



Southern Alliance for  
**Clean Energy**

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U.S. Nuclear Regulatory Commission  
Washington, DC 20555

May 14, 2003

RE: NUREG-1767, Draft Environmental Impact Statement of the Mixed Oxide Fuel Fabrication Facility at the Savannah River Site Nuclear Facility

Mr. Lesar:

These comments are in addition to oral comments presented by Southern Alliance for Clean Energy (SACE) at the Savannah, GA public meeting on March 25, 2003. The oral comments were also submitted in hard copy form since the 5-minute speaking allotment was not sufficient to cover what we had prepared. If those comments have not been entered to the record in their entirety, we have attached them again to this document.

We are disappointed that an additional extension to the public comment period was not granted, as we had formally requested in our oral comments. SACE again requests an extension. We are also concerned that many of the important objections to the plutonium bomb fuel, or mixed-oxide fuel "MOX," program have been entirely dismissed by the U.S. Nuclear Regulatory Commission (NRC).

#### Plutonium Disposition Program General Concerns

Southern Alliance for Clean Energy believes that the NRC has only one option that would truly protect the public health: deny the license application request for the MOX fuel fabrication facility (or plutonium fuel factory) at the Department of Energy's Savannah River Site nuclear facility (SRS). We urge that the pursuit of developing a plutonium fuel economy be ceased in all sectors of government and private enterprise, as it will allow plutonium, a dangerous material, to enter civilian commerce and the international marketplace.

We thoroughly disagree with the NRC staff's preliminary decision in this report that the "overall benefits of the proposed MOX facility outweigh its disadvantages and costs." The NRC states on P. 2-37 four main points of consideration that brought them to this flawed decision and we will again touch upon several of them.

#### Significant Changes in Plutonium Disposition Program

At the public meeting in Savannah this March, the audience was told that "the national policy decision between Russia and the US to reduce surplus weapons plutonium" was a leading reason for the NRC staff's initial support of this plutonium bomb fuel program. This was used as a reason why the

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immobilization alternative, which is generally preferred as a cheaper, safer option that will result in less nuclear waste and potentially less impacts to the community, was not considered as an option to study by the NRC. Yet, in the Department of Energy's Amended Record of Decision regarding the Surplus Plutonium Disposition Program that was released on April 17, 2003 [6450-01-P], *AFTER the public meetings on the plutonium fuel factory were OVER*, they state that the cancellation of the immobilization program was due to "budget constraints" – not conflicts with Russian/US policy.

The DOE statement goes on to say that the "program will dispose of 34 metric tons (MT) of surplus plutonium, including approximately 6.5 MT of the 17 MT of surplus plutonium originally intended for immobilization." This leaves us logically wondering, what will happen to the rest of the plutonium? Apparently it is destined for SRS but for what purpose and what assurances can the NRC provide that those many extra tons of plutonium will be safely stored, given that there are currently only plans to refurbish existing, old nuclear reactors to store one of the most highly sought after materials for use in modern nuclear weapons, a material with a hazardous radioactive life of over 240,000 years? We urge the NRC to demand that the DOE do a thorough supplemental environmental impact statement of this major change in policy BEFORE the NRC issues a final EIS on the plutonium fuel factory. The 13-page amended record of decision by the DOE is insufficient and the NRC deems to be obligated to protect the public interest, not another federal agency, nor domestic and foreign contractors.

Attached is a brochure from a recent event in Savannah, where staff from SRS addressed business leaders on various future missions, including the "Modern Pit Facility," which is essentially a new nuclear bomb factory. SRS is believed to be the preferred site for this plutonium trigger plant that will cost billions of dollars. Yet budgetary constraints within DOE were cited for canceling immobilization? The draft EIS on this new bomb-making facility is scheduled to be due out within the next month. Given this pursuit of a mission in complete contrast to our nation's supposed "disposition" of surplus weapons plutonium in a supposed parallel venture with Russia to reduce our nuclear weapons stockpiles, we question why the NRC cannot state the conflict within national policy and request that the issue be resolved prior to issuing a determination on the MOX plant? Also, the "unaccounted" plutonium that is coming to SRS but will not be used for MOX could very easily become feed material for the new Modern Pit Facility. The NRC needs to take this into account. SACE also requests the NRC to delay issuing a decision until the Modern Pit Facility draft EIS is issued and commented on—there is likely to be much overlap in the programs, along with several policy conflicts.

