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To: The Nuclear Regulatory Commission
From: Citizens For Environmental Justice
Date: May 14, 2003

Re: Report No. NUREG-1767

Comments to the Nuclear Regulatory Commission on the Draft Environmental
Impact Statement on the Construction and Operation of a Mixed Oxide Fuel
Fabrication Facility at the Savannah River Site South Carolina.

This letter represents a collective response by African American communities and residents living in South Carolina and Georgia to the Draft Report for Comment Environmental Impact Statement on Proposed MOX Nuclear Facility issued February 2003. The comments, concerns and recommendations were gathered at four community meetings held in Aiken and Blackville, South Carolina and Augusta and Savannah, Georgia. Citizens For Environmental Justice (CFEJ) is serving as the lead organization working with these Environmental Justice communities in providing formal public comment to the Nuclear Regulatory Commission (NRC) and Department of Energy (DOE). The enclosed letter was sent to Secretary of Energy, Mr. Spencer Abraham on April 3, 2003. We have not received a response to date.

We, the environmental justice communities do not support the construction and operation of a MOX facility at Savannah River Site (SRS). We believe this mission is highly inappropriate, particularly because of the current legacy of waste at SRS.

Comments

- While we certainly applaud the inclusion of the Environmental Justice Analysis contained in the Draft Environmental Impact Statement (DEIS), we feel it is inadequate and did not provide sufficient details and

Template = ADM-013

E-RIDS = ADM-03
Call = N. Harris (T.H.)
A. Lester (ALH)

explanation.

- We are appalled at the mistakes published in the DEIS and feel it was unfair to ask communities to respond to inaccurate data. The new information regarding the number of latent cancers that could be expected has still not reached our communities and no mechanism has been provided to make comment on this new information.
- According to the Executive Order 12898 on Environmental Justice extra measures must be taken to inform Environmental Justice Communities of proposed Federal actions. Although there were public meetings held, there was no outreach made to disadvantaged or vulnerable communities.
- The mitigation measures section addressing the disproportionate impact to minority communities is totally unacceptable. The proposal measures place yet another unfair burden on communities and local government. Education will not address impacts described in the Draft Environmental Impact Statement. Local governments and citizens should not bear the responsibility of emergency preparedness and associated costs.
- The Draft EIS does not provide opportunity for stakeholders to comment on immobilization as a viable and cost effective option
- Operation of the MOX facility at SRS will in our opinion generate more and new radioactive waste – and enough waste is being handled at the site already
- The length and complexity of language and science in the DEIS precludes many residents and Environmental Justice stakeholders from reading and commenting on the document. The comment period is too short and resources must be given to communities to develop their

capacity to respond to such documents

- There is a clear violation of the National Environmental Policy Act (NEPA) requirements
- Because of the Native American's position on the final repository issue, debate must continue that includes all communities, particularly those on transportation routes

Major Concerns

- Potential health impacts to the Environmental Justice community as a result of an accident
- Lack of Emergency Preparedness of local government, health, fire and police departments
- Environmental Justice communities lack of understanding of the proposed actions
- Lack of respect for Environmental Justice communities involvement and input
- Lack of Duke Cogema Stone and Webster's willingness to meet with Environmental Justice stakeholders for dialogue and collaborative problem solving
- Generation of new radioactive waste by the MOX facility and funds to address this waste management

- Computer errors miscalculating the number of deaths in low income, African American communities as a result of a severe MOX accident
- No public announcement on how communities will comment on new data that has been corrected – N. Augusta in South Carolina and Augusta in Georgia should have every opportunity to make comment because they will be highly affected by the proposed MOX activity
- The environmental risks associated with insufficient reactors in the MOX program to keep up with the proposed MOX production rate
- Adding to SRS materials that are attractive as targets for sabotage or attack
- Security risk of weapons grade plutonium at SRS
- Another plutonium mission for SRS: a new plutonium pit disassembly facility

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| Recommendations |
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1. Place a moratorium on the proposed MOX activity until environmental justice stakeholders can be integrated into the decision making process
2. NRC must insure that the input from environmental justice communities is heard, considered and factored in the final record of decision
3. Resources must be provided by Duke Cogema, Stone and Webster to local communities infrastructure for emergency preparation
4. Duke Cogema, Stone and Webster must work collaboratively with environmental justice communities in planning and implementing mitigation strategies. New mitigation measures must be developed with

