

Limited Appearance Statement
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Subject : my speech to the Atomic Safety & Licensing Board 8/21/07

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Docket No. 70-3098-MLA

To the Atomic Safety and Licensing Board
Nuclear Regulatory Commission

Re: Proposed Mixed oxide Fabrication Facility at the
Savannah River Site, South Carolina

Your FEIS for the MOX facility lacks credibility because it is contradictory and identifies gross omissions. The MOX facility is not just one building or one process, but three, the unholy trinity, PDCF, MOX and WSB. Each of these is comprised of multiple buildings. The first section, where bomb grade plutonium is first changed to a state that can be retooled into fuel for nuclear power plants is called the PDCF. The next step of the process, taking the materials from PDCF and actually creating the fuel rods is called MOX. All of the waste from both PDCF and MOX is piped to WSB.

The irony of this is that the Nuclear Regulatory Commission has no licensing or regulatory authority over either the front end or the back end, PDCF or WSB, and it is precisely these facilities that are the most environmentally polluting and pose the greatest threat to both the workers and the public.

(1) PDCF emits plutonium, americium 241, and tritium

into the air.

(2) WSB treats and releases liquid waste to the Upper Three Runs Creek. The FEIS says there is no impact to water quality because the discharge is to "surface water".

DOE, not NRC has jurisdiction over PDCF and WSB. DOE has already allowed the groundwater under the whole area where the unholy trinity is to be located to become contaminated with SR. 90 and tritium.

Telling the public and the media that there is little to no chance that any member of the public will be harmed, and if they are, it will be the economically deprived, is based on omissions and contradictions.

ShAW
The Atomic Safety and Licensing Board, today is considering granting a license, not to the DOE, but to a private company to operate MOX. Since the Price Anderson Act limits liability from an accident at a nuclear power plant, and this is not a nuclear power plant, will the private company be held financially responsible for all liability in case of an accident? This was not disclosed in the FEIS, - an omission.

The NRC's reason for being is to protect the health and safety of the public. Without jurisdiction over PDCF and WSB, the very act of licensing the fuel fabrication midsection which is referred to as MOX, is an act of deception. The public perceives MOX to cover the entire process. Granting this license compromises the integrity of the NRC.

Three examples of contradictions in the FEIS:

(1) Section 2 disclosed that the PDCF building will release plutonium, americium and tritium to the air. Section 4 flatly states there will be no "Process Emissions" from the PDCF.

(2) Even within the 4th section there are contradiction. section 4.3.1.2.1 discloses that faulty tests were run, looking for only 10 soil contaminates,, while ignoring 2, arsenic and trichloroethylene, known to be present. And the test, from 50 locations, only tested the soil to depths up to 12 inches, while disclosing in other sections that the ground water beneath the whole area that is to house the unholy trinity is already contaminated with tritium and strontium 90, that causes leukemia. In another section, it is divulged that rural offsite residents depend on ground water from this contaminated aquifer for their well water.

Great detail is given on how the problem will be handled. Different sections of this document give different mitigating plans. Section 5 directs retesting prior to excavation. Section 4 directs further ^{tests} these during excavation, if odors are present. Then "potential health impacts to construction workers would be reassessed." Included in the mitigation plan in section 5 is to ROTATE THE CONSTRUCTION WORKERS.

The conclusion arrived at inSection 4.3.1.1.1 is deceptive because of the omissions of the facts revealed above. It states: "No additional radiological impacts are expected from the construction activities because no surface contamination is present."

The biggest contradiction of all, a construction permit has

already been granted and excavation begun before this hearing is even held.

(3) Contradiction and omission: Radiation and chemical doses to workers. The FEIS provides proof of NRC's complicity in this deception.

(a) Inhalation is identified as the most dangerous pathway for radiation to humans. Mitigation plan: Inhalation is not included in the calculation of doses to workers.

(b) Chemicals, including deadly beryllium will be present. No chemical doses either during routine operation or accident conditions are included in the evaluation of risks to the workers.

(c) Appendix J discloses how radiation doses to workers are calculated. "Radiation doses to facility workers were not affected because administrative limits were used to compute exposure."

In spite of all this, cumulative doses to workers at the Savannah River Site, excluding those working exclusively on the MOX project, are expected to increase by 9%.

An accident more severe than those that are considered, called a "beyond design accident," at any reactor using this MOX fuel, containing weapons grade plutonium, is expected to increase damages by 14%. CATAWBA NUCLEAR PLANT, just a few miles from my friend's home in Rock Hill, SC, is designated as being one of two nuclear plants, McGuire is the other, that

will use this fuel. I'm sorry this friend couldn't be with us today. I would have liked you to have been able to put a face on one of the people who will suffer the consequences of such an accident, should you grant this license today.

I am limited to 3 minutes, and I'm sure that I have already spoken more than that. Here is my written statement, listing specific sections and page numbers in the FEIS containing this information. The whole FEIS is available online at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1767>.

I come to you today, not only to ask you to deny the license that is before this board today, but to ask you to take unprecedented action. **RESCIND THE CONSTRUCTION PERMIT TO THE MOX FACILITY.**