

APPENDIX K
PUBLIC COMMENT LETTERS AND TRANSCRIPT

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From: <Vjcmprich@aol.com>
To: <nrcprep@nrc.gov>
Date: Mon, Oct 3, 2005 12:26 PM
Subject: DOCKET NUMBER: 70-7004.

9/8/05

70 FR 53396

To the Nuclear Regulatory Commission:

①

This is to convey that I and my household are opposed to a new uranium enrichment plant at Piketon, Ohio. The benefits being touted seem to me nowhere near the damage and potential damage to the community and beyond.

Sincerely,

Vickie Cimprich
John Cimprich
331 Highland Avenue
Ft. Mitchell, KY 41017

CC: <aegran@yahoo.com>, <kbaker@zslaw.com>, <pbarnes44@comcast.net>, <becher@fuse.net>, <CPEDRO76@aol.com>, <dcimprich@seacove.net>, <jcimpric@bright.net>, <srdorothy@insightbb.com>, <hmmayfield@fuse.net>, <jimvogt2@yahoo.com>, <letters@enquirer.com>, <paolucci@one.net>, <msnruscov@yahoo.com>, <kpls@msn.com>, <postedits@cincypost.com>, <rainey531@juno.com>, <Mia.Schmitt@oh.etest.com>, <mhstein@one.net>, <tsuit@challengernky.com>

001-1

RECEIVED

2005 OCT -4 PM 12:05

RULES AND DIRECTIVES
BRANCH
USNRC

SISF Review Complete

Template = ADM-013

E-RTDS = ADM-03

Call = M. Blevins (MAB6)

Mail Envelope Properties (43415BB0.0E6 : 8 : 57574)

Subject: DOCKET NUMBER: 70-7004.
Creation Date: Mon, Oct 3, 2005 12:25 PM
From: <Vjcmprich@aol.com>

Created By: Vjcmprich@aol.com

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Files	Size
MESSAGE	346
TEXT.htm	512
Mime.822	2547

Date & Time
Monday, October 3, 2005 12:25 PM

Options	
Expiration Date:	None
Priority:	Standard
Reply Requested:	No
Return Notification:	None

Concealed Subject:
Security:

No
Standard

9/8/05
70FR 53396
(3)



October 5, 2005

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2005 OCT 14 AM 9:20

RULES AND DIRECTIVES
BRANCH
US:RRC

Ron Linton
Environmental and Performance Assessment Branch
Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Draft Environmental Impact Statement, Docket No. 70-7004, American Centrifuge Commercial Plant
Portsmouth Gaseous Diffusion Plant (PORTS), Pike County, Ohio

Dear Mr. Linton,

This is in response to correspondence from your office dated September 6, 2005 (received September 9) providing a copy of the Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, Draft Report for Comment, U.S. Nuclear Regulatory Commission, dated August 2005, regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Department of Energy serves as the lead federal agency.

The draft Report provides detailed discussions of many factors under consideration during the review for the proposed project. Our comments are intended to provide some clarification regarding the discussions of cultural resources. We are substantially in agreement regarding consideration of cultural resources. The differences in phrasing and interpretation, and clarification recommended, should not be interpreted as disagreement.

Throughout the discussions of cultural resources and consultation with the Ohio Historic Preservation Office, the Report offers the impression that there is concurrence that there will be no historic properties affected by the proposed and cumulative project development. The inset table on Page xxii defines "Small" as "...effects that are not detectable or are so minor that they would neither destabilize nor noticeably alter any important attribute of the resource." In Table 2-7 (Page 2-38), the report presents the finding that the impacts to historic and cultural resources would be small. This finding is repeated in Table 2-8 (Page 2-50). On Pages 4-5 and 4-6, the report states that there is concurrence with this office on a finding of "no effect" for the undertaking and that the impacts would be "SMALL". It was the intent of our correspondence, specifically our letter dated May 20, 2004, to set forth as part of ongoing consultation our interpretation that the proposed project would not adversely affect historic properties. That is, there are historic properties in the Area of Potential Effects, but the proposed project will not diminish the qualities and characteristics that make them significant. We believe that the changes will be noticeable. In some ways we feel that the immediate impacts from the proposed undertaking are perhaps more along the lines of MODERATE as compared to SMALL impacts. From a philosophical perspective, as the Gaseous Diffusion technology is replaced there will be changes to the Cold War buildings but since science is not static we shouldn't expect our recognition of significance based on science and technology to require static preservation.

002-1

SESP Review Complete

ERIDS = ADM-03

See = M. Blevins

(MXBL)

OHIO HISTORICAL SOCIETY

Ohio Historic Preservation Office

567 East Hudson Street, Columbus, Ohio 43211-1030 ph: 614.298.2000 fx: 614.298.2037

www.ohiohistory.org

K-5

Template = ADM-013

Mr. Ron Linton
October 5, 2005
Page 2

002-2

Also, here are some additional points for consideration. On Page 2-42, the Report states that Alternate Locations B and C within the Reservation were graded during construction of the Gaseous Diffusion facility. From my limited understanding of this area, it appears to me that the majority of both of these areas lie outside of the area that was severely disturbed by previous construction. In my opinion, the lack of severe disturbance throughout the entirety of Alternate Locations B and C increases concerns for historic preservation, and likely for other factors as well, and thus the lack of severe disturbance further supports your selection of Location A as the preferred site for the undertaking.

002-3

The Report provides information on the size of the Reservation in several places and it appeared to me that the numbers aren't always the same. For instance, on Page 2-2 the Reservation is described as encompassing 3,700 acres with 1,300 acres inside the perimeter loop road while on Page 3-1 (and also see Page 3-5) the report states that within the Reservation there are 750 security-fenced acres with 550 acres in the central area surrounded by the Perimeter Road.

002-1

On Page 3-7, the Report states that an initial archaeological survey of the DOE reservation was completed in 1952 and reportedly found no evidence of archaeological materials with reference to a 1977 Environmental Impact Statement. Is it possible to obtain a copy of relevant portions of this 1977 document? It might be helpful to include copies of selected portions in the final EIS report for this undertaking. It can be difficult to compare meaningfully work completed in 1952 when there was no authority to take into account affects of undertakings on historic properties with work being conducted today (and since 1986) under authority of the National Historic Preservation Act of 1966, as amended, and its implementing regulations at 36 CFR 800.

There are several places where the Report refers to sites, buildings, structures, and districts with potential National Register eligibility. For instance, the Report states that identified archaeological sites that have not yet been fully evaluated for National Register eligibility (and refers to them as potentially eligible) be treated as eligible for inclusion in the National Register (Page 4-5 – inset text box). There are also references to the potentially eligible Barnes House and potentially contributing elements within the historic district. We believe that there is a slight and subtle shift in the meaning of the word potential differentiating potential effects and potential impacts from potential significance and potential eligibility, and that this shift in meaning could lead to some confusion if not clarified. Regarding the 14 identified archaeological sites that have not been fully evaluated for National Register eligibility, we suggest that you consider language that establishes the specific measures that will be taken to protect the sites from effects during this undertaking until such time as sufficient information is available to complete the evaluation. That is, treat them as archaeological sites that are being protected not as historic properties that are being protected. For the Barnes House, and for the listed Scioto Township Works I archaeological site, assess the potential for the undertaking to have effects based on those qualities and characteristics that are known and understood to contribute to the importance of these properties recognizing that we may have a better understanding of these properties in the future.

The Report carefully considers the use of existing wells and finds that this will not result in changes to the ground around the wells and will not result in increased maintenance activities around the wells that has the potential to adversely affect historic properties. If the wells immediately west of the Reservation are on an embankment that is part of an earthwork complex dating to some 2,000 years ago and if this archaeological site meets National Register criteria, we would agree with your inclusion of this area with the project's finding, that the use of the existing wells will not adversely affect historic properties, provided that sufficient safeguards and conditions are in place to continue consultation if future work is proposed

Mr. Ron Linton
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Page 3

around these wells, or becomes necessary around these wells, that would have the potential to adversely affect historic properties. We recommend that you develop appropriate conditions to provide for preservation the areas around the wells until such time as these areas can be more fully evaluated.

002-4 The Report carefully considers the potential impacts from increased vehicular traffic and finds that the increased traffic will be small and will not introduce adverse effects. Within the limits defined in the Report, we agree with this finding provided that appropriate conditions are developed to reopen consultation if vehicular traffic increases above this level or if new construction of roads or railroads becomes necessary as a direct and foreseeable consequence of the development of this project.

002-1 In general we are in agreement the conclusions and findings presented in the Report. Within the integrated National Environmental Policy Act review process, this reaffirms our interpretation that the proposed American Centrifuge Plant undertaking will not adversely affect historic properties. There are some places in the Report where it would be helpful for the documentation to provide greater clarity and to provide greater precision to facilitate the integration the discussions on archaeological sites, architectural properties, and other kinds of cultural resources within the overall assessment of effects. It would also be helpful to reinforce language that establishes conditions to restrain effects from rising to adverse levels.

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,



David Snyder, Archaeology Reviews Manager
Resource Protection and Review

DMS/ds (OHPO Serial Number 1002038)

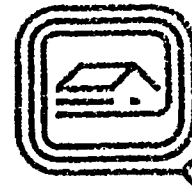
Enclosed: OHPO letter dated May 20, 2004
OHPO letter dated November 17, 2003

xc: Geoffrey Sea, 1832 Wakefield Mound Road, Piketon, OH 45662
Karen Kaniatobe, Absentee Shawnee Tribe of Oklahoma, 2025 S. Gordon Cooper Drive, Shownee, OK 74801-9381

Ohio Historic Preservation Office

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614/ 298-2000 Fax: 614/ 298-2037

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SINCE 1885

May 20, 2004

Peter J. Miner
USEC, Inc.
6903 Rockledge Drive
Bethesda, MD 20817-1818

Re: Installation and Operation of the American Centrifuge Commercial Plant
Portsmouth Gaseous Diffusion Plant (PORTS), Pike County, Ohio

Dear Mr. Miner,

This is in response to correspondence from your office dated March 2, 2004 (received March 5) regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Department of Energy serves as the lead federal agency.

Your correspondence offers the position that the proposed new construction will include buildings of similar design and size to the nearby buildings and that there will be similar functions carried out in these new buildings. Although not specifically stated in your correspondence, it appears that your discussion is to conclude that the qualities and characteristics that make PORTS significant will not be diminished by the proposed new construction. While we believe that clarification of those qualities that make PORTS significant would be helpful, given the available information on the size, design, and function of the existing and the proposed buildings, we are able to offer our opinion that the proposed project will not adversely affect the Portsmouth Gaseous Diffusion Plant historic property.

As you are aware, private citizens have raised concerns about the potential for this project to affect historic properties, including prehistoric archaeological sites. The National Historic Preservation Act strongly encourages federal agencies to include comments and concerns from the public throughout the Section 106 review process. It is our understanding the area of proposed new construction has been previously severely disturbed by previous construction, that the topsoil in this area was removed to a depth well into the subsoil and the contours were completed regraded during previous construction. However, we believe that it is an important responsibility to listen carefully to public concerns and to provide thoughtful and sensitive responses.

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,

Mark J. Epstein, Department Head
Resource Protection and Review

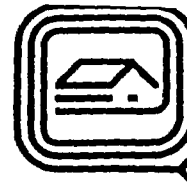
MJE:DMS/ds (OHPO Serial Number 100903)

xc: Gary S. Hartman, DOE - Oak Ridge, P.O. Box 2001, Oak Ridge, TN 37831

Ohio Historic Preservation Office

567 East Hudson Street
Columbus, Ohio 43211-1030
614/ 298-2000 Fax: 614/ 298-2037

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SINCE 1885

November 17, 2003

Russell J. Vranicar, Acting Site Manager
U.S. Department of Energy, PORTS
Portsmouth Site Office
P.O. Box 700
Piketon, OH 45661-0700

Re: Review of report, Testing at site 33-PK-210
Portsmouth Gaseous Diffusion Plant, Scioto Township, Pike County, Ohio

Dear Mr. Vranicar,

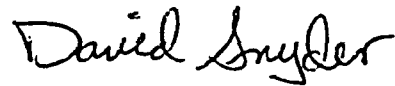
This is in response to correspondence from your office dated September 19, 2003 (received September 24) transmitting the report titled "Phase II Archaeological Testing at Site 33PK210, Scioto Township, Pike County, Ohio" by Christopher M. Hazel, July 2003. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Department of Energy serves as the lead federal agency.

The archaeological testing was restricted to the portion of site 33-PK-210 on Department of Energy property. It appears that more than half of the site extends south of Department of Energy property. The testing included background review, pedestrian walk-over, and shovel testing. Although the extent of site exposed through a combination of shovel testing, excavation units, and auger testing was quite small, we agree that the research design was sufficient to identify any pattern of artifacts or features within the tested portion of the site. We agree with the conclusions that no sensitive archaeological deposits were identified in the tested portion of site 33-PK-210 and that no further archaeological investigations are warranted within this portion of the site. We do not concur that sufficient testing has been conducted to conclude that the entire site doesn't meet the criteria for National Register eligibility. Given the modest assemblage recovered from site 33-PK-210 we do not believe that additional testing at this site is a preservation priority. Assuming that all development within PORTS takes place north of the fence line marking the southern boundary of the tested portion of the site, we concur that no further archaeological testing at site 33-PK-210 is necessary and that no further coordination with this office is necessary for this site.

Mr. Russell J. Vranicar
November 17, 2003
Page 2

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,



David Snyder, Archaeology Reviews Manager
Resource Protection and Review

DMS:ds

xc: Gary Hartman, DOE - Oak Ridge, P.O. Box 2001, Oak Ridge, TN 37831
Kristi Wiehle, DOE - PORTS, P.O. Box 700, Piketon, OH 45661-0700

From: "Elisa Young" <elisay@earthlink.net>
To: <NRCREP@nrc.gov>, "Yawar Faraz" <YHF@nrc.gov>, "Matt Blevins" <mxb6@nrc.gov>
Date: Tue, Oct 25, 2005 12:12 AM
Subject: Fw: ACP DEIS comments

003-2 In addition to the questions I sent regarding Envirocare's off-site waste accumulation, I sent an e-mail to the NRC prior to the deadline questioning if the additional DU generated by USEC would be enough to request additional EIS consideration. I believe UDS processing did not have EIS done originally because it was deemed to be of no significant impact. I had asked the DOE before if the additional 200,000 tons from USEC and/ or shipments to Ohio as outlined in LES proposed facility's application, would be sufficient to trigger additional EIS consideration and I was told that it would be. I did not hear a response back from the NRC prior to the 10/24 deadline, only that the person I sent it to was out of town and returning the day after EIS deadline for comments, so I will attach and re-send.

I have been having trouble with my computer. Can you please confirm that you received these by the deadline and that they will be given consideration for the DEIS?

Thank you,
 Elisa Young

COMMENTS ON DEIS NUREG-1834

003-3 1. Decontamination and decommissioning costs - In table 7-1 it estimates decontamination and decommissioning costs to be \$435 million. There is not a breakdown in the appendix of how this figure was determined and more investigation needs to be done and shared with the public. Taxpayers have almost totally funded these costs for the former facility's operation at the DOE site to the tune of \$300,000,000 (million) annually. The figure provided in this table would not be sufficient. USEC is a private business, generally believed to be in poor financial standing, that recently laid off 150 employees. Approximately the same number of "new" jobs we have been told will be employed in Pike County by the new facility. Taxpayers need solid assurance that we will not be left holding the bag if the facility is shut down, or does not have sufficient funding set aside to cover D&D costs and long term storage and monitoring of radioactive waste it is responsible for generating. How much taxpayer funding is currently being spent to do this work at Paducah and other sites? \$435 million does not reflect the reality of what we are seeing at Piketon. It is grossly inadequate. Since the DOE owns the site that USEC would be operating from, if the company folds, taxpayers would be left with this expense and that is unacceptable.

003-4 This table also does not include any cost analysis for long term waste storage. Serious consideration needs to be given and provision made in advance as this is the most expensive cost involved in D&D. The \$300 million taxpayers are currently paying for clean-up does not even begin to touch long-term storage, monitoring, and safety precautions. I asked the DOE for a total of how much taxpayer funding has been spent to date on clean-up, but have never received that information.

003-5 The report lists Envirocare as being able to accept unlimited amounts of low-level waste. This contract needs to be signed in advance and paid for. Envirocare is currently accepting so much radioactive waste that they cannot accommodate it - it is being stacked by the side of the road and left for processing. I do not have confidence that by the time this waste is ready to be shipped from Piketon and all of the other sites that are utilizing this landfill have sent what they have there that there will be enough space to accept what USEC would generate and Ohio would be left in the same position it's in now - a stockpile of radioactive waste. This is an environmental hazard and creates a terrorist target in SE Ohio. I sent questions on this earlier to the NRC and was told that the correspondence would be included for consideration in the DEIS, so I won't repeat all of the questions I sent previously.

2. Water resources- The last published DOE annual report for site cleanup progress documented

003-6

plutonium contamination and several uranium isotopes found in fish sampled in streams known to be fishing holes for local people - all supposedly at "safe" consumption levels. I had not known previously that there was a safe level of plutonium for human consumption. Uranium was also found in the liver of a deer that had been tested from on site. Currently there is a 3-strand barbed wire fence surrounding the facility. This is not sufficient to keep contaminated water traveling off site, or keeping deer and other wildlife from traveling back and forth, even though the deer hunt was canceled that year. Not much against assurance against potential terrorist entry, either.

003-5

A resident that I spoke with told me that he had seen eagles returning to the area, flying over the site boundaries, and feeding from radioactive landfills. What protection is being provided for them, and for people in communities where they may travel off site aside from hunting to die, leaving radioactive contamination to accumulate off-site?

003-7

The draft states that groundwater withdrawals would increase by 10 percent over current usage rates, where is it being released? It says that USEC does not anticipate any liquid discharges or radioactive materials from the proposed ACP. What protection or provision is being provided in case of unplanned releases, etc., that may contaminate the water and wildlife traveling on and off-site differently than what was done before? It was apparently inadequate and needs to be addressed. The barbed-wire fence isn't working. Does this study take into account the current level of contamination and that what USEC contributes will be additional?

003-8

3. Transportation impacts - With the US having only 2% of the worlds uranium reserves, I believe any meaningful examination of transport of this material needs to include transportation of uranium to the USEC facility from overseas sites it would be coming here from. We had a shipment of uranium for Libya a short time ago and when I asked why this was not included in the EIS for the facility, or UDS facility, they said it was shipped here as a matter of national security and was exempt from that process. Without environmental impact consideration, I believe presents a threat to the security of the communities it is transported across. I know that NRC provides waivers in cases of national security, but if we already know that there is a limited amount of uranium to work with in the US, I believe it is safe to assume some will be coming from overseas, and these impacts need to be considered in the overall picture. I don't see adequate analysis of this in the current DEIS.

003-9

I live in an area where coal fired power plants are negatively impacting my community. What electricity is going to be required for USEC's operation? Is EIS being done for our communities from coal-fired power plants? We already have high rates of asthma and cancer. The Gavin plant has been converted to residential use and is no longer available. The first centrifuge took the same amount of electricity to operate as the city of Los Angeles. Where will the energy come from to run ACP, who is paying for it's construction costs, and how will it's operation impact those communities?

003-10

No license should be granted for the larger-scale commercial facility under any circumstances until the experimental facility has been constructed, is operating, and proven to be safe and within a realistic budget that USEC can adhere to so that taxpayers are not forced to subsidize private industry. All D&D and long term storage costs should be paid into an account in advance to insure USEC covers these costs.

003-11

I have not been able to read through the entire DEIS, and would like additional time to look at the document and submit comments if that is possible.

Elisa Young
48360 Carmel Road
Racine, Ohio 45771

Mail Envelope Properties (435DB0A6.9A8 : 12 : 63912)

Subject: Fw: ACP DEIS comments
Creation Date: Tue, Oct 25, 2005 12:12 AM
From: "Elisa Young" <elisay@earthlink.net>

Created By: elisay@earthlink.net

Recipients

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YHF (Yawar Faraz)
MXB6 (Matthew Blevins)

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Mime.822	43292	

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

From: "Elisa Young" <elisay@earthlink.net>
To: "Yawar Faraz" <YHF@nrc.gov>, "Matt Blevins" <mxb6@nrc.gov>
Date: Thu, Oct 6, 2005 11:41 AM
Subject: Envirocare/Piketon waste issues

Yawar/Matt:

When I read the transcript of the conversation between Utah Division of Radiologic Control and the Nuclear Regulatory Commission stating that Envirocare was now able to legally accept unlimited amounts of uranium tails/uranium oxides from Piketon, I wrote to the NRC questioning this.

You confirmed that there is no regulatory limit on Envirocare for the total volume of this waste.

This article was forwarded to me from the front page of the Salt Lake City Tribune.

http://www.sltrib.com/search/ci_3077850

003-5

Envirocare is receiving so much nuclear waste at this point that they cannot process it, and it is sitting along the side of the road.

Does this violate any department of transportation, storage or other NRC regulations? If not, this needs to be addressed.

In our earlier conversation, you said that applicants are not required to have long-term waste storage contracts in place as part of NRC's licensing process. For approval, the company need only list a site that is accepting the waste.

The Department of Energy stated at a public meeting last year that Envirocare is the site UDS chose to send close to 1 million tons of uranium oxide waste from their DUF6 waste processing facility. They told me that they would provide me with a copy of the letter of acceptance from Envirocare at the meeting, but after repeated requests I have still not received that.

USEC's proposed ACP facility currently under NRC licensing consideration would create approximately 200,000 tons of uranium tailings - also to be sent to Envirocare?

003-1-3

How many facilities, and how much total waste, existing and proposed is currently slated for shipment to Envirocare?

Even if the NRC does not have a regulatory limit, can Envirocare accommodate the total volume of waste being sent (or proposed to send)?

003-2

At what volume/threshold can we request environmental impact studies? The transcript of the conversation that I read between the NRC and UDRC included calculations for eventual discharges into the Great Salt Lake, that Envirocare did not have to comply with the usual water regulations because the ground water was not potable beneath the landfill, and that Envirocare did not have to comply with agriculture regulations because it was not surrounded by agricultural activity (even though the transcript documented livestock grazing seasonally - I would assume for human consumption - around the perimeter of the landfill).

