPA\* proceeding involving a plutonium and uranium recovery plant. This action brought out evidence showing that the cost of reclaiming the residual plutonium exceeded the value of the plutonium extracted.

E.I. has continued to be active in researching and participating in issues related to both radioactive and hazardous waste. We do not take a position as to what method of disposition should be used, but rather that the process of decision-making by the governmental agencies needs to be open, consistent, exhaustive and in keeping with the letter and spirit of the National Environmental Policy Act.

Today, E.I. continues to be available as a source of information and encouragement to individuals and citizens' groups as they seek to play a role in the government processes. These processes include public hearings, comments on Environmental Impact Statements (EIS), licensing proceedings, and, if necessary, court proceedings.

Volunteers who feel called to share their knowledge and experience do the work of E.I. Technical experts occasionally participate when more than lay expertise is needed.

\* National Environmental Policy Act

*Template = ADA-013*

*E-EIDS = ADA-03  
Call = T. Harris (teh)*

*Environmentalists, Inc.*

1339 Sinkler Road  
Columbia, SC 29206  
803-782-3000

September 30, 2002

Mr. Mike Lesar  
Chief, Rules and Directives Branch  
Division of Administrative Services  
Office of Administration  
Mail Stop T-6D59  
US Nuclear Regulatory Commission  
Washington, DC 20555  
Attn: Tim Harris

Dear Mr. Lesar:

These comments are being submitted by Environmentalists, Inc. (E.I.)<sup>\*</sup> for consideration by the Nuclear Regulatory Commission (NRC) in regard to the proposal for the MOX Fuel Fabrication Facility (MOXFFF) at Savannah River Site (SRS), one of the alternatives which the Department of Energy (DOE) selected as part of its plan for Surplus Plutonium Disposition (SPD).

E.I. does not take a position in favor or against a particular method of plutonium disposition. We believe that choices related to weapons plutonium need to be based on as complete and accurate a record as possible. We also believe that strict adherence to the National Environmental Policy Act (NEPA) ensures that the best possible decisions are reached.

There are governmental agencies that have been, and continue to be, critical of the SPD-EIS that the DOE prepared in relation to its plan for addressing the problem of excess plutonium from nuclear bomb programs.

The defects in the SPD-EIS include errors in the DOE's decision-making process which undermine the purpose of NEPA. The defects are in conflict with such NEPA provisions as requiring environmental consideration "to the fullest extent possible:"

- Relevant evidence is overlooked or ignored.
- The EIS is not site specific.
- Choices are made which conflict with known facts.
- Alternatives were not presented in a way that makes it possible to compare them in terms of which are best in limiting detrimental impacts on the environment, human life and the country's economy.
- Presentations are confusing and difficult to read.
- A piecemeal approach is taken by the DOE.
- Vacillation and lack of foresight is characteristic of DOE planning

The DOE has chosen not to make the substantial corrections necessary in its EIS nor has the agency prepared a new EIS as has been suggested by several reviewers.

#### Role of the Nuclear Regulatory Commission

The DOE's plan for surplus plutonium is beset with uncertainties. Rather than going ahead with the licensing process related to MOXFFF (only one of the alternatives presented in its confused planning) our organization requests that the NRC devote its attention to ensuring that a corrected EIS related to the problem of excess weapons plutonium be prepared, one which adheres to the provisions of NEPA. The licensing process for the MOX facility needs to be halted as well as other actions related to the DOE's plutonium plan.

The transfer of Rocky Flats plutonium to the SRS is an example of how the dangerous situation related to excess plutonium from nuclear bombs has worsened. There is a likelihood of a major accident or act of terrorism as a result of this premature and out-of-order action taken by the DOE. Lack of oversight is putting the whole country at risk. Instead of spending time and effort on preparing an EIS related to the DOE's proposed MOXFFF, the NRC needs to make use of its knowledge and experience in overseeing DOE such that the DOE fulfills NEPA's purpose and provisions.

Evidence exists which demonstrates that citizens, public organizations, independent experts, researchers and even other governmental agencies are generally treated as observers to the process instead of being a part of the process.

Thank you for your consideration of these comments

Sincerely,

Ruth Thomas, President  
Environmentalists, Inc.

\* *see attached*