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From: Marvin I Lewis <marvlewis@juno.com>
To: <teh@nrc.gov>
Date: 3/26/03 8:40AM
Subject: Please forward these comments

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Mr Timothy Harris
United States NRC
Dear Mr Harris,

Please forward these comments to the proper docket.
Re. Draft Environmental Impact Statement on the planned new Mixed Oxide Fuel Fabrication Factory that the USDOE wants to build at SRS, Savannah River Nuclear Site.

I have been looking at the DEIS, which is very long, and comments which are being prepared by other commenters. Nothing that I state herein should be construed as contradiction to other commenters, pro or contra, but evaluated for actual value to the public. e. i. , Do my comments increase the safety of the public if implemented?

There are many considerations which should be addressed in comments and the DEIS: economics, safety to the public, environmental justice, endangered species, etc. . I shall limit my comments to safety to the public. I do not have time and energy to comment comprehensively.

I have been commenting on NRC regulations since Director Minogue accepted my comments on the transportation of spent fuel, and amended a proposed rule to reflect the dangers that failed zircalloy coating might present in an accident or leak of a transport cask for spent fuel. That is over three decades ago.

This thrust for MOX fuel presents some of the very same problems. Although the DEIS is long, the DEIS does not look at some of the most tendentious problems. The first problem is one that is in the news daily: 'dirty bombs'.

Since the news media asked the question about mixing conventional explosives with high level radioactive wastes into a 'dirty bomb', the NRC seems to have used every maneuver to avoid addressing that concern. The problem of dirty bombs, spent fuel dispersed by conventional explosives, has a thousand and one tentacles. The dirty bomb is low technology. The dirty bomb is cheap, cost-wise. The dirty uses materials that are local to any area with a nuclear reactor or other radioactive source. Transportation of a dirty bomb presents little problems to a terrorist. This litany of dirty bomb weaponizations presents a serious reason that the NRC and the nuclear industry would like to avoid any discussion of dirty bombs.

Since the use of spent fuel and MOX in the nuclear fuel cycle presents a massive increase in the accessibility of dirty bomb-making materials, the time to ignore the dangers of increased accessibility to spent fuel and MOX for dirty bomb making use has passed. The time to face this problem is here.

An actual MOX fabricating factory will need to transport spent fuel and unused bomb pits for all over this Nation and probably other nations. This presents a prize that terrorists will strive to obtain. Many locals do have sufficient law enforcement and National Guard to meet these challenges. Many do not.

I shall not discuss economics, but protecting radwaste and bomb pit transport to a MOX fabrication facility may be a 'unfunded federal

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E-RFDS = ADM-03

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mandate' which is disallowed under present US Congressional budget rules. The NRC should address this unfunded federal mandate in the DEIS

I shall not discuss herein how and why the transport of spent fuel and bomb pits may be attractive terrorist targets as I do not like my comments to serve as a 'cook book' for terrorist activities. There are too many sites on the Internet that do those activities too well.

Although transportation casks have been looked at in regulation and testing for many years, the form of the spent fuel and the bomb pits have taken a back seat. The spent fuel has often failed in use and presents a peculiar problem in transportation and decanting. The design of the transportation casks often do not address the failures and the type of failures of the spent fuel. Any assumption that the fuel will be in a form which does not complicate accidents and handling may be flawed and needs to be addressed. This was the kernel of my comments decades ago on spent fuel casks and is still valid.

I do not wish to discuss economics, but its greedy head emerges in the discussion of the nuclear fuel cycle. The US economy is reeling for many causes. Can we be sure that there will be financial arrangements sufficient to decontaminate the 4 Duke reactors in the event of a financial collapse? Will these Duke reactors provide enough spent fuel to make MOX fabrication economical if the demand for electricity decreases? I expect that the NRC will address this financial collapse and electricity demand problem in relation to money for decontamination requirements.

I really believe that a Programmatic DEIS is more appropriate to the MOX problem than several DEIS's which do their best to avoid a overall problem.

Respectfully submitted,
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