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CITIZEN GROUP TAKES LEGAL ACTION TO HALT PLUTONIUM FUEL (MOX) PLANT CONSTRUCTION AUTHORIZATION AT SAVANNAH RIVER SITE

For Immediate Release, March 1, 2005, Tuesday
Contact: Glenn Carroll, Georgians Against Nuclear Energy, 404-378-4263, atom.girl@mindspring.com

Atlanta/Washington --- In a move which could further delay the controversial plutonium fuel (MOX) program at the Savannah River Site (SRS), Georgians Against Nuclear Energy (GANE) filed a legal document with the U.S. Nuclear Regulatory Commission (NRC) late on Monday against issuance of a construction authorization for the facility.

GANE's filing in the formal MOX plant licensing proceedings now before the NRC, challenges the adequacy of the NRC's Environmental Impact Statement (EIS) on the MOX plant, issued on January 28. GANE contends that the EIS is based on outdated information and that significant changes to the plutonium disposition program by the Department of Energy (DOE) require the EIS to be redone and be reopened for public comment.

Further, GANE asserts that no license to begin construction of the MOX plant can be issued by the NRC's Atomic Safety Licensing Board (ASLB) as the license would be based on an EIS which does not meet the legal requirements of the National Environmental Policy Act (NEPA). DOE has claimed it will begin "site preparation" for the costly MOX plant in May 2005 though no construction license has yet been issued and legal challenges to it continue. GANE believes that early site preparation for the MOX plant is now clearly jeopardized given the magnitude of unanswered questions about the plutonium disposition program.

"The flawed EIS, which reveals that the NRC and DOE are not communicating about significant changes to the plutonium disposition program, must be withdrawn and all licensing decisions based on it frozen," said Glenn Carroll, GANE coordinator. GANE filed two objections, or "contentions," to the EIS - one on failure to analyze the impact of DOE's suspension of a facility to treat nuclear waste from the MOX plant and the second on the failure to analyze DOE's revived plan to immobilize some surplus weapons plutonium at SRS as nuclear waste.

The EIS is based on a waste management proposal recently suspended by DOE, an action apparently unknown by the NRC at the time it published the EIS. In a surprise move, DOE made the suspension announcement in its February 7 budget proposal to Congress. "It would be unlawful for the NRC to issue the MOX construction authorization until the DOE's alternative waste management plan is analyzed in a new EIS," said Ms. Carroll. "The NRC will have to restart the process to prepare a new EIS, if and when

it receives up-to-date and accurate information.² NEPA requires that a³supplemental³ EIS (SEIS) be prepared when significant changes occur to a proposed action.

³We've been highly concerned about the lack of planning for the toxic MOX waste stream from the beginning and now it is obvious that our concern that this deadly material was not receiving due attention is well grounded,² said Ms. Carroll.

GANE's second contention concerns the resurrection by DOE of the³vitrification² option for weapons plutonium at SRS, a fact ignored in the EIS. During much of 2004, DOE was quietly exploring the feasibility of a new vitrification plan, whereby plutonium would be vitrified along with radioactive glass and managed as waste. In the FY 2006 budget request DOE announced it was seeking funds to design a new vitrification facility at SRS. ³It appears that the NRC was asleep at the wheel in not noticing these vitrification developments and that the DOE was too arrogant to formally provide information to the NRC about them,² said Ms. Carroll. ³Both the NRC and the DOE have made a mockery of the EIS process and now must be held accountable.²

DOE's reinstatement of the immobilization³alternative² requires the NRC to analyze its environmental impacts as compared to MOX. NEPA requires that an EIS will ³help public officials make decisions that are based on understanding of environmental consequences, and take decisions that protect, restore and enhance the environment.² GANE and other environmental and non-proliferation groups have consistently pointed out that plutonium immobilization is cheaper, produces significantly less waste than MOX, and is safer both in the U.S. and Russia from a non-proliferation perspective. GANE's legal filing highlights DOE's inconsistent and confusing claims about the suitability of the growing plutonium inventory at SRS for use as MOX.

³The good news,² says Ms. Carroll, ³is that DOE is moving to fully secure plutonium now at SRS by immobilizing it in existing high-level waste. GANE's role is to ensure that the environmental analysis of this viable plutonium disposition option is fully explored by holding the NRC legally accountable in the EIS process.²

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For more information and full text of GANE's filing contact Glenn Carroll, Georgians Against Nuclear Energy, 404-378-4263, atom.girl@mindspring.com

DOE budget can be found at
<http://www.mbe.doe.gov/budget/06budget/Start.pdf>

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Primarily for non-proliferation, terrorism, and cost reasons, the GANE intervention against the MOX plant is being supported by Greenpeace International.

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