

# BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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OFFICE OF SECRETARY  
RULEMAKING AND  
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## GROUP FILES REQUEST FOR HEARING ON PLUTONIUM FUEL

### Cites Potential Breach of Contract, Violations of Federal Law

Today, the Blue Ridge Environmental Defense League (BREDL) released its *Request for Hearing Regarding Mixed Oxide (MOX) Fuel Fabrication Facility*<sup>1</sup> concerning a plutonium fuel factory proposed for the Department of Energy's Savannah River Site near Aiken, South Carolina. Blue Ridge Environmental Defense League's request challenged the federally-funded license application submitted by Duke, Cogema Stone and Webster (DCS), contractor for the proposed fuel factory. The request was delivered to the Nuclear Regulatory Commission on May 18.

### DUKE, COGEMA, STONE & WEBSTER IN DEFAULT OF CONTRACT?

Citing last year's withdrawal of Virginia Electric and Power Company from its commitment to use plutonium fuel, BREDL said that DCS is arguably in default of its contract with DOE, which states, "*Failure of the Contractor to provide an approved replacement mission reactor sufficient to accomplish the plutonium disposition mission schedule shall be considered a breach of this contract.*" DCS has not proposed any replacement reactors and Virginia Power is still named as a service provider in the contract.

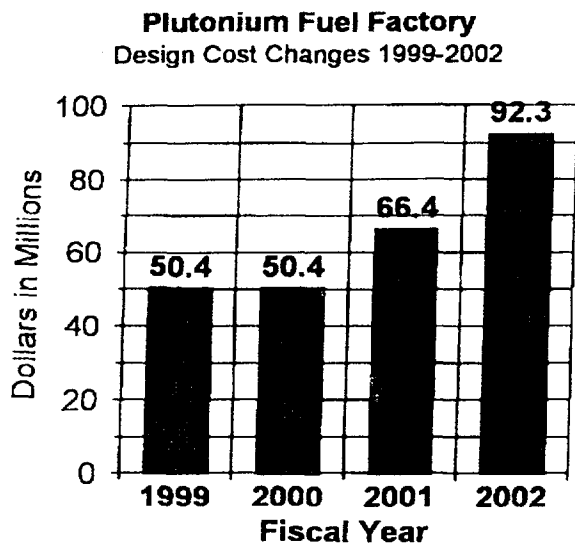
"When it became apparent the consortium could not meet its contractual obligations, DOE should have shredded the contract," said Don Moniak of BREDL. "Unfortunately, DOE continues to function as a rogue agency with little or no accountability. The NRC has an obligation to correct the situation."

### DOE's FALSE CLAIMS TO CONGRESS and FEDERAL LAW VIOLATIONS

In last week's filing to the NRC, BREDL charged that DOE secretly chose a dirtier technology while claiming to prefer a cleaner one. Since September 1997 DOE pursued liquid acid plutonium processing as its preferred conversion technology while falsely claiming that a dry "pyroprocessing" technology was favored. DOE withheld this information for more than two years from the public and Congress, which resulted in legally flawed National Environmental Policy Act

<sup>1</sup> Available at [http://www.bredl.org/pdf/MOX\\_hearing\\_request051701.pdf](http://www.bredl.org/pdf/MOX_hearing_request051701.pdf) or upon request.  
[www.bredl.org](http://www.bredl.org)

(NEPA) processes and documents, and federal budget allocations made on the basis of false and misleading information.



A year after DOE reported liquid acid plutonium processing as producing a low volume of liquid radioactive waste, Duke Cogema Stone and Webster submitted an *Environmental Report* to NRC estimating liquid radioactive waste volume 1500 times greater than DOE's estimates. The cost of designing a plutonium fuel factory has skyrocketed along with the radioactive waste production estimates. (see Figure to left).

### EVERYONE HAS AN INTEREST, EVERYONE SHOULD HAVE STANDING

Blue Ridge Environmental Defense League's Don Moniak said that all American citizens deserve "party" status, or "standing," as everybody has financial, property, civic, moral, and ethical interests in the plutonium fuel proposal, including interests in:

- The principles of sound government and federal fiscal management;
- Federal agencies obeying the laws of the nation;
- Managing federally-owned lands and protecting public land and resources from unnecessary radioactive and chemical contamination;
- Protecting federal facilities from unnecessary harm;
- "Disposing" of huge stockpiles of military plutonium in a way that discourages dangerous, expensive, and unnecessary global commerce in plutonium fuel. At this time the only feasible and reasonable alternative is plutonium immobilization, a path DOE abruptly abandoned last month.

The plutonium fuel (MOX) factory is being designed to convert 25.5 metric tonnes of surplus military plutonium into a fine-grained powder suitable for processing into nuclear fuel to be used in Duke Power Company's Catawba and McGuire Nuclear Power Plants- both within 20 miles of downtown Charlotte, North Carolina.

Organized in 1984, Blue Ridge Environmental Defense League has offices in Aiken, SC and Charlotte, NC. Many of its chapters and members would be directly affected by the SRS fuel factory, by the use of plutonium fuel at Duke's McGuire and Catawba reactors, and by plutonium transports.

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