SACE still has not received answers to our concerns raised over the DOE's February 2002 *Report to Congress: Disposition of Surplus Defense Plutonium at Savannah River Site*, that essentially recommends the need to add at least two additional, unnamed nuclear reactors for plutonium bomb fuel (MOX) use. Our nearby Southern Nuclear Plant Vogtle expressed interest in the plutonium fuel program back in 1996 and we are concerned about the implications of the need for more nuclear reactors. How will the NRC address this need for more nuclear power plants in the final EIS for the MOX fuel facility?

### Water Concerns

The NRC concluded that there are minimal environmental impacts if plutonium fuel is produced at SRS. We disagree and will highlight our water concerns, which were raised in our oral comments. Water resources are limited and debates on how this precious resource should be protected is under heated debate currently in the Southeast. The link between energy and water resources is profound. At the national level, the electric industry follows closely on the heels of irrigation as the largest water user in

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the U.S. Yet, there is no discussion in the draft EIS on the impacts of nuclear power production, which the MOX program will support the possible advancement of, on the region's water supply. Nor does the draft EIS clearly account for how much ground and surface waters will be used additionally by the MOX plant. Currently, SRS requires enormous amounts of surface and ground water, in the tens of billions of gallons, *just to support currently established operations*. The draft EIS was nearly impossible to decipher what the rates of consumption (actual water loss) are now on site for various operations and in the future, for the MOX plant. This accounting needs to occur before deciding that water impacts by the proposed facilities are "negligible."

### Accidents

The original draft included significant errors in the calculation of latent cancer fatalities if there were an explosion at the MOX facility—estimating nearly 400 deaths; the new calculations result in less fatalities, but we still consider 100 deaths to be significant and important enough to warrant denying approval.

### Summary

Southern Alliance for Clean Energy believes that the NRC must address the full impacts of the plutonium bomb fuel program—how this scheme is likely contributing to the eventual production of nuclear weapons components at SRS and the use of the site for permanent nuclear waste burial. A full accounting of what and how much plutonium is coming from where and being used for what project when it arrives should be done and made public.

We have included copies of petitions SACE recently collected and would like to at least alert people to the fact that many people do not want this project and though they may not be capable of making formal, written comments, that their opposition should be noticed and considered. Though the NRC staff said that general comments and claims of basic opposition are not helpful to them, we believe that these names are helpful to policy makers, who ultimately have the power to make a positive difference by working to protect the region, and these very citizens, from further exploitation.

We suggest that after the NRC has reviewed all of the comments on the draft and does more research, they should deny the license request or at least recommend that the "no action alternative" is more advantageous to health and safety than the MOX program. Instead, other programs that appear to be more environmentally sound, safer to workers, less expensive, and could prevent the circulation of nuclear weapons materials, such as immobilization of surplus plutonium, should be funded and supported through further research and development. Though not a perfect technology, it is far cheaper than other options and appears to have less risks overall than the currently encouraged technologies.

Sincerely,

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cc: U.S. NRC Commissioners, Governor Sonny Perdue, Governor Mark Sanford, U.S. Senator Zell Miller, U.S. Senator Saxby Chambliss, U.S. Rep. Max Burns, U.S. Rep. Jack Kingston, U.S. Rep. Sanford Bishop, Jr., U.S. Rep. James C. Clyburn, GA Senator Regina Thomas, GA Rep. Nan Orrock