003-1-1

According to the article below, the existing waste is not just coming from Piketon, Ohio. The general public does not have access to all of the applications currently under licensing consideration with the NRC.

003-1-2

In light of this, the NRC has a responsibility to take inventory of this situation immediately.

Envirocare should not be rubber stamped as being a feasible option for long-term storage of nuclear waste for USEC's ACP licensing - or any other proposed facilities - until this inventory is taken and that information is available to the public for public comment and input.

http://www.sltrib.com/search/ci_3077850

Sincerely,

Elisa Young

48360 Carmel Road

Racine, Ohio 45771

CC: "Diane D'Arrigo" <dianed@nirs.org>, "Michael Mariotte" <nirsnet@nirs.org>, "Pat Marida" <marida@wideopenwest.com>, "Ewan Todd" <ewan@mathcode.net>, "jean puchstein" <puch2_1999@yahoo.com>, "Deborah Baker New" <deborahbaker@care2.com>, "Bill Price" <bill.price@sierraclub.org>, <marilyn.wall@env-comm.org>, "Earl Clausson" <earlclausson@yahoo.com>

From: "Elisa Young" <elisay@earthlink.net>
To: "Matt Blevins" <mx6@nrc.gov>, "Yawar Faraz" <YHF@nrc.gov>
Date: Fri, Oct 21, 2005 2:17 PM
Subject: Tailings

I am reading through the DEIS, and see that it lists the additional tailings generated by ACP would be processed on site.

003-2
Has this already been approved? When we attended the last public meeting with DOE/USEC, we asked if the conversion facility EIS had been done just for the waste on site, or the additional that would be generated. Bill Murphy said it was just for what was currently accumulated. I asked if the additional 200,000 tons either from Ohio or New Mexico (in LES application) would be enough to trigger an additional EIS since the conversion facility is not even built and proven to operate safely yet. Mr. Murphy said that volume could trigger another EIS if we requested.

I would like to request an EIS be done. If there is a formal process or another person I need to address this request to, please send me that information before the opportunity to request it passes.

Elisa Young

From: Elisa Young [elisay@earthlink.net]
Sent: Tuesday, October 25, 2005 11:53 AM
To: Yawar Faraz; Matt Blevins
Cc: Pat Marida; Lindsay Lovejoy; Michael Mariotte; Ewan Todd; Deborah Baker New; LORRY SWAIN; KateKerr@aol.com; Vina Colley; Johanson; Carol Rainey; Bill Price
Subject: Re: Notice of availability of NRC's Draft EIS for USECInc.'s American Centrifuge Plant

003-2 Yawar/Matt:

In the e-mail that I sent last week I asked what we need to do to request an EIS on the additional DU tailings that would be generated. On top of what is already stored on site at Piketon, USEC and LES are both proposing in their licensing applications that the additional waste they would generate be processed by the UDS facility.

There was never an EIS done, just a finding released of no significant impact based on the original volume that existed on site. I asked Bill Murphy at a public meeting almost a year ago if the additional waste from either USEC or LES would be sufficient to trigger an EIS, and he said yes.

Many of us feel that the existing waste and the potential additional stockpile of radioactive waste generated by USEC and/or LES requires EIS before licensing of either facility is granted approving storage and processing at the UDS facility. The facility is not operating yet, so we don't know how that will work, and there are already over 300,000 tons sitting on site in deteriorating cylinders waiting for processing.

The additional waste poses potential risk to the community where it will be stacked, the communities the waste will be transported through, as well as a risk to taxpayers if we end up getting stuck footing the bill for processing, transport and storage should things fall through and advanced funding is not set aside to cover these costs. This deserves consideration.

I am requesting public meetings to discuss this and work on EIS before licensing is granted for either USEC or LES.

Elisa

----- Original Message -----

From: "Yawar Faraz" <YHF@nrc.gov>
To: <elisay@earthlink.net>
Cc: <vcolley@earthlink.net>; <ewan@mathcode.net>; "Matthew Blevins" <MXB6@nrc.gov>; <marida@wideopenwest.com>
Sent: Tuesday, October 25, 2005 12:20 PM
Subject: Re: Notice of availability of NRC's Draft EIS for USECInc.'s American Centrifuge Plant

Elisa, your comments were received and will be considered. Yawar

>>> "Elisa Young" <elisay@earthlink.net> 10/25/05 1:25 AM >>>
I wanted to double check on DEIS comment deadline.

The notification below said the deadline to submit comments is October 24. There was no time given. I work second shift and was not able to submit comments until close to 11:58 pm, with the assumption that anytime before midnight was accepted - same as for scoping comments.

Please let me know if my comments were received for consideration.

Thanks,
Elisa Young

----- Original Message -----

From: "Yawar Faraz" <YHF@nrc.gov>
To: <GeoffreySeaNYC@aol.com>; <KateKerr@aol.com>; <Mwren@aol.com>;
<SargentsPigeon@aol.com>; <Kloecker@att.net>; <JMalherek@citizens.org>;
<elisay@earthlink.net>; <VColley@earthlink.net>; <AnchorBrothers@fuse.net>;
<Jfriedland@fuse.net>; <Lightheart@fuse.net>; <VCB@fuse.net>; <DebrBaker@hotmail.com>;
<minterdj@intelliwave.com>; <Lindsay@lindsaylovejoy.com>; <Ewan@mathcode.net>;
<NIRSNET@NIRS.ORG>; <Friedman@stat.ohio-state.edu>; <LPStansbery@wideopenwest.com>;
<marida@wideopenwest.com>; <friendlygardener@yahoo.com>; <Mary_Elisa_Young@yahoo.com>;
<PUCH2_1999@yahoo.com>
Cc: "Brian Smith" <BWS1@nrc.gov>; "Francis Cameron" <FXC@nrc.gov>; "James Clifford"
<JWC@nrc.gov>; "Marian Zobler" <MLZ@nrc.gov>; "Matthew Blevins"
<MXB6@nrc.gov>
Sent: Thursday, September 01, 2005 4:49 PM
Subject: Notice of availability of NRC's Draft EIS for USEC Inc.'s American Centrifuge
Plant

This email is to inform you that the NRC has completed its preliminary environmental review and is in process of distributing its Draft Environmental Impact Statement (DEIS) for the USEC Inc. license application for the American Centrifuge Plant (ACP) proposed to be constructed and operated in Piketon, Ohio.

The DEIS may be accessed on the Internet at:
<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/> by selecting "NUREG-1834."

Paper copies of the DEIS are being mailed to those previously on the distribution list.

The official comment period begins on September 9, 2005, and ends on October 24, 2005.

Yawar Faraz
Sr. Project Manager
Gas Centrifuge Facility Licensing Section
Special Projects Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington DC 20555
ph: 301-415-8113
e-mail: yhf@nrc.gov

59 Elmwood Place
Athens, Ohio 45701

October 24, 2005

Chief, Rules and Directives Branch
Division of Administrative Services
Mailstop T-6D59
U.S. Nuclear Regulation Commission
Washington, D.C. 20555-0001

Dear NRC representative,

I would like to submit comments on the Piketon Uranium Enrichment Plant in Piketon, Ohio.

004-1

Firstly, I found little in the way of independent investigation in the DEIS, and little to open the details of the project to public scrutiny from under classified information and proprietary information.

004-2

There is concern that the NRC staff has been negligent under 40 CFR 1503, not responding in a satisfactory manner to the scoping comments submitted by opponents of the ACP for the Draft Environmental Impact Statement.

004-3

The DEIS contradicts itself. The annual number of feed cylinders is different on page 2-22 than it is on page 4-47.

004-4

Health concerns

The DEIS displays that mortality rate in Pike County due to renal failure are between two and four times that of Ross and Scioto county. Renal failure may be associated with uranium poisoning although the DEIS suggests that this may instead be associated with diabetes and hypertension.

The DEIS compares potential ACP occupational injury rates to those from the obsolete Standard Industrial Classification. It uses occupational injury rates projected from years 2002-2003 of Piketon operations. Uranium enrichment operations at the DOE reservation in Piketon, Ohio ceased in May 2001!

Who will be responsible for the health care needs related to the uranium enrichment process of employees and residents of the Piketon area who are impacted? Will it be the responsibility of the company or federal government (NRC)?

Uranium is implicated in huge health risks. It appears unacceptable that the NRC approves of such a process and plant.

- 004-5 Water
 What is happening to the quality of the water as a result of the previous USEC plant at Piketon? Are there testing procedures and reports regarding the quality of the water?
- 004-6 Transportation
 The DEIS concluded that traffic on the highway near the plant will have a short term moderate impact. This is in comparison to other areas evaluated. All received a small environmental impact. What will the transportation problems be? Will hazard waste be transported on the highways of Ohio to the ACP? This is unacceptable.
- 004-7 Jobs
 According to the DEIS, the ACP would cost about \$3 billion to construct the centrifuges. The Enterprise Zone program of the state of Ohio would expect about 15 thousand new jobs to be created for that scale of capital investment. It appears from the DEIS that there would be a net loss of jobs rather than an increase in jobs while jobs would be lost at Paducah. Please clarify this discrepancy. Will there be an overall loss of jobs with a great capital investment?
- 004-1 Safety
 USEC's application seems to be the blueprint for the DEIS, not allowing for its own evaluation.
 The DEIS presents little evidence that it contains the results of independent investigation. For example, Piketon and Portsmouth Residents for Environmental Safety and Security (PRESS) have released the results of two analysis of radioactivity in Big Run Creek Water to cast doubt that DOE, USEC and Ohio EPA data from offsite sampling locations may be flawed. However, the DEIS uses data from these sources.
 Such discrepancies would encourage an independent evaluation of these waters and their radioactivity content.
- 004-8 Accidents
 What are the plans for managing a radioactive accident? During this time of terrorism, how can we be assured that this plant will not encourage a terrorist act in our own rural backyard?
- 004-9
 In conclusion, it is unknown whether there is any recognition by the NRC of the problems enriched uranium poses for the planet? It appears to be unknown how to make a safe product once it is enriched and used for energy or weapons.
 Depleted uranium lasts far into the future and can be contained only with vigilance.
 I express my deep concern and disagreement with USEC's application for the American Centrifuge Plant at Piketon. I urge the Nuclear Regulatory Commission to further scrutinize and reject such an application.

Sincerely,

Loraine McCosker R.N., B.S.N.
Appalachian Ohio Group of the Sierra Club Chair



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, OH 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

October 21, 2005

Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, DC 20555-0001

RE: Ohio Environmental Protection Agency Comments on the Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio

Dear Sir/Madam:

Enclosed are the Ohio EPA comments on the Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio.

If you have any questions, please do not hesitate to contact me at (740) 380-5289.

Sincerely,

Maria Galanti

Maria Galanti
Site Coordinator
Division of Emergency and Remedial Response

MG/jg

Enclosure

cc: Melody Stewart, OEPA-DHWM

Comments Draft EIS

005-1 1) Page xxiii, Water Resources, line 29: Please describe what type of best management practices would be utilized to minimize the impact to water resources from construction activities. The Ohio EPA has completed stream sampling from around the U.S. DOE reservation. The data should be included in the EIS to evaluate the impact potential construction activity may have upon the streams and creeks surrounding the facility. USEC must ensure that there is limited impact to the streams.

005-2 2) Page xxiii, Water Resources, line 29: Please describe how the ACP intends to utilize a Spill Prevention and Control and Counter measure plan when they do not control all the holding ponds at the site. Please describe how coordination between USEC, U.S. DOE and UDS would be implemented to prevent a spill from leaving the site.

005-3 3) Page xxvi, Waste Management, line 47: Please describe the agreement the ACP has with the U.S. DOE to accept the DUF6 cylinders for the centrifuge facility. Currently, Ohio EPA is not aware that such an agreement exists. If the ACP anticipates that U.S. DOE will be responsible for converting all DUF6 cylinders from the centrifuge plant, Ohio EPA should be contacted so that proper agreements are in place and orders may be modified to allow the transfer of waste material. Additionally, the cost for conversion for the DUF6 should be included in the costs of the facility.

005-4 4) Page 1-2, Line 4-8: Please describe how the lease with the federal government would work once U.S. DOE has completed its mission at the site. It is highly likely that the D&D of the gaseous diffusion plant will be completed and the site will be in long term surveillance and maintenance.

005-5 5) Page 2-14, Section 2.1.3.2 Secondary Facilities: The document does not discuss the potential to utilize additional buildings currently leased by USEC, Inc. Please describe what other facilities may be used including those currently leased by USEC, Inc. to support the centrifuge program.

005-6 6) Page 2-29, Solid Waste Handling, Storage, and Transport, Line 30: What are the NRC regulatory requirements for the management of low level mixed wastes? Where in the CFR are these requirements cited?

005-7 7) Page 2-30 and 2-31, Management and Disposal of Depleted UF6 from Facility Operation, line 45: If USEC-ACP and U.S. DOE have reached agreement concerning the management of UF6 cylinders, please provide the information within the text. Additionally, the USEC-ACP and U.S. DOE should discuss the potential to insert a 4th process line within the conversion facility to limit the amount of time needed to complete the conversion process for the number of cylinders USEC will create over time. The U.S. DOE and USEC should be proactive in this matter and associated cost should be examined in this EIS.

- 005-8 8) Page 3-36, Section 3.8 ecological Resources, line 1: All ecological resources should be managed appropriately. The ACP should limit disturbance to only those areas in and around the facilities needed for production.
- 005-9 9) Page 3-40, Section 3.8.3 Rare, Threatened, and Endangered Species, line 42: Ohio EPA has recently completed a stream survey of the creeks and streams surrounding the facility. The EIS should include the recent data in the report for evaluations.
- 005-10 10) Page 4-26, Section 4.2.7.2 Facility Operation, line 37: The EIS should discuss the impact to rare, threatened and endangered species should an air release or incident occur which could release HF or radioactivity into the atmosphere. Discuss deposition and potential areas of the site which would be impacted.
- 005-11 11) Page 4-93, Section 4.2.15.7, line 21, Ecological Impacts: The ecological impacts from the site most likely will change during the life span of the ACP. Please discuss how these changes will be accounted for during D&D. Will USEC-ACP be responsible for conducting ecological surveys? Is there money set aside during the D&D process for these types of surveys to be conducted?
- 005-12 12) Page 7-1, Section 7.1.1 Costs of the proposed Action: It is unclear from the report if the ACP (USEC) would be responsible for the D&D of the facilities once the life cycle is completed. USEC is currently leasing the facilities from a federal agency. This document should make it clear if the federal government will be ultimately responsible for the D&D of the facilities to be used by the ACP.

From: "rainey531@juno.com" <rainey531@juno.com>
To: <nrcprep@nrc.gov>
Date: Fri, Oct 21, 2005 8:02 AM
Subject: Docket Number 70-7004

9/08/05
70FR53396

5

TO: The Nuclear Regulatory Commission
FROM: Dr. Carol Rainey, 1497 Beacon St., Cincinnati, Ohio 45230
RE: Docket Number: 70-7004
The proposed uranium centrifuge plant in Piketon, Ohio

MESSAGE:

I attended the Environmental Impact hearing a few weeks ago in Piketon about the proposed centrifuge plant. Several of the points made at the hearing made a strong impression on me.

- 006-1 1. The plant will NOT have a positive impact on the economic environment. In fact, given all the tax breaks USEC is being given, it will cost money. The number of jobs created will be minimal in spite of the huge financial investment. There are other healthier jobs could be created in Southern Ohio.
- 006-2 2. USEC has not solved the question of what to do with the waste the enrichment plant will create. As was said at the meeting, the Conversion Plant was designed to deal with the waste from all the nuclear weapons production plants. Simply taking care of this waste will take 20 years. USEC is a private company. They should not be simply given the right to use the Conversion plant for their own economic purposes. There are also some scientists who believe that the Conversion plant itself is not a perfect solution to the nuclear waste problem. Even though the material in the canisters will be converted to a less dangerous form, the conversion process too will create waste, and at the present time it's not clear where it will be taken. The fears of the people of Piketon are that it will simply stay here. NO more uranium should be processed; the country is dying from the nuclear waste we have already.
- 006-3 3. Finally, I was appalled to read in the (long) impact statement that the NRC is convinced that there will be no danger to the physical environment from a nuclear plant. How can anyone in government make such a claim, given the diastrous history of the nuclear industry the last 60 years, the contamination that exists at all the nuclear sites, which is costing billions to clean? The legacy of radioactive contamination which is now in the soil and water of the whole country? USEC would have us believe that they will run a "perfect" plant, despite their own history of violations and coverups, that there will never be any kind of accident, or technical malfunction, or computer error, or human error, which will cause the release of radioactive materials. Such a claim is hard to believe. Nuclear plants are dangerous and they are unnecessary. There are much better sources of energy which are not laden with all the dangers of nuclear power.
- 006-4 I am strongly against the NRC granting USEC this license. Piketon is not yet cleaned up from the last enrichment endeavor; fish in the river are still radioactive; people are still sick and dying. This plant is not healthy for the environment of southern Ohio or anywhere else.
Sincerely,
Dr. Carol Rainey

RULES AND DIRECTIVES
BRANCH
USNRC

2005 OCT 24 AM 10: 57

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STSP Review Complete
Template = ADM-013

E-REDS = ADM-03
GEE = M. Blevins (MXB4)

Mail Envelope Properties (4358D8DD.341 : 21 : 13121)

Subject: Docket Number 70-7004
Creation Date: Fri, Oct 21, 2005 8:00 AM
From: "rainey531@juno.com" <rainey531@juno.com>

Created By: rainy531@juno.com

Recipients

nrc.gov
twf2_po.TWFN_DO
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Files	Size	Date & Time
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TEXT.htm	3464	
Mime.822	8093	

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

9/8/05

70 FR 53396

18

From: LORRY SWAIN <lorryswain@yahoo.com>
To: <yhf@nrc.gov>
Date: 10/24/05 9:15PM
Subject: Comments on the DEIS related to the USEC application for the ACP proposed for construction and operation in Piketon Ohio

Please consider our following comments and concerns in response to your DEIS on the USEC, Inc application for license to construct and operate a centrifuge diffusion uranium enrichment facility in Piketon, Ohio.

We live nearby and downwind from the PGDP which is the site of the proposed ACP. As community members who will be affected by the environmental impacts of this proposed plant, we are strongly opposed to its construction and operation for the following reasons:

007-1 In projecting safety risks you have painted a rosy picture of USEC operations using injury rates from the old PGDP operations in 2002 and 2003. But operations at that USEC facility shut down in 2001 and have been on cold standby since that time. As you know, USEC has a disgraceful safety record. During the time that operations were in effect at Piketon (and Paducah) USEC received many NRC violations notices; many more than other nuclear materials handlers licensed by you. Why is this not factored into your assessment of the safety risks?

007-2 In the DEIS claims are made about the net gain of jobs for our community if USEC is licensed to proceed with the ACP. Figures as high as a net gain of 3,000 jobs are alluded to in the DEIS. However, using USEC's own data, we see that after the decommissioning of the old PGDP and with the operation of the proposed ACP there will actually be a net loss of jobs in the community. Even if we had no other concerns about the USEC proposal, we would have grave concerns about a project that promises to cost the community so much and pay back so little.

007-1 We are not convinced by your risk assessment of accidents, injuries and illnesses. Many unanswered questions remain about the transport of materials to and from the plant as well as the operations within and the clean-up of the old plant. We believe that long-term latent illnesses are understated in the report. We believe that the problem of safe, permanent storage of radioactive wastes generated over the past 50 years at that site and projected to be generated over the next 50 years at the site are still unsolved.

007-3 We wonder if we would even be having this conversation with you if we were not a poor, rural, Appalachian community that looks very much like the other poor communities that have been exploited by the energy corporations for the benefit of a few and to the detriment of the many.

007-4 We repeat, we are strongly opposed to the licensing of USEC for their proposed project and we urge you to deny the application.

Sincerely,

Lornita R. Swain and Eric P. O'Neil
385 Franklin Road,
South Shore, Kentucky 41175

Yahoo! FareChase - Search multiple travel sites in one click.

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2005 DEC 14 PM 1:31
RULES AND DIRECTIVES
BRANCH
USNRC

F-REDS = ADM-03

add = M. Blum (MXB6)

SIS Review Complete

Template = ADM-013

Mail Envelope Properties (435D8722.190 : 19 : 57744)

Subject: Comments on the DEIS related to the USEC application for the ACP proposed for construction and operation in Piketon Ohio

Creation Date: 10/24/05 9:14PM

From: LORRY SWAIN <lorryswain@yahoo.com>

Created By: lorryswain@yahoo.com

Recipients

nrc.gov

twf4_po.TWFN_DO

YHF (Yawar Faraz)

Post Office

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Size

2795

3491

7973

Date & Time

10/24/05 09:14PM

Options

Expiration Date: None

Priority: Standard

Reply Requested: No

Return Notification: None

Concealed Subject: No

Security: Standard

From: <TFKing106@aol.com>
To: <NRCREP@nrc.gov>
Date: Mon, Oct 24, 2005 12:15 PM
Subject: Comments on Draft EIS, American Centrifuge Plant, Piketon, OH, NUREG-1834

7

Thomas F. King, PhD
P.O. Box 14515, Silver Spring MD 20911, USA
Telephone (240) 475-0595 Facsimile (240) 465-1179 E-mail
tfking106@aol.com (mailto:tfking106@aol.com)

9/8/05
70FR53396

Consultation, training, and textbooks in cultural resource management

Date: October 24, 2005

To: Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington DC 20555-0001

Via email to _NRCREP@nrc.gov_ (mailto:NRCREP@nrc.gov)

RECEIVED

2005 OCT 24 PM 12:31

RULES AND DIRECTIVES
BRANCH
USNRC

I write to comment on your draft Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, NUREG-1834, published in August 2005 (hereinafter, DEIS). These comments are transmitted electronically to the NRC at its specified email address on October 24, 2005, within the comment period specified in the DEIS. My comments will be restricted to the manner in which the DEIS addresses "cultural resources." My qualifications for offering the comments I do are outlined in the attached resume.

