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Rules and Directives
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**Comments for LES Scoping Meeting
March 4, 2004**

Accident Analyses:

Considering that uranium hexafluoride decomposes when heated and produces deadly hydrogen fluoride, all accident analyses must include the risk associated with fire at the facility. The accident analyses must include risk to the public within a 50-mile radius of the facility, as is generally the standard in environmental impact statements produced by the Department of Energy. Risk to workers in all accident scenarios must be evaluated carefully.

Also, solid uranium hexafluoride, which is the form in which it is transported and stored, can be converted into this deadly gas when under extreme heat. Therefore, fire analyses should be performed for uranium hexafluoride in transit from Illinois to New Mexico and out of New Mexico to all interim storage facilities, including facilities for both enriched uranium product and waste.

In addition, the Environmental Impact Statement (EIS) should evaluate the emergency response capabilities of the communities surrounding the National Enrichment Facility (NEF) and those along the transportation routes. The EIS should estimate the suitability of Lea County's solitary hospital to handle radioactively contaminated patients.

Alternatives:

The EIS should address alternatives to and for NEF. For example, NEF has previously been rejected by Louisiana and Tennessee, which were Louisiana Energy Service's previous preferred locations. The EIS should explain why LES is no longer pursuing these alternatives and the circumstances under which LES was required to withdraw their proposals in those states.

Also, the EIS should present alternatives to the NEF. Obviously a No Action Alternative must be included. Alternative methods of economic development should be included for Lea County, such as renewable energy research and development. Considering the strength of the wind in this area, as noted below when discussing emissions, wind farms should be investigated as another source of economic development.

Economic impacts:

We request that the EIS detail the number and type of jobs that will be created by NEF. Specifically, how many of these jobs will require workers with special knowledge of nuclear physics and how many of

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these workers will have to be imported from other facilities or countries? How many jobs will be created for current Lea County residents, what will these jobs be, what will their average salary be and how long are they expected to last?

Furthermore, we request that the EIS include the projected economic multiplier for the facility so that Lea County residents may accurately judge the economic impacts the facility will have on the area. The economic multiplier is a quantitative measure of economic impact that explicitly recognizes that economies are interconnected networks of interdependent activity.

Also, the EIS should address the effects of Lea County's issuing a \$1.8 billion industrial revenue bond to LES, the future impacts such an allocation may have on Lea County and the potential economic impacts if the facility should fail to generate revenue. Considering that the US government currently artificially sustains the uranium market, it is possible that NEF may not generate as much revenue as expected. Furthermore, as LES is 90% owned by foreign agents, the EIS should estimate how much of NEF's proposed revenue would remain in Lea County, the US and how much will be exported to foreign countries.

Emissions:

The EIS must estimate the levels of air and water emissions expected from the facility and the risk presented to the public by those emissions. Any definition of risk should be related to the number of cancer deaths per 10,000 people so that there may be consistency between risk estimates, which will facilitate comparison of risk from NEF and other nuclear facilities.

Furthermore, as reported in the December 18, 2003 *Albuquerque Journal*, heavy winds in southeastern New Mexico have been known to transport sediment as far away as Wisconsin. The EIS should include an analysis of the effects of NEF's air emissions on those living downwind of the facility. Analysis of the effects of air emissions should extend beyond the 50-mile radius in order to estimate risk from emissions to those living further downwind.

Also, LES's plan for its facility in Louisiana included a holding pond for wastewater. The EIS should include the effects of ingestion and inhalation of depleted uranium due to evapotranspiration from such a holding pond. In addition the EIS must estimate the effects of such a holding pond on the soil and groundwater beneath it.

The Industrial Revenue Bond for NEF specifies that LES may not build a facility in Lea County if it has committed environmental violations in the county. Considering that LES is composed primarily of national and international organizations, we request that this provision be expanded to include environmental violations in any country in which LES or its partners operate nuclear facilities.

