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Date: 9/30/02 9:07PM
Subject: MOX FFF EIS Comments

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September 30, 2002

Mr. Mike Lesar
Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
Mail Stop T-6D59
US Nuclear Regulatory Commission
Washington, DC 20555
Attn: Tim Harris

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Rules and Directives
Branch
USNRC

Dear Mr. Lesar:

These comments are being submitted as part of the official record for the Environmental Impact Statement (EIS) being prepared by the Department of Energy (DOE) on the MOX Fuel Fabrication Facility (MOXFFF) at Savannah River Site (SRS).

Since I first reviewed the DOE's proposal I have observed a lack of attention to the unique and undisputed characteristics of plutonium which demand that absolute containment be the goal of any such program. The DOE's history demonstrates confusion, lack in consistency and lack of foresight in its planning. Its chronic lack of openness with the public is both alarming and disheartening. These failures undermine the very purpose for NEPA.

With regard to confusion, inconsistency and lack of planning.

- The original deadline for public comment fell prior to the public meetings
- The DOE at first stated that a certain amount of plutonium had to be immobilized because technical and cost constraints prevented its reprocess into MOX fuel. However, in January 2002 the DOE indicated cancellation of the immobilization plan. Clarification is needed concerning the plan to dispose of plutonium too impure to be suitable for MOX.
- The DOE has confirmed on several occasions that immobilization is a more cost effective choice. Still, the DOE pursues the MOX option
- Cancellation of the plutonium immobilization program is not addressed in any NEPA document. Rationale, responsibility and authority for reversing plans should be made clear.
- The nature and location of this proposed facility has yet to be revealed nor has the exact source of the waste to be reprocessed, how the resultant waste will be handled, nor the all-inclusive costs.
- It is suggested that a facility to solidify the waste stream coming from the MOXFFF will be necessary, but no details are given. A waste solidification facility is not budgeted.
- The analysis of the site does not appear to be site specific. The water

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table is very high in much of SRS and the earthquake conditions are suspect.

- The activities of the 153 existing and proposed superfund cleanup sites should be reviewed as part of the larger picture.
- The applicant, DCS (Duke, Cogema, Stone and Webster) will not submit its plan for plutonium control and accounting until after the EIS is completed. A full and complete assessment cannot be accomplished without this information.
- With cancellation of the solidification program, there should be a back-up plan in case MOX, a still experimental technology, does not develop and perform as hoped.
- The facilities at SRS for handling and managing plutonium arriving from Rocky Flats do not appear to be completely consistent with the methods of packaging at Rocky Flats.
- It has been indicated that two, or possible three, new reactors are considered needed for MOX use. It should be indicated which reactors are being considered. It appears questionable whether the production of MOX fuel coincides with the requirement for MOX fuel.
- Plutonium is already being stored under less than safe conditions, in an old reactor not built for that purpose and in a location which would require transporting a container 10 miles to remedy a leak.
- It is not clear how plans for a new "pit" plant at SRS fits into the overall plans at SRS.
- The DOE and NRC fail to fully recognize or address the reality of a major accident or terrorist's act

The process of decision-making by the NRC and DOE is required by NEPA to be transparent and inclusive of the public. The process as instituted at present is significantly lacking in openness:

- Outreach to the public has been very poor.
- Access to information about DOE planning and the NRC licensing process is not easily achieved.
- Information is sketchy and piecemeal.
- It is unclear what agencies, institutions, think tanks, etc. were part of this process.
- The participation, reports, instructions and funding of the National Academy of Science is unclear, as is the role of state and federal agencies in contributing to this process. It is my understanding that these roles are presented in NEPA and explained in *Calvert Cliffs' Coordinating Committee, Inc. v. US Atomic Energy Commission*, 449 F.2d 1109 (U.S App.D.C.)
- Information is often made available only to a limited selection of the public (as example demonstrated by the July 2002 overheads concerning the revised surplus plutonium strategy).
- There is great confusion about the parallel United States/Russian plutonium disposition agreement. The DOE has a primary role in the execution of this agreement, but budgets do not support the stated goals of the parallel agreement.
- It would appear that certain greedy factions in Russia could be working in concert with certain American interests regarding breeder reactors.
- There is, at least, an appearance that special interests could be at work within the DOE.
- The NRC has the broadest knowledge, resources, experience, and understanding of issues relating to plutonium and the requirements of NEPA. The extent to which this is utilized by NRC in guiding DOE planning and decision-making needs more clarity.

- The processes in use at SRS appear to be different from those used in other locations, such as Yucca Mountain. It is understood, for example, that there is federal funding made available for a Nevada state agency representing the Nevada citizens and advising the governor on nuclear matters.
- Alternatives are not presented in a way that comparisons can be made, but rather a state of confusion is created. The dual track concept and its various options are an example. This lack of clarity is not at all the intent of NEPA.

There is interface between NCR, DOE, and the applicant during these processes. The public needs to know the nature and record of this interface; this process should be transparent and the public should be welcomed into the process in a proactive manner by the agencies involved.

Plutonium is an explosive and a contaminant with long-lasting capacity for causing economic losses, effecting quality of life, and even destroying our world. Only through conscientious adherence to the NEPA process are errors revealed. Furthermore, the Calvert Cliffs' decision requires that the agency carry out the provisions of NEPA without any legal action being necessary, because independent individuals and organizations may not have the resources to challenge the agency.

Thank you for your consideration of these comments.

Sincerely,
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