Qualifications of EIS analyst:

008-1

The list of preparers given on pages 10-1 through 10-3 identifies only one individual as responsible for the analysis of impacts on "historic and cultural resources." That individual, Dr. Polly McW. Quick, is to my knowledge a specialist in the prehistoric archaeology of central California, who according to promotional literature from her employer, ICF Consulting, has in the last 30 years worked primarily on environmental remediation programs and development projects in Iceland, Brazil, Costa Rica, and California. Please explain the basis upon which she is regarded as qualified to analyze the impacts of the American Centrifuge Plant on prehistoric and historic "cultural resources" in Ohio.

Section 3.3:

008-2

This section begins with a definition of the term "cultural resources." This is an important definition, since it limits the range of phenomena upon which impacts are analyzed. Please explain the basis for this definition, whose source is not cited and which I do not believe is based on any United States or international guidance. Please note the concerns expressed and recommendations provided by UNESCO in its Convention for the Safeguarding of the Intangible Cultural Heritage -- 2003.

008-3

Near the bottom of page 3-5 the review process under Section 106 of the National Historic Preservation Act is inaccurately characterized as a process "done in consultation with the State Historic Preservation Officer;" later, passing reference is made to "provid(ing) Indian tribes the opportunity to

E-RIDS=ADM-03

SISP Review Complete

adm = M. Blevins (MXBL)

Template = ADM-013

identify concerns." In fact, the Section 106 regulations (36 CFR 800) make it abundantly clear that the process is done in consultation with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officers, Indian tribes, and other interested parties. The NRC staff seems to have difficulty understanding that the regulations require actually communicating with, listening to, and discussing the concerns of interested parties; the failure to engage in such consultation is at the heart of the DEIS' inadequacies. Please re-read the Section 106 regulations and relevant guidance from the Advisory Council on Historic Preservation and the Secretary of the Interior, and recast your discussion to accurately reflect their direction.

008-4

On page 3-6, the DEIS discusses an "area of potential effects" (APE) defined by the NRC staff for the project. This APE appears to be based solely on the potential for direct and selected indirect physical effects. I see no evidence that direct or indirect visual, auditory, olfactory, or other non-physical effects were given any consideration, nor do I see any evidence that cumulative effects on "cultural resources" of any kind were considered, in defining the APE. Please reconsider your APE with reference to all types of potential effects.

008-5

The discussion of historic properties that takes up the remainder of this section is overwhelmingly weighted toward specific archaeological sites and historic structures. Particularly given the proximity of the project site to the Scioto Township Works, and the extensive cultural landscape modifications represented by such earthworks, it seems strange that so little consideration seems to have been given to cultural landscapes, and to relict landforms that may reflect such landscapes amid the damage caused to the area in the past by the DOE Reservation. Please consider attempting a more coherent, landscape-based approach to analysis of the area's historic properties.

008-6

On page 3-9 we are told that unidentified "(i)nvestigat0rs" determined that 22 of the 36 previously unidentified archaeological sites "did not meet National register eligibility criteria." Upon what basis or bases were these determinations made, and how were the "investigators" qualified to make them? How were Indian tribes and other interested parties consulted in the course of these evaluations? The same questions pertain to the evaluation discussed in the final paragraph on this page.

008-7

Please explain how NRC has completed its responsibilities under the Archaeological and Historic Preservation Act of 1974 (16 USC 469-469c-2) with respect to the individual archaeological sites discussed in this section, and with respect to the prehistoric cultural landscape of which they are arguably parts.

008-8

How were interested parties consulted during the evaluation of the Gaseous Diffusion Plant discussed on page 3-10?

008-9

Section 3.3.4 on page 3-10 mentions in passing that the Barnes House, adjacent to the project area, is associated with the location where the last passenger pigeon was reportedly killed. This suggests that this representative of a famous species that figured significantly in American conservation history may have been killed within or near the project area, but I see no evidence that this possibility was in any way considered in your analysis. Clearly, the landscape within which the last passenger pigeon was killed would very likely be eligible for inclusion in the National Register of Historic Places. Please address this possibility, and the possible impacts of the project on this landscape.

008-10

The discussion of the Barnes House is confusing. If it is adjacent to the boundary of the reservation, it would seem that it must be subject to at least possible visual, auditory, or other non-physical effects, and impacts on its use, if not long-term physical impacts. Please explain why NRC has not evaluated its eligibility for the National Register, and considered possible effects on it. What is the relevance of the SHPO's recommendation to the property owner regarding nomination to the National Register?

008-11

Section 3.3.5 indicates that the Absentee Shawnee Tribe has indicated a concern about the Scioto Township Works and perhaps other earthworks in the area, but I see no evidence that the Tribe has been consulted about this concern. There are copies of letters to various tribes appended to the DEIS (Appendix B), but these do not represent consultation; they merely inquire about whether the tribes have "specific knowledge of any sites that you believe have traditional religious and cultural significance." Please review pertinent guidance from the Advisory Council on Historic Preservation, the National Register of Historic Places, and the U.S. Environmental Protection Agency's Interagency Native American Environmental Justice Task Force, and explain your consultation with with potentially concerned Indian tribes with reference to such guidance.

008-12

The purpose of Section 3.3.6 is unclear. Please explain what information this section, as opposed to those preceding it, is supposed to convey. Please explain what you mean by a "potential historic property." What property is NOT "potentially" historic?

Section 4.2.3:

008-13

The highlighted text at the top of page 4-5 further describes the APE as NRC has defined it, but provides no justification for it, and like the previous description appears to deny the possibility of any kind of other-than-physical impact. Please reconsider your APE definition with reference to contemporary best practice.

008-14

Section 4.2.2.1 first suggests that various activities could have effects on historic properties by destroying or altering contributing elements of the Gaseous Diffusion Plant, but then vaguely implies that such effects will be "properly controlled" and hence will have "no effect." This is not a possible determination under the Section 106 regulations. The regulations permit "conditional" determinations of "no adverse effect," but not conditional determinations of "no effect" (strictly speaking, determinations of "no historic properties subject to effect"). If you have actual procedures to put in place, developed in consultation with the SHPO and other interested parties, by which to "properly control" damage or destruction of historic properties and their elements, then perhaps you can determine that there will be no adverse effect, but not no effect. Please re-read 36 CFR 800.5 and reconsider this section.

008-15

The next paragraph is even vaguer about NRC's determination with respect to the archaeological sites, and continues to express total ignorance of any cultural landscape values or traditional cultural values that may be ascribed to the landscape by Indian tribes or others. Again, please review pertinent regulations and guidance and reconsider this paragraph.

At the top of page 4-6 the NRC staff concludes that there will be no effect

008-16

on the Scioto Township Works, but it does so (a) without any clear definition of the actual boundaries of the Works or their possible relationship to other cultural landscape features, and (b) without any consultation with the Absentee Shawnee or other tribes that may (and in the case of the Absentee Shawnee, say they do) ascribe cultural significance to the Works and other landscape features in the area. As requested above, please review pertinent Advisory Council, National Register, and EPA guidance and reconsider this casual dismissal of effects on the site.

008-17

The next paragraph, on the Barnes House, is equally peculiar. Here we have NRC confidently asserting that the Barnes House may be eligible for the National Register only under National Register Criteria A and C, and casually assuring the reader that the project cannot affect the attributes that may make it eligible under these criteria, when it has provided no evidence that it has performed any sort of analysis of the Barnes House's eligibility -- suggesting instead that it is the property owner's responsibility to nominate the place to the National Register. As far as I can tell, you have developed no basis whatever to say anything about the eligibility of the Barnes House, the elements that may contribute to that eligibility, or the effects of the project (direct, indirect, or cumulative) on such elements. Please develop such a basis, in consultation with interested parties and in a manner consistent with pertinent guidance, and try again.

008-18

Section 4.2.2.2 seems to be predicated on the assumption that the only possible "indirect" effects of facility operation would be vandalism by workers within the facility boundaries. Please explain the rationale for this assumption. Will there be no other long-term indirect or cumulative effects on the local environment that might alter historic properties? Why should vandal workers stay within the fence? Why does NRC staff consider only the "information values" of the Scioto Township Works, considering that the Absentee Shawnee Tribe, at least, has indicated concerns that may well go beyond information values?

008-19

Throughout this section, potential impacts are referred to as "SMALL." What does this mean with reference to (a) the significance of impacts under NEPA and (b) the criteria of adverse effect found in 36 CFR 800?

Section 4.2.9:

008-20

This section, on environmental justice, gives no consideration whatever to disproportionate adverse environmental impacts on the cultural interests of such minority (and probably low-income) groups as the Absentee Shawnee and other tribes. Please review pertinent EPA guidance and address these impacts.

Section 4.3:

008-21

This section, on cumulative impacts, is notable for its utter lack of treatment of effects on historic properties or any other kinds of "cultural resources." This is particularly striking considering that the reservation on which the project is proposed has clearly had very serious impacts on the cultural landscape of which the Scioto Township Works are a part. A cumulative impact analysis is supposed to consider the effects (even the "SMALL" effects) of the project under review in the context of other past, present, and reasonably foreseeable future actions. Serious impacts on the cultural character of the area that includes the project APE (however defined) have obviously taken place in the past; they may be going on in the present, and what the future

holds remains to be analyzed. Please address the cumulative impacts of the project on cultural resources of all kinds, notably including historic properties.

Appendices

008-22 Appendix B contains several form letters to Indian tribes asking them about "specific knowledge of any sites" that they believe "have traditional religious and cultural significance." The text indicates that the Absentee Shawnee reported knowledge of such a site -- the Scioto Township Works -- though the documentation expressing this concern, supposed to be in Appendix B, is not there. In any event, the letters do not reflect any sort of real consultation with the tribes; they are mere formletters that do not seem to have been followed up in any way. Please review the findings of the Tenth Circuit Court of Appeals in Pueblo of Sandia v. United States, 50 F.3d 856 (10th Cir. 1995), as well as pertinent Advisory Council, National Register, and EPA guidance, and initiate real consultation with tribes.

008-23 Appendix B also includes correspondence with the SHPO in which the SHPO suggests a variety of representations, studies and consultations that NRC should undertake. It is not clear what, if anything, NRC has done in response to these suggestions.

008-24 Appendix B also contains a letter to the Advisory Council on Historic Preservation in which NRC mentions, rather in passing, that it intends to "use the NRC's NEPA review processes for Section 106 purposes," and later indicates that the former will be used "in lieu of" the latter. This suggests an attempt by NRC to comply with 36 CFR 800.8(c) and substitute its NEPA compliance for completion of standard Section 106 review, but NRC has done virtually none of the things that 36 CFR 800.8(c) requires in order to effect such a substitution. It has notified the Advisory Council of its attempt to substitute, but I see no evidence that it has similarly notified the SHPO. The notification to the Advisory Council came only very late in the NEPA process, and in such a stealthy way (a short, vague paragraph buried in the middle of a longer missive) that it is easy to imagine the Council misunderstanding its intent. More importantly, NRC has engaged in virtually none of the consultation with interested parties required by 36 CFR 800.8(c), and there are, as indicated above, many questions about the quality of its efforts to identify and address historic preservation issues. I strongly suggest that you abandon your attempt to substitute your NEPA compliance for standard Section 106 review, and initiate proper consultation with all concerned parties in accordance with 36 CFR 800.4.

008-25 Beyond properly complying with Section 106 of the National Historic Preservation Act, I suggest your attention to Section 110(d) of the same statute, to the requirements of the Archaeological and Historic Preservation Act of 1974, the American Indian Religious Freedom Act, the Native American Graves Protection and Repatriation Act and its implementing regulations (43 CFR 10), Executive Order 13175, and Executive Order 13352, and to the requirement of 40 CFR 1508.27(b)(3) and (8) that effects on cultural resources -- NOT only National Register eligible historic properties -- be considered in determining the significance of environmental impacts.

008-26 The overwhelming impression conveyed by the DEIS with respect to "cultural resources" is one of ignorant dismissal. It appears that the NRC staff and the DEIS authors have convinced themselves that there will be no impact on

anything of importance, and has then written the DEIS to demonstrate that this is the case. The demonstration, however, is a perfectly amateurish one. I devoutly hope that the DEIS is not similarly flawed with respect to other kinds of environmental impacts; if it is, it would speak very poorly for NRC's attention to its responsibilities toward the public and the environment.

Thank you for the opportunity to comment; I look forward to your responses.

Sincerely,

Thomas F. King, PhD

cc: OH SHPO
ACHP
National Trust for Historic Preservation
Geoffrey Sea

CC: <tmcculloch@achp.gov>, <Betsy_Merritt@nthp.org>, <dsnyder@ohiohistory.org>, <SargentsPigeon@aol.com>

Mail Envelope Properties (435D0881.9CE : 16 : 47566)

Subject: Comments on Draft EIS, American Centrifuge Plant, Piketon, OH,
NUREG-1834
Creation Date: Mon, Oct 24, 2005 12:14 PM
From: <TFKing106@aol.com>
Created By: TFKing106@aol.com

Recipients

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Files	Size	Date & Time
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TFKshort2005.doc	55296	
Mime.822	124157	

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Thomas F. King, PhD

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Cultural Resource Impact Assessment and Negotiation, Writing, Training

Employment

Presently: Private consultant, educator, writer, facilitator in cultural resource management and environmental review; Trainer/Consultant, SWCA Environmental Consultants; Archeologist, The International Group for Historic Aircraft Recovery Amelia Earhart Project. Member, Sussex Archaeological Executive, advising the Government of Great Britain regarding archaeological recovery of HMS *Sussex* off Gibraltar.

Formerly: Senior Instructional Consultant, National Preservation Institute. Expert consultant to U.S. General Services Administration, program director for Advisory Council on Historic Preservation, Consultant to the High Commissioner, Trust Territory of the Pacific Islands, Archeologist with the National Park Service, consulting archeologist, head of archeological surveys at San Francisco State University, UCLA, University of California Riverside.

Education

PhD, University of California, Riverside, Anthropology, 1976.

BA, San Francisco State University (then College), Anthropology, 1968.

Certificate: Mediator, Bowie State University Center for Alternative Dispute Resolution, 1997.

Recent and current Clients

Government Agencies: Bureau of Land Management California State Office; Bakersfield Field Office; USDA Forest Service. USDA Farm Service Agency, U.S. Fish and Wildlife Service. U.S. Navy, U.S. Air Force, U.S. Army, Federal Aviation Administration. Grand Canyon Monitoring and Research Center. City of Newport News, Virginia.

Indian Tribes and Organizations: Klamath River Intertribal Fish and Water Commission; Mole Lake Sokaogon Community of Lake Superior Chippewa Indians; Bad River and Red Cliff Bands of Lake Superior Tribe of Chippewa Indians. Hualapai Tribe. Quechan Indian Nation. Round Valley Indian Tribes. Penobscot Tribe.

Private Sector: Blythe Energy Corp., Cingular Wireless. Odyssey Marine Exploration.

Non-profit organizations: National Preservation Institute.

Thomas F. King: Courses Taught

Short courses for SWCA Environmental Consultants, National Preservation Institute, University of Nevada, Reno, General Services Administration, Advisory Council on Historic Preservation, Environmental Protection Agency, National Park Service, and Department of Defense in cultural resource law and policy, Section 106 review, National Environmental Policy Act implementation, identification and protection of traditional cultural properties, Native American consultation, environmental justice, conflict resolution, and related subjects.

Thomas F. King: Publications (Selected)

Books and Monographs

- *Doing Archaeology: a Cultural Resource Management Perspective*. Left Coast Press 2005.
- *Cultural Resource Laws and Practice: An Introductory Guide*. AltaMira Press 2004 (First edition 1998)
- *Amelia Earhart's Shoes*. With R. Jacobson, K. Burns, and K. Spading. AltaMira Press, 2004 (First edition 2001).
- *Places that Count: Traditional Cultural Properties in Cultural Resource Management*. AltaMira Press 2003
- *Thinking About Cultural Resource Management: Essays From the Edge*. AltaMira Press 2002.
- *Federal Projects and Historic Places: the Section 106 Process*. AltaMira Press, 2000
- *Piseken Nóómw Nóón Tonaachaw: Archeology in the Tonaachaw Historic District, Moen Island, Truk*. With P.L. Parker, Southern Illinois University, Carbondale and Micronesian Archeological Survey, Saipan 1984.
- *Anthropology in Historic Preservation*. With P.P. Hickman and G. Berg, Academic Press, New York 1977.
- *The Archeological Survey: Methods and Uses*. Interagency Archeological Services, Heritage Conservation and Recreation Service (National Park Service), Department of the Interior, Washington DC 1977 (Republished 2003 by California Division of Forestry).

Articles

- Considering the Cultural Importance of Natural Landscapes in NEPA Review: The *Mushgigamongsebe* Example. *Environmental Practice* 5:4, Oxford University Press, 2003
- "I Learned Archaeology From Amelia Earhart: Using a Famous Mystery to Teach Scientific Methods." In *Strategies for Teaching Anthropology*, 3rd Edition, Patricia Rice and David McCurdy, eds., Prentice Hall, New York; 2003..
- "Cultural Resources in an Environmental Assessment Under NEPA." *Environmental Practice* 4(3):137-144, National Association of Environmental Professionals, September 2002.

- "Historic Preservation Laws" in *Encyclopedia of Life Support Systems*. EOLSS Publishers for UNESCO, 2002.

Articles (continued)

- "What Should Be the 'Cultural Resources' Element of an Environmental Impact Assessment?" *Environmental Impact Assessment Review* 20(2000):5-30, 2000.
- "Archaeology in the Search for Amelia Earhart." With Richard Gillespie. In *Lessons from the Past: An Introductory Reader in Archaeology*, Kenneth L. Felder, ed., Mayview Press, Mountain View CA, 1999
- "How the Archeologists Stole Culture: a Gap in American Environmental Impact Assessment and What to Do About It." *Environmental Impact Assessment Review*, January 1998.
- "The Nature and Scope of the Pothunting Problem." In *Protecting the Past: Readings in Archaeological Resource Management*. J.E. Ehrenhard and G.S. Smith, eds., The Telford Press, Caldwell NJ 1991.
- "AIRFA and Section 106: Pragmatic Relationships." In *Preservation on the Reservation*, A. Klesert and A. Downer, eds., Navajo Nation Publications in Anthropology 26, Window Rock 1991.
- "Prehistory and Beyond: The Place of Archeology" In *The American Mosaic: Preserving a Nation's Heritage*. R.E. Stipe and A.J. Lee, eds., US/ICOMOS, Washington DC, 1987.
- "Intercultural Mediation at Truk International Airport." With P.L. Parker. In *Anthropological Praxis: Translating Knowledge Into Action*. R.W. Wulff and S.J. Fiske, eds., Washington Association of Professional Anthropologists, Westview Press, Boulder 1987.
- "The Once and Future Drought." *American Archeology* 5:3:224-8, Ridgefield, CT 1985
- "Professional Responsibility in Public Archeology." *Annual Review of Anthropology* 12, Palo Alto 1983.
- "Recent and Current Archeological Research on Moen Island, Truk." With P.L. Parker. *Asian Perspectives* xxiv(1):11-26, Honolulu 1981.
- "The NART: A Plan to Direct Archeology Toward More Relevant Goals in Modern Life." *Early Man*, Evanston, winter 1981.
- "Don't That Beat the Band? Nonegalitarian Political Organization in Prehistoric Central California." In *Social Archeology*, C. Redman, Editor, Academic press, New York 1978.
- "The Evolution of Complex Political Organization on San Francisco Bay". In *'Antap: California Indian Political and Economic Organization*. L.J. Bean and T.F. King, eds., Ballena Press, Ramona, CA 1974.

Government Guidelines and Regulations

- Regulations, guidelines, and plain-language brochures on environmental and cultural resource management, NEPA review, Section 106, and related topics, for Department of Agriculture Farm Service Agency (FSA) (unattributed, with FSA NEPA and Cultural Resource staff). FSA, 2004.

Government Guidelines and Regulations (Continued)

- Orders, Guidelines, and Fact Sheets: Cultural Resource Management, Floodplain Impact Management, Wetlands Impact Management, Federal Real Property Disposal, Archeological Collections Management, Indian Sacred Sites Management, Historic Document and Artifact Management, Environmental Justice, and Social Impact Assessment (unattributed, with GSA NEPA Call-In Staff). General Services Administration, Washington DC, 1998.
- *NEPA Desk Guide* and related orders (unattributed, with L.E. Wildesen and GSA Environmental Quality Working Group). General Services Administration, Public Buildings Service, Washington DC, 1997.
- *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. With P.L. Parker. National Register Bulletin 38, National Register of Historic Places; National Park Service, Washington DC, 1990
- *Preparing Agreement Documents*. Advisory Council on Historic Preservation, Washington DC, 1989.
- *Public Participation in Section 106 Review: a Guide for Agency Officials*. Advisory Council on Historic Preservation, Washington DC 1989.
- *Identification of Historic Properties: a Decisionmaking Guide for Managers*. Advisory Council on Historic Preservation and National Park Service, Washington DC 1988.
- *The Section 110 Guidelines: Guidelines for Federal Agency Responsibilities Under Section 110 of the National Historic Preservation Act*. With S.M. Sheffield. 53 FR 4727-46, National Park Service, Washington DC 1988
- *Regulations for the Consideration and Use of Historic and Cultural Properties* (Unattributed). Commonwealth of the Northern Mariana Islands Historic Preservation Office, 1983
- *Treatment of Archeological Properties: a Handbook*. Advisory Council on Historic Preservation, 1980.

Popular

- "Archeology and the Fate of Amelia Earhart." *About.com*, June 2005. http://archaeology.about.com/od/pacificislands/a/king_ae.htm
- "Amelia Earhart: Archeology Joins the Search." *Discovering Archeology* 1:1:40-47, El Paso; January-February 1999
- "Sea Changes: 14th Century Micronesia." *Glimpses of Micronesia and the Western Pacific* 25:1, Honolulu 1985.
- "Tonaachaw: a Truk Village Rediscovered its Past." With P. Parker. *Glimpses of Micronesia and the Western Pacific* 21:4, Honolulu 1982.
- "How You Can Help the Archeologists." *Boys Life*, Boy Scouts of America, 1971.

