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From: "Lee Poe" <leepoe@mindspring.com>
To: <teh@nrc.gov>
Date: 9/18/02 6:36PM
Subject: Comments on NRC proposed DEIS on MOX

I attended the North Augusta meeting last night and made a public statement. I am enclosing my comments as requested. I have somewhat changed my view on one issue after talking with other stakeholders at the meeting.

My comments are attached. Please confirm that the NRC received the comments.

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Rules and Directives
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Template = ADU-013

F-DEIS = ADU-03
Call = Mr. Harris (teh)

September 18, 2002
807 E. Rollingwood Rd.
Aiken, SC 29801

Mike Lesar, Chief, Rules and Directive Branch e-mailed to teh@nrc.gov
Division of Administrative Services,
Office of Administrative Services
Mail Stop T-6D59
U.S. Nuclear Regulatory Commission
Washington, DC

Dear Sir:

Re: Comments on DEID on MOX

I attended last night's MOX Environmental Review Meeting in North Augusta, SC. I want to thank the NRC for having meetings like that one to give the SRS Stakeholders an opportunity to learn about the NRC environmental review of the MOX. As result of last night's meeting, I want to offer NRC the following comments:

1. NRC has improved in stakeholder awareness since the August meeting. In August, no copies of the presentation slides were provided. At last night meeting, copies were passed out. The problem was that the copies given were so small that most were unreadable. Please provide readable copies in the future. Also the background (blue sky with white clouds) as projected interfered with readability on the screen. Please make projected slides more readable.
2. Before the meeting I accessed your Adam system trying to read the DCS environmental report and found the system almost impossible to use. After spending lots of time I was able to read some, not all of the report. I found it referenced to other DOE EISs for its environmental support, by reference only, and did not give summarize the findings only give the reference. It appears to be necessary to have all of the references in-hand to understand the environmental consequences from the DCS report. When NRC prepares the DEIS for publication, please make it a stand – alone document, that is one that doesn't require a lot of referencing back to reports and documents that are several years old and not normally available to stakeholders.
3. Paper copies of the various NRC and DCS documents should be made available to stakeholders at their request. Only this way will the NRC get a balanced understanding of stakeholder comments. The general stakeholder will review and participate in meetings if they have the opportunity to be somewhat knowledgeable on the issues being discussed.

4. Extend the comment period on the DEIS from 45 days to 90 days after copies of the DEIS are received by interested stakeholders. From my position, I need to read a document and let it soak in my mind before I can offer good comments.
5. Mr. Harris described the interconnection of the environmental and safety reviews using slide 6. There was a lot of concern at the meeting over issuing the DEIS early with limited design information available for review. There seemed to be no established stakeholder opportunity to comment on the licensing decision after about 10/03. I want to recommend that NRC provide stakeholders an opportunity to provide their input in a meeting similar to last night's meeting some time early in 2005 after much of the design is available. I think scheduling such a meeting will help stakeholders feel their input is important. This meeting should be announced soon so the stakeholders will know that they will have a part before the NRC Commissioners make the final licensing decision.
6. A number of comments were raised at both last night's meeting and last month's meeting that required DOE's input. NRC was put in the position of trying to answer them based on their understanding from DCS who had gotten it from DOE. I think the early 2005 meeting should be sponsored by NRC, DCS & DOE. I understand the reluctance of one Federal Agency from participating in a meeting sponsored by another Agency, but the MOX stakeholders need honest and accurate answers.
7. The two questions that stakeholders were invited to comment on (slide 16) were poorly written. I first saw them on the June 2002 "Mixed Oxide Exchange" and could not understand what NRC was requesting stakeholders to do. After the general discussion last night where we had them paraphrased I got some understanding on what NRC wanted stakeholders to comment. In the future, please attempt to write them to communicate accurately the NRC's request to the stakeholders.
8. In regard to the first question on the "No Action Alternative", I want to offer my view of what the No Action Alternative should be. The No Action should evaluate continued storage of plutonium at the various sites that currently have the plutonium. The No Action should include the environmental impacts of stabilizing the plutonium for long term storage. As I understand it, this will require placing the plutonium in storage containers like the 3013 containers and storage with active institutional control (guarding etc.) for a specified period (say 100 years at SRS). After this time, then assume no further institutional controls and the storage configuration degrades eventually releasing the plutonium to the environments. This scenario is similar to that assumed in the DOE Yucca Mountain EIS.
9. The NRC has taken a fairly aggressive stance that diversion of plutonium and its use will not be analyzed in the EIS. (See NRC Scoping Summary Report.) I think this is a mistake and want to ask the NRC to reconsider this decision and include it as a sensitivity analysis in the EIS. I think the consequences will be so large that it will guarantee that some action must be taken to reduce the threat.

10. The other alternative requested in second paragraph on slide 16, should be stabilization of all of the plutonium. This alternative has been ruled out by DOE giving full support to MOX. Despite the DOE position, I think it is a reasonable alternative and should be considered in the EIS. This position is a change of my mind since last night. Part of my presentation, last night, was taking a position against this as an alternative. I have changed my mind as a result of the discussion with individuals at the meeting. The alternative must decide how the plutonium would be stabilized, on what schedule, what cost, etc. It is a reasonable alternative.
11. Another alternative would be to fabricate the MOX fuel and then dispose of it to a geologic repository with no irradiation of the MOX fuel. This alternative would require disposal with irradiated fuel and tight surveillance until the repository or the repository drift is closed.

I want to thank you for the opportunity to provide these comments on such an important decision. If you need to discuss any of these points, I can be reached by phone at (803) 642-7297.

Sincerely

W. Lee Poe, Jr.