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**Date:** 9/4/02 1:08PM  
**Subject:** Comments on MOX Fabrication Facility EIS

4/24/02  
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COMMENTS REGARDING THE DELAY IN ISSUANCE OF THE DRAFT AND FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR THE MIXED OXIDE FUEL FABRICATION FACILITY 67 Federal Register 20183

These comments are submitted by Southwest Research and Information Center (SRIC), a nonprofit educational and technical assistance organization based in Albuquerque, New Mexico. For more than 25 years, SRIC has been involved with nuclear waste management, transportation, and disposal issues, primarily related to spent fuel, high-level waste, and transuranic (TRU) waste.

Initially, we recognize that these comments are being submitted after the August 30, 2002 comment date specified in the Federal Register notice. However, we request and expect that the comments be fully considered for three main reasons. First, there could be timely comments mailed on August 30, 2002 that would be received by NRC after these SRIC comments. Second, NRC is conducting public meetings in two weeks where additional comments will be received, which should be fully considered. Third, given that the draft environmental impact statement has not been issued, there is time to include additional changes. Thus, SRIC believes that these comments are timely and should be fully considered.

SRIC has reviewed the NRC "Scoping Summary Report" of August 2001 (Docket 70-3098) for the MOX Fabrication Facility. SRIC particularly notes that Section 2.2.10 Waste Management on page 12 makes no mention of TRU waste. If there will be no TRU waste generated, that is an appropriate omission. However, Department of Energy (DOE) officials at the Waste Isolation Pilot Plant (WIPP), the nation's only TRU waste disposal facility, have stated that some TRU waste may be generated from various parts of the MOX process and that such wastes might be disposed at WIPP. The NRC EIS should discuss this issue, including, at a minimum, whether TRU waste will be generated, in what quantities and forms, with what radiological and chemical characteristics, and how they will be stored, treated, transported, and disposed.

Any such discussion should also note the fact that by law (Public Law 102-579, as amended by Public Law 104-201, 106 STAT 4777), WIPP is exclusively for "safe disposal of radioactive waste materials generated by atomic energy defense activities." Sec. 2(19). SRIC does not believe that mixed oxide fuel fabrication facilities are "atomic energy defense activities," so any TRU waste generated would be prohibited from WIPP. Thus, any EIS must consider the alternative that any TRU waste generated would need to be stored, treated, and disposed at the generation site.

Thank you for your full consideration of these comments.

Don Hancock  
Nuclear Waste Program Coordinator

Template = ADM-013

FRIDS = ADM-03  
Add = T. Harris (teh)

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