Other

- Videotapes on "historic contexts" and "traditional cultural properties," for National Park Service
- "E-Book" environmental review software, for General Services Administration
- "NEPA for Historic Preservationists and Cultural Resource Managers," worldwide web pages for National Preservation Institute.



Patricia A. Marida, Chair
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Columbus, OH 43215
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10-24-2005

Chief, Rules and Directives Branch
Division of Administrative Services Mailstop: T-6D59
US Nuclear Regulatory Commission
Washington, DC 20555-0001
NRCREP@nrc.gov

DOCKET 70-7004

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE
UNITED STATES ENRICHMENT CORPORATION'S PROPOSED AMERICAN
CENTRIFUGE PLANT

009-1

The Central Ohio Sierra Club is concerned with the amount of radioactive material being brought to and generated at the Piketon site. We would like to have the EIS state limits to the importation of uranium and the amount of waste and tailings that will result from the ACP enrichment process. We would like to see a plan for disposal of the DUF6 that will be a byproduct of the ACP. There is already a very large backlog of DUF6 waiting to be converted to DU oxide, since the conversion plant is behind schedule in its construction. We would like the EIS to state if or how the DUF6 from the ACP will be converted and the DU oxides disposed of. The planned DOE conversion facility cannot accept private waste from ACP. Envirocare, who has been named as the recipient of the ACP waste, is not currently able to store the amounts of radioactive materials being sent there, and they are sitting beside the road.

009-2

The according to calculations by PRESS (Portsmouth/Piketon Residents for Safety and Security), the new facility would create a total net LOSS of 1,558 jobs. If the site were converted to Enterprise Zone type of manufacturing, spending the same amount of money would create 25 times the 600 jobs projected by USEC. The DEIS treats alternatives poorly. For example, there was very little discussion of the benefits of cleaning up the site and using Enterprise Zone initiatives to industrialize the site. The Sierra Club would like to see this type of analysis in the DEIS.

009-3

The DEIS blindly follows USEC's analyses. The DEIS based its conclusions without adequate investigation, on faulty assessments and studies (including assessing unknowable risks), on false statements, on incompetent modeling, and on bad advice. In short, the DEIS has done little in the way of independent investigation of the USEC application.

Patricia A. Marida

From: <SargentsPigeon@aol.com>
To: <mx66@nrc.gov>, <nrcprep@nrc.gov>
Date: Thu, Oct 27, 2005 9:58 AM
Subject: USEC DEIS Comments

09/08/05

Matthew Blevins
Nuclear Regulatory Commission

70FR53396

Dear Mr. Blevins,

Attached are the attachments to my comments on DEIS NUREG-1834.

13

I've had two problems. One is getting the file to transmit given the large file size. I've been trying to send most of the night but as I have a dial-up connection only, it's very difficult and keeps quitting. Please be understanding.

Second, I have two other imposing deadlines this week....the appeal of the ASLB ruling in the USEC case was due Monday and new contentions as per the ASLB ruling are due very shortly. I did call on Monday and received an extension but am afraid it will take another day to get my full comments in. Attached are the attachments only, not the text. If for some reason you cannot accept the text, I still wish the attachments submitted...they are self explanatory as they contain mainly letters from others pertaining to historic and cultural resource issues.

I will send the text ASAP.

You will note that the first item is a DEIS comment from Professor Robert Proctor at Stanford. Unfortunately, Dr. Proctor made the mistake on Monday of e-mailing his comment to me instead of to NRC, and I did not realize it until Tuesday, when he was already on a plane to Germany. Therefore please accept his testimony as timely. His e-mail address is included. Other contact info. can be provided if necessary.

Thanks for your consideration,

Geoffrey Sea
The Barnes Home
P.O. Box 161
Piketon, OH 45661
Tel: 740-289-2473
Cell: 740-835-1508
E-mail: SargentsPigeon@aol.com

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E-RFDs = ADM-03

Template = ADM-013

Call = M. Blevins (MX66)

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Subject: USEC DEIS Comments
Creation Date: Thu, Oct 27, 2005 9:57 AM
From: <SargentsPigeon@aol.com>

Created By: SargentsPigeon@aol.com

Recipients

nrc.gov
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MXB6 (Matthew Blevins)

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Mime.822	2303097	

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Index to Attachments submitted by Geoffrey Sea

(note: Exhibit designations refer to exhibits submitted to NRC as attachments to Geoffrey Sea's petition for intervention and subsequent filings)

1. DEIS Comment of Robert Proctor, PhD., Professor of History, Stanford University, 10/24/05
2. Map of Historic Sites in relation to American Centrifuge Project created by Petitioner Geoffrey Sea.
3. Exhibit B. Statement of Charles W. Beegle, former Professor of Education at the University of Virginia, widower of Jean Rittenour and owner of the historic Rittenour Home and Scioto Trail Farm that adjoins the DOE reservation in Piketon.
4. Exhibit E. Statement of Jerome C. Tinianow. Executive Director of Audubon Ohio and Vice President of the National Audubon Society.
5. Exhibit F. E-mail correspondence from Roger G. Kennedy, former director of the National Park Service and Director Emeritus of the National Museum of American History, author of *Hidden Cities: The Discovery and Loss of Ancient American Civilization*.
6. Exhibit H. Statement of John E. Hancock, Professor of Architecture and Associate Dean at the University of Cincinnati, Project Director of "EarthWorks: Virtual Explorations of the Ancient Ohio Valley"
7. Exhibit M. Letter from Linda A. Basye, Executive Director of the Pike County Convention and Visitors Bureau, 10/21/04
8. Exhibit N. Statement of Karen Kaniatobe, Tribal Historic Preservation Officer of the Absentee Shawnee Tribe of Oklahoma in Shawnee, Oklahoma.
9. Exhibit O. Plate XXIV from Ephraim Squier and Edwin Davis, *Ancient Monuments of the Mississippi Valley*, 1848.
10. Exhibit Q. Statement of Thomas F. King, preservation consultant, author of four books on federal preservation including *Federal Planning and Historic Places: the 106 Process*
11. Exhibit V. Statement of Thomas F. King, preservation consultant, author of four books on federal preservation including *Federal Planning and Historic Places: the 106 Process*, dated March 30, 2005.
12. Exhibit W. Letter from Chief Hawk Pope, Shawnee Nation, United Remnant Band, undated, received March 29, 2005.

13. Declaration by John Hancock, Frank L. Cowan, and Cathryn Long Regarding August 5, 2005 Visit to GCEP Water Field

14. Photographs in order: 1. The Barnes Home close-up, 2. The Barnes Home landscape 3. Surviving remnant of the Barnes Works, 4. View of the Scioto River at the point where the creek of the Barnes Works joins it, which USEC and NRC say "is not a scenic river" 5. The kill-site of the Sargents Pigeon (remnants of the home where Press Clay Southworth lived in 1900)

15. Photograph of ACP Buildings across fence-line of Barnes Home property (previously provided.)

Comment on the Draft Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio

By Robert N. Proctor, PhD.

Submitted Oct. 24, 2005

I am Professor of the History of Science at Stanford University, and a tenured member of the faculty of the History Department at that University. I hold a doctoral degree in the History of Science from Harvard University and am the author of four books on the history of science, dozens of articles in peer-reviewed academic journals, including historical, scientific, and medical journals. I have won several prizes for my academic scholarship, including the Viseltear Prize from the American Public Health Association and the American Anthropological Association. I have held fellowships from the Guggenheim Foundation, the National Science Foundation, the National Institutes of Health, the Holocaust Memorial Museum in Washington, D.C., the Max Planck-Institute for the History of Science in Berlin, the National Library of Medicine, the Howard Foundation, the Hamburg Institute for Social Research in Germany, the National Center for Human Genome Research, the National Endowment for the Humanities, the Center for Advanced Study in the Behavioral Sciences at Stanford, the American Council of Learned Societies, the Andrew Mellon Foundation, the Woodrow Wilson Foundation (Charlotte W. Newcome Fellow), and the Shelby Cullom Davis Center for Historical Studies at Princeton University. I am also an elected Fellow of the American Academy of Arts and Sciences, the oldest scientific academy in the U.S., founded in 1780 by John Adams, John Hancock, and other American scholar-patriots.

I have visited the Piketon facility and am familiar with the historic and cultural value of the overall site, and the history of the uranium enrichment processes that have been operated there since the 1950s. I am also familiar with the work and writings of Mr. Geoffrey Sea, resident in the Barnes Home in Sargents, Ohio. I have reviewed the "Historic and Cultural Resources" section and the corresponding "impacts" and "alternatives" sections of the Draft Environmental Impact Statement for the facility.

I want to briefly note here my disappointment with the NRC assessment of the potential historical and cultural impacts of the proposed centrifuge facility. The report repeatedly states that the expected impacts to historical and cultural resources of the proposed facility are "small," "insignificant," "negligible," etc., when in fact we can expect the impact to be very significant.

Historians in recent years have become increasingly aware of the importance of preserving the integrity of historic and prehistoric sites, this includes protection of such sites in their landscape settings from noise, visual insults, traffic, access obstacles, commercial development, intrusion from physical and electronic security, threats to the safety of visiting members of the public, "aesthetic" or psychological impacts that might discourage tourism, and many other factors, and these concerns have been reflected in strengthened federal legislation and regulation starting with the 1966 National Historic Preservation Act. Sites such as Gettysburg and other parks valued for their historical significance have resisted efforts to compromise such values, and here, in Piketon, we have an instance where there is a threat of

significantly compromising unique historical and cultural values by going ahead with construction, operation and eventual decommissioning of the centrifuge facility.

In his published writing, with a rather unique literary style, Geoffrey Sea exemplifies a certain model of history that sees historical persons and events as interwoven over long spans of time. The locale of what used to be called Sargents, Ohio, has become a model for his analysis, and an ideal one, for the various individual locations in close proximity in Sargents weave together in that seamless fabric we call history.

Historians will be troubled by the shallow and cavalier treatment offered by NRC Staff's assessment of the impact of this proposed plant on historical and cultural resources. The site of the last passenger pigeon slaying and the Barnes family experience and homestead, together with the important earthworks, and the recently-closed Gaseous Diffusion Plant could be part of an important public historical site with both educational and recreational value. The integrity of this site must be protected for future generations; indeed it is precisely the kind of site our preservation laws are designed to protect.

The Barnes Home is at the center of this matrix, for the Barnes family brought to world attention the enormous prehistoric earthwork complex to the west of the house, which became known as the Barnes Works. South of the home is the kill-site of the last known wild passenger pigeon, which was mounted in the home. North is the Sargent Home, which was occupied by a family that married into the Barnes clan and brought Abraham Lincoln in to view the earthworks. East of the home is the centrifuge plant, close to the excavated site of a burial mound that became a waste pit for the Department of Energy; and the X-326 building, which has historic value as America's only dedicated facility for the production of bomb-grade uranium.

It makes no sense to analyze these locations individually, as is done in the DEIS, neglecting some of them entirely, at each step blind to the historic panorama that links and surrounds. That's an approach that intends to be dismissive of discovered impacts, and dismiss them it does, cutting the historical matrix into little segregated insignificant bits.

For example, the earthwork discovered at the Well Field site is considered separately from discussion of the Scioto Township Works (Barnes Works), even though a glance at the map and a consideration of known Hopewell patterns of construction leads to a reasonable conclusion that these once were connected. (Eminent historian Roger Kennedy has in fact suggested that they were connected and that the Great Hopewell Road extended through the Barnes Works in his book, *Hidden Cities: The Discovery and Loss of Ancient North American Civilization*, Free Press, 1994.)

Too, there is no suggestion from the DEIS that the Barnes Home and the Barnes Works have any connection whatsoever, as absurd as this segregation is on its face. The DEIS enforces this segregation by using the term "Scioto Township Works" – though "Barnes Works" was the name used in the last extensive survey and description by Gerard Fowke in *The Archaeological History of Ohio*. The name "Barnes Works" is also least confusing since the historical name, "Seal Township Works," no longer corresponds to the township jurisdiction.

NRC apparently would not like to acknowledge that the building where bomb-grade uranium was produced and the extinction of the passenger pigeon might have any connection. But they are connected, and that connection served as the basis for Geoffrey Sea's long meditation on extinction and survival published in the *American Scholar*, "A Pigeon in Piketon." At the end of that piece, which was published before USEC chose Piketon as site for its centrifuge plant, Mr. Sea proposed that the X-326 building, now awaiting decommissioning, be

dedicated as a monument to the passenger pigeon.

This is a serious proposal for a number of reasons. First, there is no national memorial to the passenger pigeon, though the species was the most abundant vertebrate species on the continent and its passing is considered to be the exemplar of man-made extinction. The famous ecologist Aldo Leopold erected an extraordinary monument at the site of the last passenger pigeon kill in Wisconsin. A national monument rightfully should be located at or near the last kill site of all, in Sargents. Arguably it has not happened only because that location was not precisely known. But now Mr. Sea has found it, within a mile or two of X-326 and the Barnes Home, and that is of paramount importance to environmental history.

Second, there are no current plans for the X-326 building, which may not be easily demolished owing to the high degree of radioactive contamination inside. Entombment of the building might be the only technically viable and cost-effective solution, and if safe entombment can serve the larger purpose of a national monument, as a structure to spur reflection upon the folly and avarice of Man, so much the better. That is the essence of Mr. Sea's proposal, as was perhaps anticipated by Aldo Leopold when he wrote, in 1949, in *A Sand County Almanac*, of human superiority lying in our capacity to remember and mourn the passenger pigeon, "rather than...in Mr. Vannevar Bush's bombs."

Remembrance and memorial are at the vanguard of historical thinking and historical preservation at the moment. I have served as an advisor to the Holocaust Museum, which set the trend, and there is now an active program, sponsored in part by the Department of Energy, to memorialize the cold war and Manhattan Project sites around the nation. Mr. Sea's proposal should be analyzed in the context of this program.

Which obviously is inconsistent with licensing and completion of USEC's centrifuge plant. The USEC plant would sit in between the Barnes Home and the X-326 building, physically obstructing the possibility of connecting these locations as a memorial site and visitor attraction. How on earth can that be considered as minimal impact?

The potential for a historical landmark site that encompasses the kill-site of the Sargents Pigeon, the Barnes Works, the Sargent and Rittenour homes, and the X-326 building – with the Barnes Home at its center – is great. But only if there is no centrifuge plant at the middle of it, obstructing passage with security fences, scaring visitors away with the potential for catastrophic events and toxic releases, obviating the memorial message that we have learned our lesson to overcome folly and greed.

The building and operating of a uranium enrichment plant right over the fence-line from the Barnes Home will severely impact prospects for a public center to develop this as a place for education, tourism, and long term commemoration. Archaeologists here at Stanford and elsewhere are developing models for how this can be done at sites designated by UNESCO as being of historic significance.

Threats to this integrated set of sites from construction of the centrifuge plant are of several types, including (but not limited to): fences; roads; traffic; security surveillance (including security gates and closed access to some roads); restrictions on movement; diminishment of attractiveness to visitors; risk of terrorist attack (keeping people away); compromises from noise; diminishment of the aesthetics of the site, public worries (real or justified) to the dangers of uranium enrichment near such a site, just to name a few; vulnerability of buildings, land and people to catastrophic accidents, toxic emissions and potential damage from decontamination activities. The USEC report does not grapple with the potential impacts

in a way that is historically responsible.

There is no evidence from the DEIS that NRC actually studied these impacts on-site, only that lots of papers were shuffled to rule out impacts by fiat of definition. For example, did NRC staff visit the Barnes Home to see if the ACP site activities could be heard at night? (Mr. Sea reports they can.) Did NRC staff visit the Barnes Home at all, or the kill site of the Sargents Pigeon, or the Sargent Home? (Apparently not.) Did NRC consult any experts on the development of historic commemoration sites? (Apparently not.)

The DEIS contains another fundamental flaw in its approach to assessing impact in that it compares life with the centrifuge plant to life as it exists today. If this were a green-field site, that would be a proper approach, because, if the plant were not built, the green-field would continue on as is, as far as we know.

In this case, however, the massive Gaseous Diffusion Plant on the site has just shut down. The site is now maintained by DOE as a production site, with all the attendant apparatus of infrastructure and security, in anticipation of USEC's plant. Thus it is a tautology that the centrifuge plant will have little impact on a site already in preparation for a centrifuge plant.

But if the plant is not licensed and built, then the site will not be a DOE production site any longer. It would revert to cleanup, environmental restoration, and alternative use, as has occurred at other closed DOE production plants like Fernald and Rocky Flats. Site ownership would pass from DOE to the Department of Interior, and DOI would implement a mixed-use development plan for the site as it has done elsewhere. That near future must be the baseline for comparison in any impact assessment, under both NEPA and NHPA.

Substantial potential exists for the development of historical attractions, tourism, and sites of economically sustained commemoration at Sargents. It is not true, as NRC reports, that "the impacts to historic and cultural resources identified onsite and around the site's perimeter would be small" (p. 2-38). The combination of the three historic homes of the Barnes, Sargent and Rittenour families, the Scioto River history, unique geological features, the passenger pigeon history (centered on the Barnes home), and the long-standing Native American presence--including a number of significant prehistoric earthworks--make this a site of substantial historical importance. There is an integrity to these various historical and cultural aspects taken together that is not reflected in the DEIS; these sites have to be evaluated as a whole.

I have visited the Piketon site, and have some understanding of its history and integrity. I have consulted with Mr. Sea, and have confidence in his assessment of the potential historic value of this site, and the threats posed to it by the expansion of the USEC facility. Mr. Sea has lectured at Stanford University on his research into this topic, and there is strong interest here and elsewhere in the story he has to tell. I should say that I was surprised--astonished in fact--to find his name not even mentioned in the DEIS, despite the fact that he knows more about the cultural history of this area than anyone alive. Mr. Sea has done important work evaluating the history and significance of this site, and it is absolutely essential that he be consulted in any effort to assess the potential impact of the centrifuge construction.

In conclusion, this site must be considered as an integrated whole, and should not be looked at piecemeal. Our federal preservation laws require that sites under consideration be studied for potential impacts on historical and cultural value, and the draft EIS certainly does not do an adequate job in exploring that potential impact.

010-1-2

010-1-1

Robert N. Proctor
Professor of the History of Science
Stanford University

e-mail: rproctor@stanford.edu

Map of Historic Sites in relation to American Centrifuge Project created by Geoffrey Sea. This map shows the historic sites as they once existed in conjunction with the current and proposed buildings of the ACP. It is intentionally anachronistic to give a sense of respective locations and distances. This map has been updated on the basis of new information as of 10/24/05.

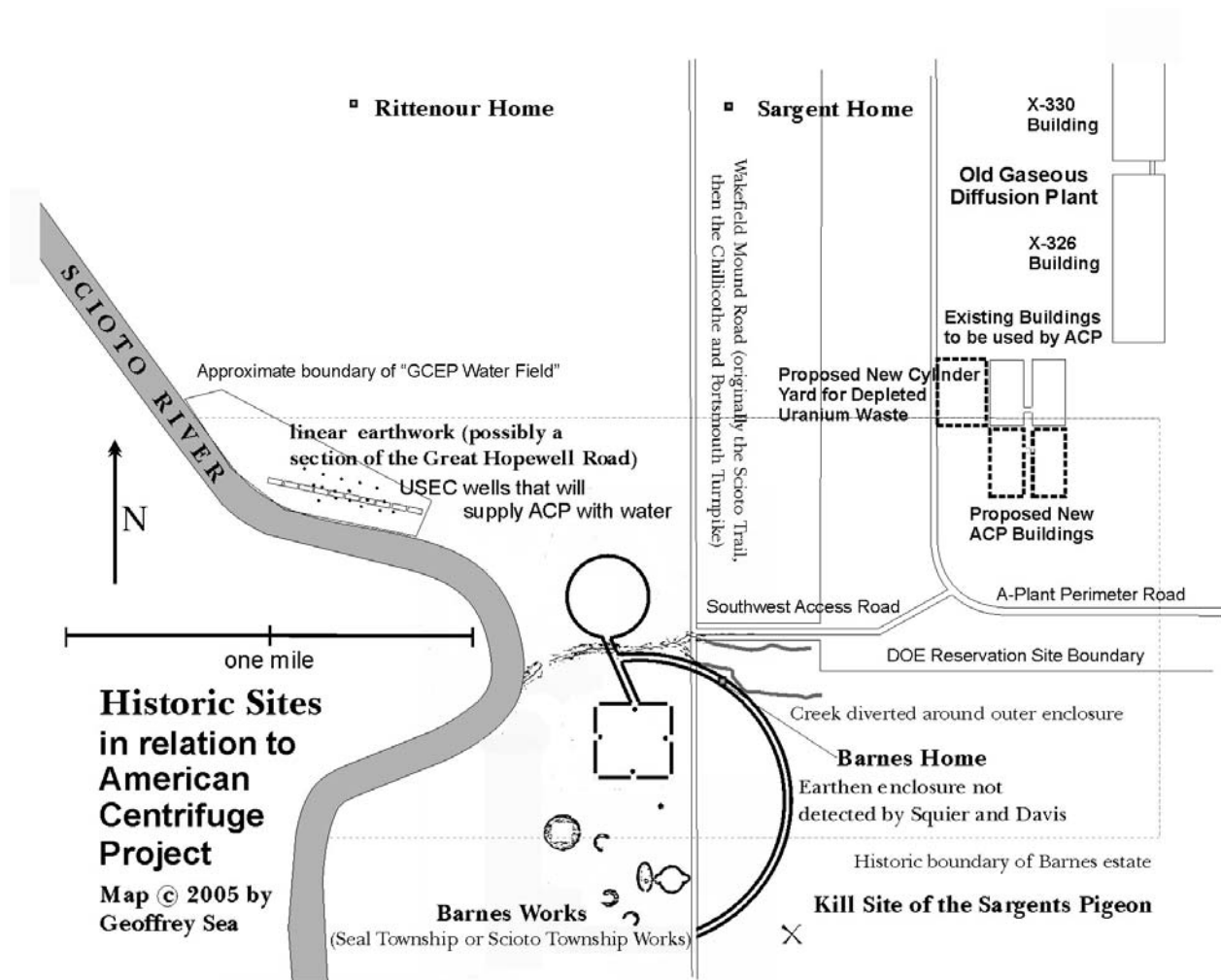


Exhibit B
[hand-written original transmitted via facsimile]

Brookhill Farm
2163 Scottsville Rd.
Charlottesville, VA 22902
27 February 2005

Nuclear Regulatory Commission

To Whom it may concern

Re: Piketon, Ohio Centrifuge Operation

As a neighboring landowner, I raise the following concerns about the expansions of the centrifuge operation at the Piketon, Ohio Plant.