- the involvement of communities and integrated into the EIS
5. Immobilization must be presented to potentially impacted communities as a possible option for plutonium disposition
 6. Improved and enhanced communication with environmental communities must be instituted
 7. Documents must not be published for comment by the public with incorrect calculations – when this occurs the process for commenting must be extended
 8. Duke Cogema, Stone and Webster must be made to work with potentially impacted communities
 9. Provide a “community user friendly” document that clearly tells people what is proposed, why and potential real impacts on the environment, health, economy and ecology of the operation of the MOX facility
 10. DOE must conduct a supplemental Environmental Impact Statement (EIS) on the immobilization option
 11. A programmatic EIS must be conducted that considers and addresses all parts of the MOX program of activity which includes the current EIS on the MOX fuel facility, supplemental EIS for the license renewal for the 4 Duke nuclear power reactors, Lead Test Assembly, MOX use in reactors and new plutonium processing
 12. The disproportionate impact on minority and disadvantaged communities must be addressed and mitigated
 13. There must be no acceptance of any number of potential deaths
 14. DCS must provide an off site emergency plan for a critical accident in the MOX facility

Supplemental Recommendations

- Encourage authors and agencies developing the EIS to refer to the NEPA for opportunities to implement comprehensive review and analysis of all new policy proposals, rule revisions, permit applications and construction projects
- Improve NRC's (and other developers of the EIS) capacity to analyze and address environmental justice issues
- Establish better environmental justice guidelines for analysis and mitigation measures (involve the community in the development process)
- Ensure that NRC and its staff understand that "meaningful involvement" of all people (including Environmental Justice advocates and communities) in government processes is at the very center of addressing many of the issues brought forth by the environmental justice community
- Address the cumulative impacts of the proposed actions. The cumulative impacts should be evaluated with respect to increasing or decreasing existing inequities

If in planning for an environment action, NRC and DOE find that such action will place an unequitable burden on groups, individuals or communities, and further find that they are unable to avoid placing such a burden, then

consideration should be given to providing compensation or incentives

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

This proposed federal action must ensure the Environmental Justice in minority and low income communities as it relates to the MOX Fuel Fabrication Facility at SRS.

In conclusion, we the members of the environmental justice communities in the South Carolina and Georgia call for a reversal of the Department of Energy's decision to construct and operate a MOX facility at Savannah River Site. Questions from community meetings are available upon request.

Working for Environmental Justice,

Dr. Mildred McClain
Executive Director

Enclosures: Letter to DOE Secretary
Community Questions

April 3, 2003

Mr. Spencer Abraham, Secretary
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Secretary Abraham:

This is a letter to formally call your attention to a grave concern of African American residents living near the Savannah River Site. On Monday, March 3, 2003 we received the Environmental Impact Statement on the Construction and Operation of a Mixed Oxide Fuel Fabrication Facility at the Savannah River Site, South Carolina. In the Environmental Impact Statement (EIS) an environmental justice analysis was conducted and the results are quite disturbing. The findings report that if an accident or explosion occurred the greatest impact would be to minority communities because of their geographical proximity to the site. The EIS states under Section 4.3.7.3.3 Accidents:

"A tritium release at the proposed PDCF facility has the potential for causing up to 400 latent cancer fatalities in the area surrounding SRS. However, it is highly unlikely that such an accident would occur. There, the risk to any population, including low-income and minority communities, is considered to be low. In the unlikely event of a tritium release at the PDCF or an explosion at the proposed MOX facility, the communities most likely affected would be minority and low income, given the demographics within 80 km (50 mi) of the proposed MOX facility." (Pg. 4-57)

The Mitigation Measures Section we feel is very weak, lacks sufficient details, and puts an unfair burden on minority communities to prepare themselves for any emergency or accident. (Section 5 Pg.5-6)

This raises several major concerns because of the already existing vulnerabilities within this population. Current DOE policy and the Executive Order 12989 on Environmental Justice require that measures be put in place to address any disproportionate impact relating to communities of color.

Our major concerns fall into five categories:

- 1) Emergency response preparedness for communities and local officials (with community involvement)
- 2) Information dissemination
- 3) Monitoring
- 4) Long term strategic planning to address potential impacts in collaboration with communities
- 5) Role of Duke/Cogema relating to community involvement and preparedness

We are asking for your assistance in having our concerns addressed. We want our communities involved in all the contractor's activities including planning and training related to insuring the safety and protection of the health of our people.

Working for Environmental Justice,

Dr. Mildred McClain
Executive Director