Employee Health and Safety:

Although Mr. Rod Krich argues that one could lick the depleted uranium waste containers and experience no adverse health effects, the fact is that most workers will not be dealing solely with waste product. Most, in fact, will be dealing with deadly uranium hexafluoride. Therefore, the EIS must consider cumulative health effects from inhalation and ingestion of uranium hexafluoride to workers.

Also, there is a federal program to compensate uranium workers under the Radiation Exposure Compensation Act. Unfortunately, because of poor record keeping, most former uranium workers will not receive compensation. Therefore, the EIS should include a plan for maintaining and updating workers' records in a secure and public location where NEF employees can access their radiation records in the event that they must file a claim under the Compensation Act.

Environmental justice:

A thorough environmental justice review must be included in the EIS, which includes NEF's effects on minority and low-income populations. According to the Lea County clerk, in 1999, more than 35% of the population in Lea County was minority. There was an unemployment rate of 9.3%. The EIS must consider these factors in their environmental justice analysis.

Facility Disposition:

The EIS should include a detailed disposition and closure plan for NEF, including cost analysis. It should specify disposal locations for any contaminated material that may be produced by decontamination and decommissioning of the facility and transportation routes that would be necessary for disposal of decontamination and decommissioning wastes. Furthermore, the EIS should include risk to workers that participate in decontamination and decommissioning activities.

Waste:

NEF is expected to produce upwards of 140,000 tons of depleted uranium waste during the course of its operation. LES has stated that this waste would remain in New Mexico no longer than the operating lifetime of the facility, which is estimated to be 30 years.

Even if a deconversion facility and permanent disposal area were built, LES waste would be last in a long line of 450,000 tons of such waste awaiting deconversion and disposal at Paducah, Kentucky and Portsmouth, Ohio. The EIS should address where the LES waste will be stored in the interim between closure of the NEF and deconversion and disposal. What transportation routes will be required to transport the waste first to the interim location, and finally to

the proposed deconversion and disposal sites? Will there be public meetings and opportunity for public comment for those living along the transportation route?

We request that the EIS examine possible locations for both the deconversion and disposal facilities, as well as transportation routes to those facilities. Furthermore, the EIS should include impacts to areas along the transportation routes, as well as detailed accident analyses, including examination of the adequacy of emergency response teams along transportation routes.

Moreover, the EIS should include a waste disposal plan based on Congress's passing the 2003 energy bill, which was recently reintroduced by Senator Pete Domenici, and would require the Department of Energy to be responsible for disposal of LES waste.

The EIS should also address DOE's ability to construct deconversion and disposal facilities in a timely manner. Please see the General Accounting Office's 2003 report entitled, "DOE Action Needed to Ensure Continued Recovery of Unwanted Sealed Radioactive Sources," in which the GAO finds that DOE is more than 18 years behind schedule for finding a disposal facility for certain types of radioactive waste.

Water:

The EIS should specify the amount and source of the water that it will be using and the effects its use will have on water supplies in the entire region. The EIS should consider current surface and groundwater resources but also those for the operational lifetime of the facility. What will the effects of the facility be on water resources as they begin to diminish further over time?

Urenco:

In cases of proposed nuclear weapons facilities, the EIS is required to outline the effects the facility will have on the nuclear Non-Proliferation Treaty of 1970, of which the US is a signatory. NEF will not be a weapons facility. However, given LES's parent company, Urenco has a history of selling sensitive nuclear weapons information to Pakistan, Iran, Iraq and Libya. Therefore, we request that the EIS include an analysis of Urenco's operations and their effects on the NPT and horizontal weapons proliferation internationally.

Moreover, as Urenco's questionable reputation may make the facility vulnerable to not only terrorist threat, but also espionage activities, the EIS must include a detailed and extensive section outlining security measures that will be required to protect the facility. While we understand the sensitive nature of security planning, we request that as much of this security plan as possible be available to the public.