1. I own the Scioto Trail Farm on State Route 23. Presently the farm is approximately 370 acres. The major portion is on the west side of State Route 23 and goes to the Scioto River.

2. The farm has been in my wife's family for generations. The Rittenours, Seargents, and Barnes were influential in the history of the Scioto Valley. From the oral history of the indian culture of the Scioto Valley, stories are told of the indian foot races along the lower portion of the farm. The historic nature of the property should qualify it for the National Historic Registry.

3. During 1966, the NHPA legislation was passed which mandated that government agencies had a moral and legal obligation to weigh the impact that projects have on historic surroundings. The government took 31.421 acres for a permanent easement in 1982. This was for a well field along the Scioto and for pipe lines and a road. Never was the NHPA legislation addressed.

4. At one time the farm was over five hundred acres. The DOE took a large portion of the farm during the early 1950s. There was a great projection on the financial benefits and jobs that would be gained with the nuclear energy project. The only thing that it did was ruin a once beautiful farming valley. There are few, if any, large landowner farmers remaining on their land. From my perspective, the plant has been a detriment and enlarging it will continue that degradation. In the process, it will destroy more Hopewell Indian relics and more of the early history of Ohio will be lost.

5. As an out of state land owner, I was not aware of the enlargement of the centrifuge plant. I would have objected earlier. This letter is written in support of Geoffrey Sea's intervention.

Sincerely,

Charles W. Beegle

Exhibit E. Statement of Jerome C. Tinianow, Executive Director of Audubon Ohio and Vice President of the National Audubon Society

Audubon Ohio
692 North High Street, Suite 303
Columbus, OH 43215-1585
Tel: 614-224-3303
Fax: 614-224-3305
www. Audubon.org

February 24, 2005

Dear Friends,

I am the Executive Director of Audubon Ohio, a conservation and wildlife advocacy organization with over 14,000 members throughout the state, some of whom live in and around Pike County, Ohio. We currently have 18 past and present donors living in Piketon itself.

Audubon Ohio is the Ohio office of the National Audubon Society, a 100-year-old conservation organization with over 400,000 members nationwide. Our mission is to conserve and restore ecosystems, focusing on birds, other wildlife and their habitats, for the benefit of mankind and the Earth's biological diversity. Geoffrey Sea is one of our members.

In pursuit of our mission, Audubon Ohio and the National Audubon Society believe it is important to protect, preserve and commemorate sites that have a special place in the history of conservation and ecology. Two such sites are in Pike County, where the last passenger pigeon ever sighted in the wild was shot by Press Clay Southworth on March 22, 1900. Over the years, investigators have tried to locate the precise scene of the shooting, without success until Geoffrey Sea did find the former residence of the Southworths and the nearby Sargents Grain Mill along Wakefield Mound Road, approximately one mile south of the A-Plant southwest access road. An affiliated site is the Barnes Home at 1832 Wakefield Mound Road, where the bird was mounted and displayed between 1900 and 1915, when it was donated to the Ohio Historical Society. The specimen is now prominently displayed at the OHS Museum in Columbus.

The extinction of the passenger pigeon, once the most populous bird in the world, over the course of a single century, is generally regarded as the most important and most instructive of all extinctions made by man. That is one reason that preservation and commemoration of the Pike County sites are so crucial. The other reason is that this is the only place on earth where the slaying of the last-seen wild survivor of a species has been located. The sites should be preserved so that they can be properly marked and made available for public education. At the scene of the last passenger pigeon shooting in Wisconsin, the great American ecologist Aldo Leopold erected a famous bronze

statue. Pennsylvania also has its passenger pigeon memorial, erected by the Boy Scouts of America at Pigeon Hills. The proper place for a national memorial is in Pike County, Ohio, as proposed by Geoffrey Sea in his essay in *The American Scholar*.

John James Audubon himself was moved to conservation activism by his witness of pigeon hunts, and his description of them stands as one of the earliest and most compelling bits of ecological writing. Audubon described a raid on a nesting of passenger pigeons this way:

"The tyrant of the creation, man, interferes, disturbing the harmony of this peaceful scene. As the young birds grow up, their enemies, armed with axes, reach the spot, to seize and destroy all they can. The trees are felled, and made to fall in such a way that the cutting of one causes the overthrow of another, or shakes the neighbouring trees so much, that the young Pigeons, or squabs, as they are named, are violently hurried to the ground. In this manner also, immense quantities are destroyed." (John James Audubon, *Bird Biographies*, "The Passenger Pigeon.")

The proposed construction and operation of a uranium enrichment plant at the southwest corner of the Department of Energy reservation would impact these historic sites and potential future projects in a number of ways. The location of the new enrichment plant borders on the Barnes Home property, and some of the land was originally taken from the Barnes estate. Safety and environmental fears, along with the conspicuous security regime, if not crafted with sensitivity to the historic importance of the neighboring property, could certainly deter public visitation to and appreciation of the historic sites.

The National Historic Preservation Act provides mechanisms for averting and ameliorating such impact. Unfortunately, the Department of Energy has not complied with its obligation to implement the various provisions of the act, creating now a monumental challenge for how to bring the proposed project into accord with federal preservation law.

Audubon Ohio supports Geoffrey Sea's intervention in this case. There must be an advocate for preservation and ecological interests involved in the proceedings.

Sincerely,

Jerome C. Tinianow
Vice President and Ohio Executive Director

Exhibit F. Statement of Roger G. Kennedy, former director of the National Park Service and Director Emeritus of the National Museum of American History, author of *Hidden Cities: The Discovery and Loss of Ancient American Civilization*

Subject: Intervention support
Date: 2/24/2005 12:20:18 PM Eastern Standard Time
From: roger@rkennedy.net
To: GeoffreySeaNYC@aol.com

To the Commissioners, Secretary and Atomic Safety and Licensing Board of the US Nuclear Regulatory Commission and to Whom it May Concern.

I am traveling away from home and letterhead, lecturing at Stanford University and for a group of private foundations in San Francisco. However, I wish to use this electronic means to support the intervention of Geoffrey Sea in the USEC American Centrifuge Plant licensing action.

Mr. Sea is entirely correct as to the importance of the Barnes works to American history and to our living cultures. It is among the half-dozen most important pre-Columbian sites in the Ohio Valley, and when more work is done on it by competent archaeologists it may turn out to be among the half dozen most important in the United States. If the people of Louisiana can save Poverty Point, and the people of East St. Louis can save Cahokia, surely the more affluent people of Ohio can rally to protect their heritage from desecration. The balance is hardly even between a mere adjustment for convenience of an atomic energy plant which can go anywhere within a hundred mile radius, and a precious place with no equals, no counterparts, and no chance of replication. This generation would be disgraced if further damage were done to an inheritance from the ages. The Barnes site must be saved.

For that to happen, it might be well for the site ultimately to be placed in responsible public hands, such as the National Park Service or the Ohio State Park System, or within the jurisdiction of the United States Forest Service.

I would be happy to verify the authenticity of this commendation by responding to an email sent the sending address.

Roger G. Kennedy

Director Emeritus, National Museum of American History

Former Director, the United States National Park Service

Exhibit H. Statement of John E. Hancock, Professor of Architecture and Associate Dean at the University of Cincinnati, Project Director of "EarthWorks: Virtual Explorations of the Ancient Ohio Valley"

University of Cincinnati
College of Design, Architecture, Art, and Planning
Office of the Dean
P.O. Box 210016
Cincinnati OH 45221-0016

Phone (513) 556-4933 / Fax (513) 556-3288
Web <http://www.daap.uc.edu>

February 21, 2005

To: The Commissioners, Secretary and Atomic Safety and Licensing Board of
the US Nuclear Regulatory Commission, and Whomever it May Concern

From: John E. Hancock, Professor of Architecture and Associate Dean
Project Director "EarthWorks: Virtual Explorations of the Ancient Ohio Valley"

Re: Support of the Intervention of Geoffrey Sea in the USEC American Centrifuge Plant licensing action.

One of North America's richest prehistoric legacies lies mostly buried or destroyed, and nearly invisible, beneath the modern landscapes of southern Ohio. The first settlers in this region stood in awe, amidst the largest concentration of monumental earthen architecture in the world. These included effigies like the Great Serpent Mound, and hilltop enclosures like Fort Ancient; but the most spectacular were the many embankments and enclosures formed into huge, perfect, geometric figures. Two centuries of archaeological research have shown that these were created by ancient Native cultures dating back as far as about 2000 years.

Apart from three of these figures at Newark, Ohio (two circles and an octagon), no others exist in complete, visible form, though several survive in ways still useful to archaeological research. The circle-and-square at Piketon, also known as the Barnes Works or the Seal Earthworks, despite its scant remains, is significant for several reasons:

- it is among the least known or investigated to date by archaeologists;

- its double-figure shape links it to two of the most culturally-revealing earthworks that have been investigated (Newark and High Bank), suggesting similarly-precise astronomical functions akin to those at Stonehenge;

- it is at the center of the thickest concentration of these works, between Portsmouth and Chillicothe, undoubtedly part of a culturally important series, and possibly linked by an extension of "The Great Hopewell Road";

- through its connections with the Barnes family it holds special significance in the history of the State of Ohio, its early links to Virginia, and the early importance of its earthworks in the birth of American archaeology and national identity;

- it may include as part of its design a heretofore unrecorded earthen circle, of a size unknown anywhere else in the world.

The preservation of this site has at least two major benefits:

- it will enable the continuing study of a unique asset from this ancient Ohio Valley culture, now beginning to make its way back into the public consciousness in our region and beyond.

- it will strengthen the resource base for the increasingly-lucrative cultural heritage tourism industry and its associated high-quality, non-intrusive economic development in southern Ohio.

The goal of our multimedia "EarthWorks Project" is make these hidden or vanished sites visible again, and offer them in new ways, to new audiences, in new electronic media such as museum exhibits, computer discs, and a Website. Three times funded in this work by the National Endowment for the Humanities, we have confirmed the national cultural and historical significance of this ancient culture and their spectacular architectural monuments. Numerous inquiries from Europe attest to the international significance of this unique Ohio heritage, and public awareness and interest here at home is also clearly increasing.

The opportunity to preserve a unique resource that sheds light on our predecessors in this valley should not be missed.

Yours sincerely,

John E. Hancock

Exhibit N. Statement of Karen Kaniatobe, Tribal Historic
Preservation Officer of the Absentee Shawnee Tribe of Oklahoma

Absentee Shawnee Tribe of Oklahoma
Cultural/Historic Preservation Department
2025 S. Gordon Cooper
Shawnee, Oklahoma 74801-9381
(405) 275-4030 Fax: 405-878-4533

February 24, 2005

RE: Support of Geoffrey Sea's intervention in the USEC
American Centrifuge Plant Licensing Action

To the Commissioners, Secretary and Atomic Safety and
Licensing Board of the US Nuclear Regulatory Commission and
to Whom it May Concern:

I am writing in support of the intervention of Geoffrey Sea
in the USEC American Centrifuge Plant licensing action. I am
the Tribal Historic Preservation Officer for the Absentee
Shawnee Tribe. Our interest in supporting Mr. Sea is based
on the fact that Ohio is part of our ancestral homelands.
Through historical research we have identified a number of
village sites in the Ohio Valley. In fact, quite a few are
located along the Scioto River. Furthermore, if you look at
a map, you will notice that the names of towns, cities and
counties reflect the Shawnee's historical presence within
the state of Ohio.

We are part of the Algonquian family of Native American
peoples, and the Algonquian tribes of the Ohio/Great Lakes
region are collectively believed to be descended from the
culture called Ft Ancient. In turn the Ft Ancient are
considered descendants of the Hopewell culture. The people
of the Hopewell Culture built the many astounding geometric
earthworks, including those called the Barnes Works in
Scioto Township.

All of the historic and prehistoric sites in the region of
Scioto Township have great meaning and significance. The
Barnes Works, being one of the largest and most beautiful
prehistoric architectural works in North America, is a site
that has already suffered desecration and destruction--but
what remains can be saved.

Many more historic sites may exist in the area, remaining to
be found for lack of extensive survey. Surveys to find such
sites should be conducted as part of any 106 review for the
ACP.

The American Centrifuge Project may impact all these sites
in many ways that have not been studied or considered.

Physical destruction caused by new buildings is only one concern. We also need to consider potential destruction of earthworks along the river caused by additional water pumping, the impacts of herbicides used to defoliate a security zone around the DOE site perimeter, the impacts of keeping the area under national-security restriction, rather than opening the area to study and tourism, and the aesthetic impacts of marring a sacred area with security fences, more roads, and shipments of radioactive fuel and waste.

Our tribe has not been contacted by DOE about the American Centrifuge Project for consultation. We first learned about the American Centrifuge Project from Geoffrey Sea. Please note that we count on being included as a consulting party in future 106 and 110 reviews at the Piketon site.

We understand that the NRC has initiated a section 106 review as part of its licensing process. That is good. However this is an important test for preservation law. If a major federal nuclear project involving two different federal agencies can proceed without any consideration of one of the largest sacred sites in North America next door, then it means that the provisions of the National Historic Preservation Act have become meaningless.

Many alternatives to the proposed action deserve full study and consideration. USEC's environmental report mentions the possible alternatives of moving ACP to the north side of the Piketon site or moving it from Piketon to Paducah, Kentucky. Since the current site at the southwest corner of the DOE reservation involves many potential impacts, those alternatives among others need careful review.

Respectfully,

Karen Kaniatobe
Tribal Historic Preservation Officer

Exhibit O. The Seal Township Works, later called the Barnes Works or Scioto Township Works. Plate XXIV from Ephraim Squier and Edwin Davis, *Ancient Monuments of the Mississippi Valley*, 1848. (Note that the more accurate measurements given by Cyrus Thomas and Gerard Fowke half a century later are substantially different, making the areas of circle and square between 10% and 15% larger.)

ANCIENT WORK,
SEAL TOWNSHIP,
PIKE COUNTY, OHIO.

E. G. Squier & E. H. Davis Surveyors. 1846.

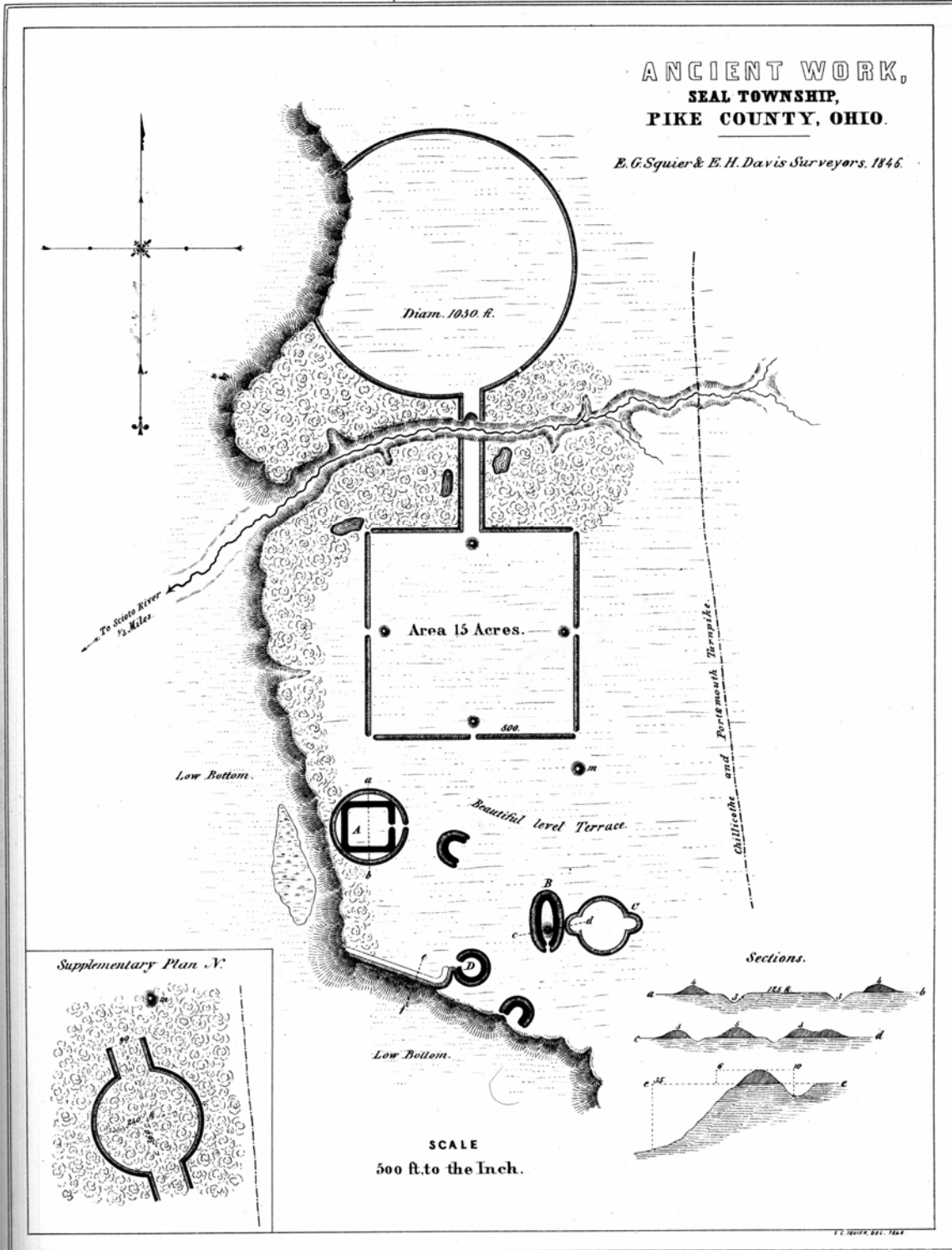


Exhibit Q. Thomas F. King, preservation consultant, author of four books on federal preservation including *Federal Planning and Historic Places: the 106 Process*

Thomas F. King, PhD.

P.O. Box 14515 Silver Spring MD 20911, USA

Telephone (240) 475-0595 Facsimile (240) 465-1179 E-mail tfking106@aol.com

Cultural Resource Impact Assessment and Negotiation, Writing, Training

February 24, 2005

To: The Commissioners, Secretary and Atomic Safety and Licensing Board of
the US Nuclear Regulatory Commission, and Whom it May Concern.

I am writing in support of the intervention of Geoffrey Sea in the USEC American Centrifuge Plant licensing action. As a professional practitioner of archaeology and historic preservation in the United States, I am deeply concerned about the potential impacts of the proposed action on historic properties, and about the adequacy of NRC's and the Department of Energy's (DOE's) compliance with Section 106 and 110 of the National Historic Preservation Act and other federal environmental and cultural resource legal requirements.

A copy of my professional resume is attached. I hold a PhD in Anthropology from the University of California, Riverside, and have been practicing in historic preservation and environmental impact review for almost forty years, both within and outside the Federal government. I have some twenty years experience as a government official with the Advisory Council on Historic Preservation, the National Park Service, and the General Services Administration, and am currently self-employed as a consultant, writer, mediator, and trainer in historic preservation, tribal consultation, and environmental review. I am the author of four textbooks and numerous journal articles on these subjects, as well as a number of federal regulations and guidelines. My particular specialty lies in working with Section 106 of the National Historic Preservation Act, which requires Federal agencies to take into account the effects of their actions on places included in and eligible for the National Register of Historic Places.

It is because of my concern for the proper application of Section 106 and related authorities, and for the proper management of historic places, that I support Mr. Sea's intervention. Mr. Sea has, I believe, uncovered significant problems with NRC's and DOE's compliance with the historic preservation and environmental

laws, and identified significant potential impacts on places eligible for inclusion in the National Register. His intervention should be given your very close attention.

Respectfully,

Thomas F. King

EXHIBIT V

Thomas F. King, PhD

P.O. Box 14515, Silver Spring MD 20911, USA

Telephone (240) 475-0595 Facsimile (240) 465-1179 E-mail tfking106@aol.com

Cultural Resource Impact Assessment and Negotiation, Writing, Training

March 29, 2005

Geoffrey Sea
340 Haven Ave., Apt. 3C
New York NY 10033

Dear Geoffrey:

You've asked me for my observations on how the Nuclear Regulatory Commission (NRC) staff's positions on the scope of its responsibilities in the USEC matter, and on the tests that you must meet in order to intervene, relate to the purposes and requirements of the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA). I provide these observations based on some 40 years of professional practice under both statutes, including participation in the development of amendments to the latter and federal regulations and guidelines implementing both.

Both NEPA and NHPA were enacted in order to protect the public interest in the human environment in general (in the case of NEPA) and historic resources in particular (NHPA). It follows that the interested public - made up of people like yourself - has a large role to play in implementation of these laws, and this is reflected in the regulations that agencies must follow in complying with them. Both the NEPA regulations (40 CFR 1500-1508) and the Section 106 NHPA regulations (36 CFR 800) provide for participation in review by interested parties and the general public. The Section 106 regulations are particularly directive in this regard, providing both for general public involvement and participation and for identifying particular "consulting parties" whose interests in the undertaking under review, or its effects, entitle them to ongoing active involvement in the negotiation of ways to resolve adverse effects on historic properties.

It appears that the NRC staff has a much, much more restrictive notion of public involvement than that underlying either NEPA or NHPA. I suspect that this reflects the fact that the staff's policies and procedures for environmental review spring from a different intellectual tradition than do those underlying laws like NEPA and NHPA. A thought-provoking (though rather turgid) recent book that explores this sort of

dichotomy is *Citizens, Experts, and the Environment: The Politics of Local Knowledge*, by Frank Fischer (Durham, Duke University Press, 2000). Fischer discusses the world-view that is common among environmental engineers and others involved in the sort of environmental review that is driven by the toxic, hazardous, and radiological substances laws, in which environmental impact analysis is construed to be a matter of rigorous, generally quantitative, scientific analysis. It is a matter for scientific experts to concern themselves with, and is viewed as far too complicated for ordinary citizens to understand. In this world-view, public involvement is a troublesome requirement imposed by the political system, which should be kept to a minimum so the experts can get on with their work. Fischer documents that this sort of thinking is widespread in the environmental specialist community from which agencies like NRC draw their staffs, and from which their personnel derive their intellectual direction. He also documents how thoroughly wrongheaded it is, but that's another matter. My point is simply that the NRC staff's thinking on how people like you should be involved and issues like yours should be considered in its decision making has much more to do with the philosophical biases of its members than it does with any actual legal requirements.

The NRC staff seeks to limit your access to its decision making process in a variety of ways - for example by insisting that to be recognized as having "presumptive standing" you not only be "injured," but be a resident of the surrounding vicinity, and at the same time insisting that your "injury" must be of a particular kind. Let's look at the last of these first.

The staff asserts that "(i)n Commission proceedings, the injury must fall within the zone of interests sought to be protected by the AEA or the National Environmental Policy Act ("NEPA")." It is not clear to me why only these two laws are pertinent and not, for instance, NHPA, but for the moment let's assume the staff is correct; your "injury" must relate to the "zone of interests sought to be protected" by the AEA and NEPA. I claim no expertise in the AEA, but I do know about NEPA, and it appears to me manifestly obvious that your "injury" falls well within the sphere of NEPA's "protected interests."

NEPA directs agencies to consider the impacts of their actions on "the quality of the human environment." At 40 CFR 1508.27(b) the NEPA regulations of the Council on Environmental Quality (CEQ) list a range of factors to be considered in judging the significance of impacts on the quality of that environment. It is a long and varied list, and it repeatedly refers to "cultural" and "historic" resources. It surely follows that "interests" in such resources are "protected" to the extent NEPA affords

protection to anything. Thus your interests in protecting the historic character of the area subject to effect by NRC's permit action are entirely within NEPA's "sphere of protection."

Why does the NRC staff not understand this? I suspect that - based on the intellectual tradition from which they come - the staff's experts honestly believe that the quality of the human environment is not affected by anything that fails to irradiate someone to a hazardous degree. It follows from that line of reasoning that your interests in the historic character of the area are irrelevant to the potential for environmental impacts.

It also follows, of course, that only actual residents of the vicinity can be "injured," because only residents are likely to suffer a high enough dosage of something emanating from the proposed facility to affect their health and safety. Therefore, it is logical within the staff's likely framework of assumptions, that only nearby residents should be recognized as having presumptive standing. But NEPA isn't about only health and safety. The great bulk of NEPA cases that have been litigated have been brought by parties whose injuries involved damage to places and things they enjoyed and thought important - forests, mountains, animals, bodies of water, beautiful vistas, wilderness, fish, sacred sites, historic places, archaeological sites. Courts routinely grant standing to plaintiffs under NEPA on such grounds; can the staff be seriously proposing that the Commission adhere to a more exclusive standard?

It is also difficult to understand why, if an "injury" within NEPA's "zone of protected interests" is a legitimate topic for NRC consideration, an "injury" within NHPA's "zone" is not equally legitimate. Both laws were enacted by Congress; both apply to all federal agencies; both impose rather similar requirements. To the best of my knowledge, NRC has never been granted an exemption from NHPA's requirements. Your interests clearly fall within NHPA's "zone," since they concern historic properties and effects on them. Under the Section 106 regulations, your interests entitle you to consult about the significance of such properties and how to resolve adverse effects on them. Why does the NRC staff think the Commission can or should deprive you of this entitlement?

Here again, I suspect that the culprit is the world-view of NRC's staff experts. If one believes that environmental impacts are limited to things that scientific experts can quantify, and ordinary citizens have nothing useful to contribute to the discussion, then it follows that all NRC need do to address impacts on historic properties under NHPA is to have expert surveys done and consult with the State's designated expert, the State Historic Preservation Officer. If further follows that the Commission's staff can and should

keep the results of its expert studies secret, as it has in this case, and simply present the public with its conclusions.

Within this framework of assumptions, the fact that the Section 106 regulations call repeatedly for participation by interested parties and the public is irrelevant; such requirements are mere politico-regulatory hoops to be gotten through with as little effort as possible.

But this interpretation of NHPA's requirements is inconsistent not only with the letter of the regulations but with routine practice in Section 106 review and with the record of case law. Courts have generally been quite liberal in recognizing the standing of interested parties in Section 106 litigation, and certainly have never imposed anything like a residency requirement. In the recent *Bonnichsen et.al. v. US* (Civil No. 96-1481JE, District of Oregon), for example, the court found that a group of physical anthropologists, none of whom lived in the vicinity of the discovery, not only were sufficiently "injured" by the Corps of Engineers' treatment of a human skeleton found on the bank of the Columbia River to give them standing to sue, but that the Corps had violated the NHPA by failing to consult them under Section 106. Here again, NRC's staff seems to be establishing for the Commission a more exclusive standard than that imposed by courts of law; I have to wonder about the basis for this.

In summary then, what I think we see in the NRC staff's conclusions about your intervention is the expression of a world-view that is common among experts in toxic, hazardous, and radiological impact analysis, that may be sensible in some contexts but thoroughly warps the process of review under NEPA and NHPA. To narrowly limit the range of interests in the public with whom one will engage in environmental impact analysis, and then to insist that these interests themselves demonstrate the existence of impacts ("injuries"), stands the process of environmental review on its head. It is the responsibility of the Commission and its staff to ascertain what impacts its permit action may have on the quality of the human environment under NEPA, and on historic properties under Section 106; it is not your responsibility to do so for them.

I realize that the NRC staff would doubtless argue that all the above factors might give you "regular" standing but not "presumptive" standing - you might have standing, but it would not be automatic unless you actually lived adjacent to the facility. But this distinction still reflects the assumption that one cannot be really "injured" unless one is likely to be subjected to irradiation. Setting aside the question of whether, as a near-term prospective resident, you are not likely to be subjected in the future to this kind of "injury," it seems to me that NHPA (among other laws) provides the basis for other standards for awarding "presumptive standing" that

are as good as nearby residency; one merely needs to recognize that exposure to radiation is not the only way one can be "injured" by a project like USEC's. Surely the owner of a National Register or Register-eligible property that is subject to potential effect by the project, who appreciates the historic qualities of the property, must be presumed to be subject to injury by the project. Similarly, I would suggest, someone whose cultural identity is tied up in a property that might or might not be eligible for the National Register, or who has research interests in such a property, or who traditionally uses or enjoys such a property, must be presumed to be subject to injury, and hence should be recognized as having presumptive standing. People in all these categories and others are routinely included as consulting parties under the Section 106 regulations; why should the Commission, acting in the public interest, not do the same?

Although the NRC staff does not comment on it, I have to believe that its beliefs about the environmental review process are in line with those of USEC, which in its response to your petition summarily rejected the earlier letter I provided you. USEC wrote:

"(4) Finally, Petitioner cites a letter from Dr. Thomas F. King (Exhibit Q), which makes no reference to any specific aspect of the ACP application and therefor (sic) does not provide meaningful support for the contention."

My letter, of course, was intended simply to advise NRC that, in my fairly well-informed professional opinion, you had a point in your allegations, which I thought (and think) it appropriate for the Commission to consider further in its decision making. Under NHPA and NEPA it is not my job, or yours, to go out and conduct the studies necessary to identify and address the impacts of NRC's permit actions; it is NRC's job to do so, or to cause the applicant to do so, with our advice and assistance. You have provided substantive information indicating that NRC needs to take a further look at the historic preservation implications of its permit decision; I was advising NRC that I thought you had a good point, that I didn't think you were an eccentric who could safely be ignored. But because I did not refer to a "specific aspect" of the application, in the eyes of USEC my opinion - like yours - can be rejected out of hand. And of course, as you know, it was impossible for me (or anyone else trying to figure out how USEC had considered impacts on historic places) to address "a specific aspect of the ACP application" because neither the application nor the accompanying Environmental Report refer to the requirements of NHPA or to the National Register of Historic Places. The absence of specific evidence in my statement merely reflects the absence of specifics in USEC's application. To judge from the available record, at least (such as it is), USEC has not thoroughly identified historic properties subject to possible effect by its actions

- to say nothing of other kinds of cultural resources that ought to be considered under NEPA. This creates a flawed record for use by NRC in making its permit decision. I trust the Commission will understand this, and appreciate your efforts to provide it with a broader and more complete basis for its deliberations.

Good luck in your continuing efforts.

Sincerely,

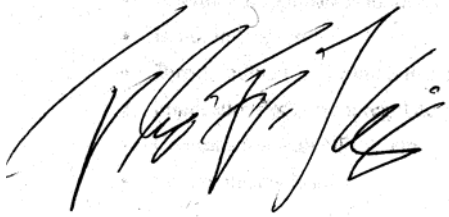
A handwritten signature in black ink, appearing to be "R. F. J.", written in a cursive style.

EXHIBIT W

(original handwritten on letterhead)

SHAWNEE NATION, UNITED REMNANT BAND

TUKEMAS/HAWK POPE-PRINCIPLE CHIEF

ZANE SHAWNEE CAVERNS AND SOUTHWIND PARK
SHAWNEE-WOODLAND NATIVE AMERICAN MUSEUM
2911 ELMO PLACE, MIDDLETOWN, OHIO 45042

Nuclear Regulatory Commission and whomever it may concern,

Dear Sirs,

We were only recently informed of plans to further develop the nuclear project in Pike County, Ohio. I represent the Shawnee Nation, United Remnant Band. The U.R.B is recognized as a descendant group/Tribe of the historic Shawnee Nation in Ohio- SUB. AM. H.S.R.8-1980. Our people do have historic and cultural ties to the site in Pike County, near the Scioto river. We do consider the earth works and the other ceremonial and cultural features there to be sacred. We do, therefore object to the proposed project, for reasons of the project's incompatible and inappropriate use of the land. Any destruction of features on the site, further poisoning of the ground, or limits to access to the site would be very disturbing and considered by us, wrong.

We are regularly informed of sites for proposed transmission towers and pipe lines. We were not told of this project, similarly. In the future we want to be a consulting source. We await your response.

Chief Hawk Pope

P.S. We were informed by Jeffrey Sea, and we do support his intervention in this matter. In the Shawnee language Scioto means "Hair in the Water" as the river passes through so many burial sites and is so prone to flooding. Again, this place is sacred to Shawnee People.

Thank you for your time and consideration.

Chief Hawk Pope

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

ATOMIC SAFETY AND LICENSING BOARD

**Before the Administrative Law Judges:
Lawrence G. McDade, Chairman
Paul B. Abramson
Richard E. Wardwell**

_____)	Filed August 15, 2005
In the Matter of)	
)	
USEC Inc.)	Docket No. 70-7004
(American Centrifuge Plant))	
)	
_____)	

**Declaration by John Hancock, Frank L. Cowan, and Cathryn Long Regarding
August 5, 2005 Visit to GCEP Water Field**

Under penalty of perjury, we the undersigned do jointly declare as follows:

Statement of Qualifications

1. My name is John Hancock. I am Professor of Architecture and Project Director of the "EarthWorks Project" being produced by the Center for the Electronic Reconstruction of Historical and Archaeological Sites (CERHAS) at the University of Cincinnati. I am an expert in ancient architectural history and in particular the forms, and the problems of visualization, of these earthen structures. A copy of my curriculum vitae is attached.

2. My name is Frank L. Cowan. I am a consulting archaeologist with the company of F. Cowan & Associates. I am a leading expert in the study and excavation of Hopewell earthwork sites with twenty-five years experience in Hopewell archaeology, including nine years of Hopewell research in Ohio. A copy of my curriculum vitae is attached.

3. My name is Cathryn Long. I am a writer and researcher with the Center for the Electronic Reconstruction of Historical and Archaeological Sites (CERHAS) at the University of Cincinnati. My expertise derives from eight years interviewing experts on

the Hopewell culture for CERHAS. A copy of my curriculum vitae is attached.

Purpose of Declaration

5. The purpose of this declaration is to describe the results of our August 5, 2005, visit to a site near to but not contiguous with the Piketon atomic reservation known as the GCEP Water Field or the X-6609 Raw Water Wells. We went to the GCEP Water Field to examine and evaluate the potential historical significance of earthworks reported to be on the site. As discussed below, we identified a human-made earthwork on the site, whose origin is unknown but which appears to pre-date the U.S. Department of Energy ("DOE") water system which is also visible on the site. We believe that further investigation is warranted in order to determine the origin of the earthworks with confidence. (JH, FLC, CL)

Description of Site Visit

6. The GCEP Water Field lies on the east bank of the Scioto River, due west of the main atomic reservation at Piketon. The Water Field is owned by the DOE and leased to USEC. It is our understanding that the DOE installed a water supply system on the Water Fields site in the early 1980s to supply a future centrifuge enrichment plant. The acronym GCEP stands for Gas Centrifuge Enrichment Plant, a project that later became known as ACP or American Centrifuge Plant. (JH, FLC, CL)

7. Though maps of the GCEP Water Field were requested, they were not provided, and we were not allowed to bring cameras or take pictures. Therefore, we are not able to provide a map or pictorial evidence of our observations and conclusions. Therefore, our observations and conclusions are described solely in narrative form. (JH, FLC, CL)

8. We were dropped off by a USEC van at the northern end of the Water Fields site, and walked towards the southern end, with well-heads evident all along the way. The site extends along the Scioto River, with a forested strip adjoining the river bank, and a cleared strip with a road adjoining that. We observed a DOE water supply system in the area, consisting of DOE well heads which appear as either single pipes coming vertically out of the ground, or groups of four larger pipes arranged in a cross-shape. Most of the well heads line the west side of the road, but many extend into the forested area at irregular intervals. (JH, FLC, CL)

9. The forested strip along the river contains a series of natural levee embankments that parallel the river. However, as we moved south about a half mile, the embankment closest to the road straightened out and became level on top. The further south we moved, the straighter and more level it became, with perfectly uniform width at the level top. The structure continues south as far as we could see. Because our escorts gave us no maps or clues about the site boundaries, and because we ran short of time, we could not investigate the southern terminus of the structure. (JH, FLC, CL)

10. From the top of this structure, looking in either direction, the structure was dead straight and regularly formed with a consistent width to the level upper surface, unlike the natural levee formations closer to the river and possible remnants of this structure as it presently appears further north. Given the linearity, we all are of the opinion that this is an artificial structure. We cannot say if other earthworks might lie on parts of the site we could not get to. (JH, FLC, CL)

11. Though the structure is man-made, it is impossible to say upon partial visual inspection what this structure is, how old it is (though it is not very recent), or who built it. However, it is within the realm of possibility that the structure is an Indian earthwork of the Middle Woodland period (about 300 B.C. to A.D. 500). The Ohio Hopewell culture of that period built large scale geometric earthworks, including long straight earthen walls; and their constructions once lined the valley of the Scioto River. (JH, FLC, CL)

12. The southern end of the structure we observed at the GCEP Water Field is very close (within a quarter of a mile) of the northern end of the great Hopewell circle-square complex known as the Barnes Works (also called the Seal Township Works or Scioto Township Works). The Barnes Works is listed on the National Register of Historic Places and is one of the large earthworks along the Scioto recorded in 1848 by E.G. Squier and E.H. Davis (*Ancient Monuments of the Mississippi Valley*, Smithsonian). (JH, FLC, CL)

13. It is also possible that the structure is a 19th or 20th century construction, although we are not aware of any major structures that were built in the area during this time. It is unlikely to be a modern levee because there has been no development in this area worthy of such elaborate protection. It is unlikely to be a remnant of the Erie Canal system, because the canal went along the west side of the Scioto River and this structure lies along the east side. It is unlikely to be part of an early pioneer road or railroad because those were built on dry ground to the east, not in the flood zone. (JH, FLC)

14. We believe it is highly unlikely that this structure could have been made by DOE or USEC, because there are trees on either side of it. Neither USEC nor DOE has identified this structure as related to the water field, and it appears unrelated as the structure is most evident at the south end of the site, while the pipes leading to the pump house and road extend from the north end of the site. In addition, it appears that as the structure proceeds north, it actually crosses the well field, which would negate its usefulness as a protective levee. There is also a report from a former land-owner, Charles Beegle, that earthworks at the site predated DOE's acquisition of the land, and that his deceased wife's family, the Rittenauer family, recognized these earthworks as ancient. This letter from Charles Beegle is attached as Exhibit A. (JH, FLC)

15. A research protocol is needed to determine the identity and age of this structure. That protocol should begin with access to all previous reports of cultural resource investigations conducted at the Water Field property prior to the development of the

Water Field, investigations that would have been required by Section 106 of the National Historic Preservation Act. Access will also be needed to the maps and survey records for the Water Field Site in possession of the DOE and USEC. This should be accompanied by historical research to determine if any known engineering work took place in that area prior to the DOE land purchase, and if the structure was noted on any older survey maps or in any archeological works. If the historical research draws a blank, a cross-sectional excavation of the structure and/or a series of soil cores through the structure would reveal much about its age and identity. (JH, FLC, CL)

16. If the structure is determined to have historic significance, an evaluation should be made of the visual and physical impact of the American Centrifuge Project on that structure. DOE well-heads, by the dozen, line both sides of the structure and some are in the midst of it. Whether pumping of water from beneath the structure damages the structure is a question that should be evaluated by hydrology experts. Further surveys of the entire Water Field Site, with maps, cameras, survey equipment, and unrestricted time are also warranted. (JH, FLC, CL)

17. The GCEP Water Field site lies close enough to the Barnes Works to warrant a close examination of its historic significance. Any prehistoric earthworks that may be identified at that location deserve the utmost attention and protection. Therefore, we urge a program of research at that site as rapidly as possible, in compliance with federal preservation law. (JH, FLC, CL)

____[signed]_____

John Hancock

____[signed]_____

Frank L. Cowan

____[signed]_____

Cathryn Long

August 11, 2005



PIKE COUNTY
CHAMBER OF COMMERCE
P.O. BOX 107 • 12455 STATE ROUTE 104
WAVERLY, OHIO 45690
740-947-7715 • FAX 740-947-7716
www.pikechamber.org

September 30, 2005

9/8/05
70FR 53396

2

United States Nuclear
Regulatory Commission
Matthew Blevins, Project manager
Mail Stop: T7J-8
Washington, DC 20555-0001

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2005 OCT 13 PM 4: 19

RULES AND DIRECTIVES
BRANCH
ENVIRONMENTAL

Dear Matt,

I am enclosing a copy of the report the Chamber submitted to the Department of Energy and USEC. As we told Brian Smith yesterday, part of the dilemma we have experienced this summer has been deciding who should receive the information.

There are a couple of points that I want to emphasize. First, none of the people who contributed information received any monetary rewards. This was strictly a case where a number of people wanted to make the history of events clear.

Second, in Jeffery Sea's testimony last night he referred to an earthwork on the Rittenour property. That earthworks is referred to in the report as the Nier property levy. This was designed after the 1959 flood by the soil conservation service.

Should you desire, we would be happy to submit statements from the Pike Countians who knew about or who participated.

I appreciate your interest in this matter.

Sincerely,



Blaine Beekman
Executive Director

SISP Review Complete

Template = ADM-013

E-REDS = ADM-03
ADM = M. Blevins (MXB6)

PIKE COUNTY
CHAMBER OF COMMERCE
P.O. BOX 107 • 12455 STATE ROUTE 104
WAVERLY, OHIO 45690
740-947-7715 • FAX 740-947-7716
www.pikechamber.org

September 28, 2005

United States Nuclear
Regulatory Commission
Matthew Blevins, Project Manager
Mail Stop T7J-8
Washington, DC 20555-0001

Dear Mr. Blevins,

In response to our conversation, I am submitting a brief report on the origin of a series of levies along the Scioto River in southern Pike County. There are three separate levies. The northernmost is on the Nier property at the U.S. Route 23 entrance to Piketon Department of Energy facility. The middle levy is partially located on a Department of Energy well field located next to the Scioto River on the old Billy Cutlip farm. The third levy extends across 10 farms beginning at the Barnes property and extending south along the river to the Will Acord farm.

The confusion about the origins of these levies was surprising to the Scioto Township residents with whom I spoke. All three were manmade, constructed within the past half-century. No levies had previously existed on the properties. Many of the people involved in the projects are still available to share the record of their experiences. The levy on the Nier property and the levy covering the 10 lower properties were built in direct response to a catastrophic 1959 flood. The third levy near the DOE well field was in response to an economic need rather than a need for flood control.

Each of the levies is located on the east side of the Scioto River. To the west of the river, south of Piketon, the terrain is hilly. To the east, the land rises in a terraced manner from the river bottoms. The lowest level is only a few feet above the Scioto River water level. The second level is about 50 feet higher in elevation and occurs from a few feet to a quarter mile from the river's edge. Flooding along the Scioto River has never reached the top of this second level. Much of the area in question also has a third terrace level, again rising a few feet above the second level.

Historically, the land at river level has been utilized for farming. Late winter flooding on a periodic basis made the construction of residences at this level impractical. Floods on the Scioto River in 1913 and 1937 were considered major, but farmers in our target area either lacked the means or did not feel the need to construct levies to protect their properties.

011-1

The 1959 flood had a disastrous effect on the lowest level of land. The current was so strong that it devastated the soil. Art Nelson a farm employee of Layton and Everett Hammond, saw areas were several feet of topsoil had literally washed away, leaving the slate underlay exposed. A mile to the south, deposits of sand left by the flood, measured as much as 25 feet in depth.

Everett and Layton Hammond decided they needed to build a levy. They contacted the Pike Soil and Water Conservation District for assistance. Vince Scott and Jim Steiner were employees of the Federal Soil Conservation Service on loan to the Pike SWCD. Vince and Jim provided technical assistance the Hammond brothers, recommending that the levy be built perpendicular to the river to protect against current damage should another flood of the magnitude of the 1959 flood occur again. Paul "Bunk" Adams, a skilled bulldozer operator who completed a hundred projects for the Soil Conservation Service, completed the work under the supervision of Vince Scott and Jim Steiner. This is the levy on the Nier farm.

Everett and Layton Hammond also were instrumental in organizing the levy along the 10 farms further south. Several hundred acres of land at river level had basically been made unillable by the sand deposits. The final plan included reducing the sand piles by mixing them with soil to farm the levies. There was still plenty of sand left after the levy was completed. Art Nelson remembered that Bill Trusty, a Wakefield businessman hauled sand from one of the largest deposits. Teddy West, a local farmer, learned that much of the sand was sold to the Goodyear Atomic Corporation for use as backfill on a sewer project. Steve Acord, whose family farm was one of those involved in the levy project, stated that it took years to return to land to farm production.

The levy on the Cutlip farm was an entirely different situation. In 1968, Billy Cutlip sold his 390 acre farm to the Standard Slag Company of Youngstown. Standard Slag developed a sand and gravel quarry that eventually covered two-thirds of the property. In the early 1980s the Department of Energy built a series of wells at the river's edge of the Standard Slag property to furnish surface water for the centrifuge process being developed by Goodyear Atomic Corporation at the Piketon DOE facility. Teddy West farmed the lowest and second levels of the Standard Slag property from the 1970s to the early 1990s. He was farming the land when the DOE wells were being drilled. According to Bob Childers who was in charge of operations at the steam plant, the line was a 36" line which ran all the way from the river to the DOE facility. The project was engineered and the contracts were handled by DOE at Oak Ridge so there was not a lot of local DOE contact. Teddy West remembered that the line was not stable at its base. Ralph Beabout an employee at the plant's water system learned that pressure on the line at its source was too great for the concrete anchors designed to hold the line in place. Modifications included more concrete and ground cover. The result is a levy-like appearance.

The second factor was the need for Standard Slag to find a place to put a sizeable amount of overburden when it expanded its quarry operation. One solution, according to Don Nelson, the manager of the Standard Slag operation until 1992, was to take the overburden down to the river

and build a levy, essentially hooking it to the DOE well site. The dirt was placed between the wells and the river because Standard Slag hoped to begin quarrying at the level next to the river. However, when the company ran extensive tests near the river, Don discovered the overburden was too deep and the water table was too high to make quarrying of that area economically feasible.

At first, the levy was kept mowed and it was possible to drive on it. When the quarrying idea was discarded, the levy was left pretty much to itself.

I hope this will answer some of the questions.

Sincerely,

A handwritten signature in cursive script that reads "Blaine Beekman". The signature is written in black ink and is positioned above the printed name and title.

Blaine Beekman
Executive Director

From: "Elisa Young" <elisay@earthlink.net>
To: <NRCREP@nrc.gov>
Date: Mon, Oct 24, 2005 10:57 PM
Subject: Fw: Important/USEC ACP DEIS deadline

9/8/05

10 FR 53396

- > Dear Yawar Faraz:
- >
- > The DEIS seems to omit any information or analysis about the product of
- > the Centrifuge Facility.
- >
- > We believe the process will not be complete until the NRC evaluates the
- > impacts of the use of the product of the facility, and therefore cannot
- > logically or legally yield the favorable finding suggested in the
- > Statement.
- >
- > Sincerely,
- >
- > E.D. Arnold
- > Executive Director,
- > Physicians for Social Responsibility/Atlanta
- > P.O.Box 95190
- > Atlanta, GA 30347
- >

10

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2005 OCT 25 AM 9:47

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USNRC

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E-REDS = ADM-03

Chd = M. Blevins (MXB6)

Mail Envelope Properties (435D9F10.5EF : 9 : 62959)

Subject: Fw: Important/USEC ACP DEIS deadline
Creation Date: Mon, Oct 24, 2005 10:57 PM
From: "Elisa Young" <elisay@earthlink.net>

Created By: elisay@earthlink.net

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MESSAGE
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Size

508
1728

Date & Time

Monday, October 24, 2005 10:57 PM

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

From: Ed Arnold [edarnold@mindspring.com]
Sent: Monday, October 24, 2005 8:25 PM
To: yhf@nrc.gov
Subject: RE: DEIS, Gas Centrifuge Facility

Dear Yawar Faraz:

012-1

The DEIS seems to omit any information or analysis about the product of the Centrifuge Facility.

We believe the process will not be complete until the NRC evaluates the impacts of the use of the product of the facility, and therefore cannot logically or legally yield the favorable finding suggested in the Statement.

Sincerely,

E.D. Arnold
Executive Director,
Physicians for Social Responsibility/Atlanta
P.O.Box 95190
Atlanta, GA 30347

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United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904



IN REPLY REFER TO:

October 12, 2005

ER 05/800

Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, DC 20555-0001

Attention: Mr. Matthew Blevins

Dear Mr. Blevins:

9/8/05
70FR53396
(H)

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2005 OCT 18 AM 9:30

RULES AND DIRECTIVES
BRANCH
EOP/EC

013-1

The U.S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (EIS), NUREG-1834, for the Possession and Use of Source, Byproduct, and Special Nuclear Materials at USEC Inc.'s American Centrifuge Plant, Pike County, Ohio (Docket No. 70-7004).

The Draft EIS adequately addresses the concerns of the Department regarding fish and wildlife resources, as well as species protected by the Endangered Species Act. We concur with the conclusions of the U. S. Nuclear Regulatory Commission staff with respect to the potential impacts of the proposed action and its reasonable alternatives on these resources and species. We have no comment on the adequacy of other resource discussions presented in the document.

We appreciate the opportunity to provide these comments.

Sincerely,

Michael T. Chezik
Regional Environmental Officer

cc:
L. MacLean, FWS, Ft. Snelling, MN

SFSR Review Complete

Template = ADM-013

E-RFDS = ADM-03

Card = M. Blevins (4X86)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 31 2005

Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, D.C. 20555-0001

9/18/05
70 FR 53396
16

REPLY TO THE ATTENTION OF:
B-19J

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2005 NOV -8 AM 9:50

RULES AND DIRECTIVES
BRANCH
USNRC

Re: Draft Environmental Impact Statement for the Proposed American Centrifuge Plant,
Pike County, Ohio, NUREG-1834, EIS No. 20050365

Dear Sir or Madam:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (U.S. EPA) has reviewed the Draft Environmental Impact Statement (DEIS), issued by the U.S. Nuclear Regulatory Commission (NRC), for the project listed above.

The DEIS states that the proposed Federal action under consideration in the DEIS is for the NRC to issue a license that would authorize USEC Inc. to possess and use special nuclear material, source material and byproduct material at the American Centrifuge Plant (ACP), a gas centrifuge uranium enrichment facility, proposed to be located on the U.S. Department of Energy Portsmouth Reservation (Portsmouth Reservation), near Piketon, Ohio. The enriched uranium produced at the proposed ACP would be used to manufacture nuclear fuel for commercial nuclear power reactors.

The DEIS appears to evaluate this project as a generic case. However, the Portsmouth Reservation is a unique facility with extensive data documenting a variety of past uses and sources. Therefore, the DEIS should have provided a much more thorough background for this case. We urge the project proponents to document a more thorough site-specific evaluation in the final environmental impact statement (FEIS).

We are concerned about the project scope documented in the DEIS. The project proponents exclude security issues from the scope of the DEIS. The project scope, as documented in the DEIS, should include all of the activities planned at ACP. If the DEIS does not include certain planned activities, then they must be evaluated in a supplemental document. Given the historic production activities at the Portsmouth Reservation for military, as well as civilian uses, the FEIS should explicitly state whether the facility will be used for military purposes.

We are concerned about the alternatives screening process. Two alternate locations for a gas centrifuge uranium enrichment plant were evaluated in the DEIS (Paducah, Kentucky and Piketon, Ohio). Apparently, both sites are suitable for the project, but the Paducah site is eliminated from detailed evaluation, based on environmental, socioeconomic, and regulatory factors. While we do not dispute the project proponents' selection of Piketon as the preferred

SISP Report Complete

FRIDS = ADM-03

Template = ADM-013

add = M. Blevins (MYB6)

site, the FEIS needs to either (1) document a detailed analysis for Paducah, or (2) present a more thorough explanation as to why Paducah was dropped as a viable alternative.

We are concerned about the management of depleted uranium fluoride (DUF6) at the Portsmouth Reservation. The United States has produced DUF6 since the early 1950's as part of the process of enriching uranium for both civilian and military applications. DOE's Portsmouth DUF6 conversion facility will process that site's estimated 250,000 metric tons of DUF6, stored in about 16,000 cylinders onsite; an additional 4,800 cylinders will be transferred for processing from the Oak Ridge ETTP facility. The DEIS states that 571,000 metric tons of DUF6 will be generated in 30 years at ACP, producing nearly as much DUF6 as DOE has over nearly 50 years. Management of this large amount of DUF6 material was not fully accounted for in the DEIS. Therefore, the FEIS should include detailed information about DUF6 management and disposal from ACP operations, within the context of all DUF6 management and disposal activities at the Portsmouth Reservation.

We are concerned about cumulative erosion and sedimentation impacts from the construction of the Cylinder Storage Yard X-745H. According to the DEIS, excavation and grading activities in the future cylinder storage yard would make the area more susceptible to erosion. Little Beaver Creek would receive stormwater runoff from the construction area. Currently, Little Beaver Creek is impaired from siltation and sedimentation. Additional erosion and sedimentation from construction activities would cumulatively impact this creek. However, the DEIS does not document a cumulative impact analysis for this case. Such an analysis should be included in the FEIS. In addition, we urge the project proponents to commit to evaluating significant characteristics for the Little Beaver Creek habitat (e.g., fish spawning periods, mussel locations), and conducting appropriate mitigation activities to preserve these characteristics.

Based on our review of this DEIS, we have given the project an EC-2 rating. The "EC" means that we have environmental concerns with the proposed action, and the "2" means that additional information needs to be provided in the FEIS. Our concerns relate to the documentation of the following issues:

1. Purpose and need of the proposed project,
2. Project scope,
3. Alternatives screening process,
4. Description of preferred alternative,
5. Product Management,
6. Modeling data,
7. Proposed monitoring scheme,
8. Proposed mitigation,
9. Environmental impacts,
10. Cumulative impacts,
11. Applicable regulations,
12. Affected environment, and
13. Agency Involvement.

We have enclosed our comments and the U.S. EPA rating system summary. If you have any questions or wish to discuss any aspect of the comments, please contact Michael Murphy (for radiation-related issues) at (312) 353-6686, Eugene Jablonowski (for Superfund-related issues) at (312) 886-4591, or Newton Ellens (for NEPA-related issues) at (312) 353-5562.

Sincerely,

Newton A. Ellens, for KAW

Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Science, Ecosystems, and Communities

Enclosures

cc: Maria Galanti
Ohio Environmental Protection Agency
Southeast District Office

Kenneth Dewey
Ohio Environmental Protection Agency
Southeast District Office

U.S. Environmental Protection Agency Comments on Environmental Impact Statement for the Proposed American Centrifuge Plant, Pike County, Ohio

General Comments:

014-1

The draft environmental impact statement (DEIS or EIS) appears to evaluate this project as a generic case. This is not actually appropriate as this is the sole facility of this type with the variety of past uses and sources that are linked with this facility. Over fifty years of data have been collected on this site which can provide a much more thorough background, as well as provide a basis for a site specific document format. We recommend the final environmental impact statement (FEIS) be focused on site-specific analyses, impacts, and mitigation.

Some of the general descriptions of how the materials, source materials, product materials, and the waste materials will be handled and controlled at the U.S. Department of Energy's (DOE's) Portsmouth, Ohio Reservation (Portsmouth Reservation) appear to be incomplete and fragmented, which made it difficult to properly evaluate whether or not requirements under other Federal regulations can be met with the necessary degree of completeness to authorize this project.

014-2

The FEIS should describe what the Nuclear Regulatory Commission (NRC) is doing to ensure that funding sufficient for the American Centrifuge Plant's (ACP's) decontamination and decommissioning, as well as waste management, is in place prior to issuing a license.

014-3

We are concerned about the cancer rate data provided in the DEIS. The DEIS provides estimated latent cancer fatality data, but does not include non-fatal cancer rate data. The FEIS should provide more comprehensive cancer rate data.

014-4

We are concerned about dated annual radiological emission data in the DEIS. In some cases, data is provided for radiation emitted several years ago. The FEIS should reference the most current annual radiological emissions data—for 2004, in this case.

Specific Comments:

Purpose and need of the proposed project

014-5

- 1) (Page xix, Line 41 and Page 1-5, Line 34) The justification of the rationale used for the purpose and need of the proposed project is insufficient. The DEIS states that the proposed ACP is needed because only one uranium enrichment plant currently operates in the United States, the Paducah, Kentucky Gaseous Diffusion Plant (Paducah Plant). A supply disruption with the Paducah Plant would leave the nation's

commercial nuclear reactors fully dependent on foreign sources for enriched uranium—a situation which could impact national security. However, the DEIS also states that the Paducah Plant would be shut down, decontaminated, and decommissioned after ACP begins operating. Therefore, ACP would not satisfy the national security facet of the purpose and need of the proposed project, because the project would merely replace, instead of supplement, the nation's only operating uranium enrichment plant. Therefore, we urge NRC to reevaluate this aspect of the stated Purpose and Need.

014-6

- 2) (Page 1-2, Line 38 and footnote of Page 4-53) We are concerned about the lack of a justification in the DEIS for the need to enrich uranium up to 10% by weight of uranium-235. According to the DEIS, the license issued by NRC would authorize USEC Inc. (USEC) to produce enriched uranium up to 10% by weight of uranium-235. However, the DEIS also states that most power plants use enriched uranium with less than 5.5% of uranium-235 by weight, and that it would be unlikely for USEC to enrich uranium up to the higher weight. Finally, the DEIS states that, of the cylinders used to ship enriched uranium, none of them are certified to ship uranium enriched to higher than 5% by weight of uranium-235. Given that it would not be feasible for USEC to enrich uranium above 5% by weight of uranium-235 (for civilian use), NRC should explain why the proposed license would authorize a higher level of enrichment. If the project proponents foresee a scenario under which USEC would need to enrich uranium up to 10% of uranium-235, then that scenario should be documented in the Purpose and Need Section of the FEIS. Otherwise, we would urge NRC to reconsider the limit of uranium enrichment cited in its license for USEC.

014-7

- 3) (Executive Summary, Purpose and Need For the Proposed Action, Page xx, paragraph 1) The description appears to be incomplete and does not address the range or possibilities of materials that can be reasonably assumed to be produced at this facility. This is based on the type and range of enrichments that have been conducted in past operations at the gaseous diffusion facility at this site.

014-8

- 4) (Introduction, Section 1.3.2 The Need for Domestic Supplies of Enriched Uranium for National Energy Security, page 1-5, paragraph 1) It is unclear whether future inclusion of additional nuclear power plants and their needs for enriched fuel is taken into account in this evaluation. It would be reasonable to include at least one to two new plants and their potential needs to be included in this evaluation to assure that a more representative range of possible customers for this facility's output is evaluated.

Project scope

014-9

- 5) (Page 2-1, Line 44) The scope of the DEIS does not include decommissioning and related activities of the Paducah, Kentucky Gas Diffusion Plant. The DEIS states that

after uranium enrichment operations begin at ACP, the Paducah Plant would cease its uranium enrichment operations. According to the DEIS:

For the purposes of this analysis, cessation of uranium enrichment operations at Paducah would include stopping uranium enrichment plant operations, but would not include decommissioning of the Paducah Gaseous Diffusion Plant, changes to any other activities at that site, or any alternative uses of that site in the future. Those other actions at Paducah would be the subject of other decisions and other environmental reviews.

The scope of DEIS should have included the cessation of all uranium enrichment operations at the Paducah Plant, because it is a connected action under the National Environmental Policy Act (NEPA). The start of ACP's uranium enrichment operations and the cessation of uranium enrichment operations at the Paducah Plant are closely related—the Paducah Plant's operations would not cease if ACP's operations did not start. Therefore, the FEIS should document a comprehensive evaluation of the cessation of all uranium enrichment operations at the Paducah Plant.

014-10

- 6) (Page 2-35, Line 19) The ACP FEIS should discuss the former Portsmouth, Ohio gaseous diffusion plant, and any ACP interactions with it, considering that the Portsmouth plant is either in cold standby or cold iron and that the ACP will be in close proximity to it.

014-11

- 7) (Introduction, Section 1.2, The Proposed Action, Page 1-2, paragraph 5) The potential range of produced materials does not include the possibility of production for the Department of Defense. If this is potentially a reasonably assumed product, it needs to be included for evaluation.

014-12

- 8) (Introduction, Section 1.4, Scope of the Environmental Analysis, Page 1-7, paragraph 3) The scope of the environmental analysis may not meet the actual needs to be addressed for the new facility to be created and put into operation. The scope may need to be expanded to assure that all of the environmental issues are adequately addressed.

014-13

- 9) (Introduction, Section 1.4.4 Issues Outside the Scope of the EIS, Page 1-9) This section artificially narrows the scope of this evaluation to exclude security issues relevant to this facility. Safety and Security, Credibility and Terrorism must be addressed in any project of this type. The DEIS is incomplete and inadequate to properly address these issues.

014-14

- 10) (Page 2-2, Line 26) The ACP FEIS should identify: 1) all of the uranium enrichment projects expected for the facility; 2) all of the projects that the facility is capable of

performing; 3) whether this facility will be reprocessing feed materials from spent nuclear fuel; and 4) whether this FEIS encompasses all of the activities that an enrichment facility may be called to perform.

014-15

- 11) (Page D-5) Considering the exceptionally large amount of depleted uranium that will be generated by ACP operations, and since it's a credible option, the ACP FEIS should also assess the transportation of depleted uranium and other radioactive wastes to Andrews, Texas, and the location of another disposal facility that should have an Agreement State license for disposal within the next year.

Alternatives screening process

014-16

- 12) (Page 2-37, Line 4) We are concerned about the lack of a sufficient number of reasonable alternatives selected for detailed study. Only the preferred alternative is retained as a reasonable alternative in the DEIS for detailed study. The DEIS initially describes an evaluation of several alternatives, including the construction and operation of a gas centrifuge uranium enrichment plant at the existing Paducah Plant site. The DEIS states that construction and operation of such a plant at Paducah was considered a reasonable alternative to the proposed action. Additionally, the DEIS states that both Piketon and Paducah were suitable sites for the construction of a gas centrifuge uranium enrichment plant, when regarding environmental, socioeconomic, and regulatory factors. Under NEPA, the project proponents should have rigorously explored and objectively evaluated all reasonable alternatives. However, the project proponents eliminated the Paducah Plant site from further consideration because of construction, engineering, and plant safety concerns. The FEIS should either (1) document a detailed analysis for the Paducah site, or (2) offer a more thorough justification for why the Paducah site was not studied in detail in the DEIS.

014-17

- 13) The ACP DEIS states:

"The DOE-USEC Agreement stipulates that USEC deploy the ACP at either the DOE reservation in Piketon or Paducah. Also, no other sites offered the unique combination of (1) readily accessible environmental data; (2) past history and experience in uranium enrichment; and (3) the availability of skilled labor with uranium enrichment industry experience."

Was the DOE-USEC Agreement the appropriate legal means for determining the location of the ACP in the absence of an EIS? Considering that the Piketon gaseous diffusion ceased enrichment operations in 2001, the ACP won't begin operations until 2009, and that the gas centrifuge facility proposed by Louisiana Energy Services near Eunice, New Mexico would be located at a "green field" site where there have been no prior enrichment operations, are the three reasons provided for siting the ACP at

Piketon truly valid for the purposes of an EIS?

Description of preferred alternative

014-18 14) (Page 2-34, Line 19) The ACP DEIS states that the intent of decommissioning is to return the proposed ACP site to a state that meets NRC requirements for release for unrestricted use after decontamination and decommissioning is completed. The ACP FEIS should define and discuss what NRC considers "unrestricted use" to mean. Are the NRC requirements consistent with Comprehensive Environmental Response Compensation and Liability Act (CERCLA) standards for free release of property without institutional controls? Who owns the ACP buildings? Are they owned by DOE and leased to USEC, or does USEC have ownership of buildings on the Portsmouth Reservation? If USEC or a subsequent owner goes bankrupt, would DOE then be the primary responsible party responsible for cleanup and have priority access to the cleanup funds in the ACP's surety bond (or other financial mechanisms) over other entities such as tax authorities and commercial lenders?

014-19 15) (Page 2-35, Line 1) The ACP DEIS states that the decontamination and decommissioning (D&D) activities for the proposed ACP are anticipated to occur approximately 30 years in the future, and therefore only a general description of the activities that would be conducted for the proposed ACP can be developed at this time for the DEIS. Will NRC review and approve the ACP engineering design prior to its construction? Does NRC require the concurrent development of a D&D plan while the facility is being designed? Does NRC regard issues such as cost, implementability, ease of D&D, worker safety during D&D, and waste minimization to be considerations in the design of radiological facilities such as the ACP?

Product Management

014-20 16) We are concerned about the use and/or disposal of chlorofluorocarbons (CFCs) at the Portsmouth Reservation. We understand that there was a large use of CFCs at the reservation, and that a significant amount of the Nation's CFC emissions came from the reservation. Therefore, the FEIS should describe the types and amounts of CFCs at the reservation, and it should describe the planned use and/or disposal of CFCs at the reservation. This discussion should describe how CFC management will comply with the Clean Air Act.

014-21 17) (Page 2-12, Line 48) The ACP DEIS states that uranium hexafluoride (UF6) cylinders may be stored in any storage yard. It should be clarified whether all of the cylinders will have comparable management and security whether they are depleted uranium or enriched product. Also, will there be any long-term staging of enriched materials for subsequent blending operations? It appears that distinctions should be

made between UF6 cylinders that are tails/waste (suitable for processing and disposal), UF6 product, and UF6 materials that support production. Otherwise, mixing these UF6 materials up on any of the storage yards seems to provide an opportunity for negative impacts related to UF6 management.

014-22

- 18) (Page 2-19, Line 29) The ACP DEIS text and Table 2-3 provide information that approximately 8,000 cubic meters of low-level waste will be generated during refurbishment and construction activities. The ACP FEIS should discuss its waste disposition, where the low-level waste is being shipped for processing and disposal, and whether any of this low-level waste is considered "mixed waste" under the Resource Conservation and Recovery Act (RCRA).

014-23

- 19) (Page 2-27, Line 18) This section of the FEIS should discuss: 1) at what point the depleted uranium tails are considered a waste or a product; 2) who has the authority to make the determination that the depleted uranium tails are waste (especially considering that DOE may be the recipient of these materials); 3) at what time is the waste determination made; 4) how much tailings/waste is expected to be generated annually; 5) whether there will be sufficient capacity on-site to process the tailings/waste for use or disposal; and 6) the disposal options currently available and potentially available in the future for the off-site storage or disposal of the tailings/waste.

014-24

- 20) (Page 2-30, Line 45) The United States has produced depleted uranium hexafluoride (DUF6) since the early 1950s as part of the process of enriching natural uranium for both civilian and military applications. DOE's Paducah DUF6 conversion facility will process that site's estimated 450,000 metric tons of DUF6 over a 25 year processing period. DOE's Portsmouth DUF6 conversion facility will process that site's estimated 250,000 metric tons of DUF6 that is currently stored in about 16,000 cylinders on the Portsmouth Reservation, as well as process an additional 4,800 cylinders that will be transferred from the Oak Ridge ETTP facility to the Portsmouth Reservation; the overall processing period is expected to be 18 years. DOE expects the conversion of all its stored DUF6 to cost approximately \$2.6 billion, excluding costs for the decontamination and decommissioning of the conversion facilities.

The ACP DEIS states that 571,000 metric tons of DUF6 will be generated during ACP operations, in 30 years generating as nearly as much DUF6 as DOE has over nearly 50 years. This is a large amount of DUF6 material that should be fully characterized in the ACP FEIS. Detailed information should be provided on DUF6 management and disposal including: how long the ACP-generated DUF6 will be stored on site prior to conversion; whether the Portsmouth DUF6 conversion facility has the capacity to process ACP-generated DUF6 in an expedient timeframe; whether there are off-site facilities that have the capacity to process ACP-generated DUF6,

cost data, financial responsibilities and liabilities; and any NRC requirements for financial assurance or surety funds that will ensure that DUF6 and other wastes generated due to ACP activities are properly managed, processed and disposed, without the cost passed on to other federal agencies and the public. Specifically, the ACP FEIS should include:

- a) Detailed information on the Portsmouth DUF6 conversion facility since conversion of DUF6 is really an integral part of the overall enrichment process, with conversion of the mostly unmarketable DUF6 being necessary for the long-term stability and management of that waste stream. Does the Portsmouth DUF6 conversion facility have adequate capacity to process the DUF6 that the ACP will generate, in addition to the DUF6 already in DOE's inventory? Is there off-site DUF6 conversion capacity in case that the Portsmouth DUF6 conversion facility cannot meet demand?
- b) Section 3113 of the 1996 United States Enrichment Corporation Privatization Act that states the DOE "shall accept for disposal low-level radioactive waste, including depleted uranium if it were ultimately determined to be low-level radioactive waste, generated by [...] any person licensed by the Nuclear Regulatory Commission to operate a uranium enrichment facility under Sections 53, 63, and 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093, and 2243)." If the gas centrifuge facility proposed by Louisiana Energy Services (LES) near Eunice, New Mexico is licensed by the NRC, is DOE obligated to accept its waste and DUF6? Could accepting LES wastes impact the capacity of the Portsmouth DUF6 conversion facility and the ACP's ability to deal with the DUF6 that it generates?
- c) How long is the ACP-generated DUF6 expected to be stored or accumulate on the Portsmouth Reservation prior to its conversion and off-site disposal? Information should be provided on a total inventory and per cylinder basis.
- d) Considering the number of DUF6 cylinders stored on the Portsmouth Reservation, and the number that will be generated by the ACP, is the Portsmouth Reservation the most suitable environment for the long-term storage of DUF6, whether prior to or after conversion?
- e) What are all of the facilities available for the off-site storage and/or disposal of the post-conversion DUF6, both currently available and anticipated for licensing in the future? Will they have the capacity to accept all of the post-conversion DUF6 generated as a result of ACP and historic ACP operations? Are there any issues that could affect DOE's ability to dispose of post-conversion DUF6 off-site from the Portsmouth reservation?

f) The Portsmouth DUF6 conversion facility is stated to have an operating life of 18 years, while the ACP is expected to operate for 30 years. Where will the ACP-generated DUF6 be converted after operation of the Portsmouth DUF6 conversion facility ceases? Does DOE have an obligation to operate a conversion facility to accommodate DUF6 generated by the ACP and other enrichment facilities licensed by the NRC?

014-27

21) (Page 2-48, Line 23) The ACP DEIS states:

"The NRC staff has determined that unless USEC can demonstrate a use for uranium in the depleted tails as a potential resource, the depleted UF6 generated by the proposed ACP should be considered a waste product."

The ACP FEIS should state who has the authority to make the waste determination: NRC, DOE or USEC? The ACP FEIS should state when that determination is required to be made, or whether that determination should be made immediately upon DUF6 generation. The ACP FEIS should define "depleted uranium" in terms of its uranium-235 content for the purposes of management and waste disposition. Although depleted uranium is commonly referred to as uranium having a percentage of uranium-235 smaller than the 0.7 percent found in natural uranium, does that definition hold true for the purposes of management and waste disposition, and DOE's acceptance of depleted uranium materials generated by NRC-licensed enrichment plants?

014-26

22) (Page 3-71, Line 42) The ACP DEIS states:

"Section 3113(a) of the USEC Privatization Act (Public Law 42 104-134) requires DOE to accept low-level radioactive waste, including depleted uranium that has been determined to be low-level waste, for disposal, upon the request of, and reimbursement of costs by, the United States Enrichment Corporation. To date, this provision has not been invoked, and the form in which the depleted uranium would be transferred to DOE has not been specified."

The ACP FEIS should state who makes the low-level waste determination. Considering that during its operation the ACP is expected to generate about 571,000 metric tons of DUF6, nearly as much as DOE generated during its 50 years of enrichment operations, the ACP FEIS should clearly specify how ACP will manage DUF6 throughout the full term of the NRC license, including the form in which the depleted uranium would be transferred to DOE. The FEIS should describe an implementable and legally defensible disposition path for all of the wastes that the ACP will generate.

014-27

- 23) (Page 3-75, Line 5) The ACP DEIS states:

"Classified/sensitive waste is any waste considered as such for security reasons. These materials may be classified due to configuration, composition, contamination, or contained information. Classified waste may be categorized as non-hazardous waste or as low-level radioactive depending upon its point of and method of generation."

The ACP will be a commercial facility operating on leased federal property for commercial production purposes. The ACP FEIS should state and describe: 1) who will have the authority at the ACP to make "classified/sensitive" determinations; 2) 3rd party federal reviews of the "classified/sensitive" waste determinations that are made; 3) whether any of the "classified/sensitive" wastes are exempt in any way from U.S. Environmental Protection Agency (U.S. EPA), Ohio Environmental Protection Agency, or NRC regulatory authority; 4) whether it is possible for ACP personnel to make "classified/sensitive" waste determinations; 5) whether ACP personnel will have authorities delegated to it by DOE, such as under the Atomic Energy Act; 6) whether there will be activities at the ACP that are subject to DOE oversight and exempt from NRC regulation; and 7) why a commercial facility with a civilian mission would generate "classified/sensitive" wastes requiring "classified/sensitive" determinations. Also, the ACP FEIS should state whether RCRA-regulated mixed wastes could be generated that are considered classified.

014-28

- 24) (Page 3-75, Line 12) The ACP DEIS states:

"Classified waste is stored onsite prior to disposal in classified offsite disposal facilities."

The ACP FEIS should state the duration that classified waste is stored on site prior to offsite disposal and who has the regulatory authority for classified waste generated by ACP personnel or any other personnel at the USEC-leased areas.

Modeling data

014-29

- 25) (Page 4-11, Table 4-1) We are concerned about modeling data for air contaminants missing from the DEIS. The DEIS provides predicted concentrations for some criteria pollutants during site preparation and construction activities at the project site. The DEIS, however, omits data for ozone and lead. In order to complete the modeling data provided in the DEIS, the FEIS should include this information. The ozone forecast data should be presented as an 8-hour average, and the lead forecast data should be presented as a quarterly average, in order to compare the data to the

National Ambient Air Quality Standards for these pollutants.

014-30

- 26) (Page C-3) Throughout this appendix, the isotope list should include technetium and transuranic isotopes such as those listed on page 3-31 to reflect activities anticipated at the ACP.

Proposed monitoring scheme

014-31

- 27) (Page 2-28, Line 20) Considering the emissions from the former gaseous diffusion plant, the processing of recycled material and the processing of former Russian materials, ACP emissions should also be analyzed for transuranic radionuclides routinely.

014-32

- 28) (Page 2-28, Line 20) The ACP DEIS states that recycled feed may be used, and that four radionuclides will be analyzed in the ACP emissions routinely, although this paragraph discusses five radionuclides (uranium-234, uranium-235, uranium-236, uranium-238 and technetium-99). The ACP FEIS should clearly state which radionuclides will be analyzed, as well as any non-radioactive hazardous emissions.

014-33

- 29) (Page 6-3, Line 14) The ACP DEIS states that uranium isotopes anticipated to be released as airborne emissions would include uranium-234, uranium-235, uranium-236, and uranium-238. The ACP FEIS should also include the isotopes of americium, neptunium, plutonium, and technetium (listed on the bottom of page 3-31) that have been known emissions from the former Portsmouth Gaseous Diffusion Plant, which had uranium feed similar to what is anticipated for the ACP.

Proposed mitigation

014-34

- 30) (Page 4-10) We commend NRC for proposing mitigation measures during construction of the proposed project to reduce air quality impacts. According to the DEIS, the NRC staff determined that the majority of particulate emissions emitted during construction would come from construction vehicle exhaust. Therefore, in order to reduce particulate emissions from construction vehicle exhaust, NRC recommended that USEC: (1) use Tier 2 construction-related vehicles, which would reduce diesel particulate emissions by about 40%, and (2) use ultra-low sulfur diesel fuel. We urge NRC to establish these mitigation measures in the construction contracts for the proposed project, and to document these mitigation measures in the Record of Decision (ROD).

Environmental impacts

014-35

- 31) (Environmental Impacts Section 4.2.4.2, Facility Operation, Radiological Emissions,

Pages 4-14, 4-15) Several different isotopes are mentioned in this discussion, but emissions appear to be aggregated without a clear discussion of the relative percentages of each radionuclide's contribution to the total emissions. Disaggregating should be done in the FEIS, so that a more accurate determination of potential exposures can be made and evaluated for the resulting health consequences, if any, attributable to ACP.

014-36 32) (Executive Summary, Public and Occupational Health and Safety, Page xxvi) In the statement of standards that protect the health and safety of the public, 40 CFR 61, Subpart H, has been left out of the DEIS. That reference should be properly incorporated throughout the document. This regulation was used to determine public health protection, whereas the NRC regulations deal more with occupational levels for exposures rather than a public health exposure level.

014-37 33) (Alternatives, Section 2.4 Comparison of Predicted Environmental Impacts, Table 2-8, Page 2-60) The NESHAPs 40 CFR 61 Subpart H evaluation has not been submitted for determination of appropriateness and to demonstrate potential compliance status of this type of facility to the regulating agency as of this time. The DEIS characterized impacts as "SMALL." Until this determination is made under Subpart H, classifying impacts is premature. We encourage NRC to involve us and other appropriate Federal agencies earlier in this determination process.

014-38 34) (Affected Environment Section 3.5.3.1 Current Emissions at the DOE Reservation, Radiological Emissions, Page 3-20) The regulations for the radionuclide NESHAPs are dose standards from emissions, so the notation of the becquerel and/or curie emissions is misleading. A variety of radionuclides are potential contributors, each with different doses associated with each becquerel or curie amount. The standard is a maximum dose to the potential Maximally Exposed Individual (MEI) of 10 millirem per year in excess of background exposures. The 2004 values should be referenced, since this is an annual compliance demonstration and earlier demonstrations are not relevant to the current compliance status of the Portsmouth Reservation.

014-39 35) (Environmental Impacts Section 4.2.4.1 Site Preparation and Construction, Radiological Emissions, Page 4-11 paragraph 1) The statements here regarding 40 CFR 61, Subpart H are potentially misleading as to the potential health effects from exposures, by subtly indicating that the data and standard are not based on any measured data. This is incorrect. This should be either appropriately discussed in the FEIS, or the FEIS should state the standard's requirements or demonstration of compliance.

Cumulative impacts

014-40

36) (Page 4-16, Line 21, and Page 4-19, Line 3) We are concerned about cumulative erosion and sedimentation impacts which could be caused by construction of Cylinder Storage Yard X-745H. According to the DEIS, the cylinder storage yard would be constructed in an area characterized by steep slopes. The DEIS states, "During excavation and grading, the steep slopes would be more susceptible to soil erosion, and the streams at the bottom of the slopes may receive an increased amount of silt." Construction activities would be close to Little Beaver Creek, an impaired stream. Presently, siltation and sedimentation are two causes of the creek's impairment. Additional erosion and sedimentation from the construction of the cylinder storage yard could result in cumulative impacts to Little Beaver Creek. The DEIS does not perform a cumulative impact analysis for this case. Such an analysis should be included in the FEIS. We commend the project proponents for proposing the use of best management practices to mitigate erosion and sedimentation impacts (e.g., silt fences, straw bales, re-seeding disturbed areas, etc.). In addition, the project proponents should commit to evaluating significant characteristics for the Little Beaver Creek habitat (e.g., fish spawning periods, mussel locations), and conducting appropriate mitigation activities to preserve these characteristics. We urge NRC to establish such mitigation commitments in the construction contracts for the proposed project, and to document these mitigation measures in the Record of Decision (ROD).

014-41

37) (Page 6-9, Line 3) The ACP DEIS states that due to historical operations, The DOE reservation has multiple plumes of groundwater contamination. The ACP FEIS should also describe: 1) whether any of these plumes reside in areas leased for the ACP facilities; 2) whether the ACP facilities and areas have been certified as being free of environmental media contamination (soil, groundwater, etc.); 3) whether ACP operations are expected to contribute to groundwater contamination and to what extent; and 4) whether the ACP will have its own groundwater monitoring program independent of DOE's. The FEIS should include maps of groundwater contamination at the Portsmouth complex to aid in the description.

Applicable regulations

014-42

38) (Introduction, Section 1.5 Applicable Regulatory Requirement, Pages 1-11 through 1-33) Executive Directive and Presidential Orders that make specific requirements on all Federal Agencies that would apply or impact this project need to be included.

014-43

39) (Introduction, Table 1-3, Pages 1-20 through 1-29) Table 1-3 is incomplete. All potential applicable requirements for the construction of the ACP have not been included and need to be thoroughly re-evaluated.

014-44

40) (Alternatives, Section 2.1.4.3 Facility Operations, Air Emissions Monitoring and Treatment Systems, Page 2-28, paragraph 3) The appropriate regulations should

include 40 CFR 61, Subpart H for this facility. This facility is subject to this regulation and must meet all of the requirements of this rule before construction of this project can begin.

- 41) (Alternatives, Section 2.1.4.3 Facility Operations, Liquid effluent Collection and Treatment Systems, Page 2-29, paragraph 4) The appropriate regulations have not included 40 CFR 61, Subpart H for this facility. This facility is subject to this regulation and must meet all of the requirements of this rule before construction of this project can begin.

Affected environment

- 014-45 42) (Affected Environment Section 3.10.2 Low-Income Populations, Table 3-25, Page 3-59) There appears to be a typographical error in the Weighted Average Threshold for "One Person" in the table. This needs to be clarified for any type of comparability.
- 014-46 43) (Affected Environment Section 3.13.1 Background Radiological Exposure, Page 3-65 paragraph 1) The standard is a maximum dose to the potential Maximally Exposed Individual (MEI) of 10 millirem per year in excess of background exposures. The 2004 values should be referenced since this is an annual compliance demonstration and earlier demonstrations do not reflect the current compliance status of the facility. Neither of the new proposed facilities at the Portsmouth Reservation has submitted information to demonstrate their potential compliance status in an operating status to date. The estimates provided cannot be considered to be adequate until such time as they have been fully evaluated.
- 014-47 44) (Page 1-4, Line 23) The ACP DEIS states that the Portsmouth Gaseous Diffusion Plant is currently in "cold standby" mode (possible to restart in 18 to 24 months). The FEIS should include a schedule for when the facility will be placed into "cold iron" mode (unable to be restarted) and become ready for decontamination and demolition (D&D) work to proceed.
- 014-48 45) (Page 2-6, Line 1) Under DOE's RCRA Corrective Action activities, various facilities across the Portsmouth Reservation had their environmental assessment and restoration activities "deferred" until the time when the gaseous diffusion plant (GDP) D&D work is performed. The ACP FEIS should state whether any of the facilities under Table 2-1 are considered "deferred," and if so, whether RCRA corrective actions have been performed at those facilities. This table should also state which facilities will have NRC-licensed activities occurring.
- 014-49 46) (Page 2-7, Line 2) The ACP FEIS should list and describe the primary facilities and areas leased by DOE for the proposed ACP.

Agency Involvement

014-50

- 47) (Introduction, Section 1.5.5 Cooperating Agencies, Page 1-19) The DEIS states that during the scoping process, no Federal, State, or local agencies were identified as potential cooperating agencies in the preparation of the DEIS. It is not addressed that there was any contact with other regulating Agencies at any level that could have been considered cooperating Agencies. All of the current Federal, as well as State and Local regulators for this site would have been potential Cooperating Agencies in the development of this document and process.

014-51

- 48) (Introduction, Section 1.5.6 Consultations, Page 1-19) When the NRC was first given some regulatory authority at this site, a consultative procedure was to have been used with U.S. EPA, to assure that the site could be "certified" for their regulation. A similar process should have been used with all current regulating Agencies of this facility prior to preparation of this document.

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EJ-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment



October 21, 2005
AET 05-0075

Michael T. Lesar
Chief, Rules Review and Directives Branch
Attention: Document Control Desk
Mail Stop T6-D59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

**American Centrifuge Plant
Docket Number 70-7004
Comments on the Draft Environmental Impact Statement for the Proposed American
Centrifuge Plant in Piketon, Ohio (TAC No. L32308)**

Dear Mr. Lesar:

The purpose of this letter is to provide USEC Inc. (USEC) comments on the U.S. Nuclear Regulatory Commission's Draft Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio (NUREG-1834). Enclosure 1 of this letter provides USEC's comments.

If you have any questions regarding this matter, please contact Peter J. Miner at (301) 564-3470.

Sincerely,

Steven A. Toelle
Director, Nuclear Regulatory Affairs

cc: M. Blevins, NRC HQ
J. Davis, NRC HQ
Y. Faraz, NRC HQ
B. Smith, NRC HQ
J. Strosnider, NRC HQ

Reference:

1. NUREG-1834, Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, Draft Report for Comment. Published August 2005.

USEC Inc.
6903 Rockledge Drive, Bethesda, MD 20817-1818
Telephone 301-564-3200 Fax 301-564-3201 <http://www.usec.com>

Enclosure 1 of AET 05-0075

USEC's Comments Regarding the Draft Environmental Impact Statement

Enclosure 1 of AET 05-0075
USEC's Comments Regarding the Draft Environmental Impact Statement

Comment Number	Page	Line	Comments	
015-1	1	1-13	30	Change "municipal" to "public"
015-2	2	1-35	23 and 26	Change "United States Enrichment Corporation" to "USEC Inc."
015-3	3	2-10	13 and 23	Change "48X source cylinder" to "10-ton source cylinder."(See page 1-5 of the License Application, Revision 1).
015-4	4	2-14	47	Change "The X-7725B building..." to "The X-7725C building..." (See Environmental Report page 2-5.)
015-5	5	2-27	40-42	The Draft Environmental Impact Statement (DEIS) phrasing can be read to mean that the vent monitors have the capacity to monitor HF gas in real-time. This would not be accurate. The actual text should be clarified to state that the "gas flow monitoring instrumentation with local readouts" refers to total gas flow and accumulated radioactivity in the sample traps.
015-6	6	2-27/2-28	43-2	The description of the emission control systems on these lines is correct only for the X-3346, X-3356, and X-3366 buildings (the feed and withdrawal buildings). It explicitly cites the cold traps used to control UF ₆ from process gas piping and states that the alumina traps can not be bypassed. The process buildings emission controls do not directly connect to process gas piping, do not have cold traps, and the alumina traps can be bypassed by the Evacuation Vacuum system.
015-7	7	2-29	32-36	The DEIS gives the same value for the As Low As Reasonably Achievable (ALARA) goal for liquid radioactive effluent releases as for the ALARA goal for gaseous radioactive effluent releases (0.5 mrem/year). The liquid effluent ALARA goal USEC actually proposed in the License Application is ten percent of this value (0.05 mrem/year).
015-8	8		40-43	Paragraph should state, "Satellite accumulation areas would be established throughout the proposed ACP as necessary.... Waste is then moved to the XT-847 Waste Management Staging Facility to be sampled and measured...."
015-9	9	2-30	33	Change "OAC 37455-103" to "OAC 3745-51-03"
015-10	10	2-34	33	Change "19,040" to "19,030" and change "(21,000 tons)" to "(20,980 tons)"(See Environmental Report, page 4-130, Revision 5)
015-11	11		34	Change "42,800" to "41,105" and "571,200" to "512,730" (See Environmental Report, page 4-130, Revision 5)
015-12	12		35	Change "(630,000 tons)" to "(565,200 tons)"
015-13	13		39	Change "\$1,433 million" to "\$1,842 million" and delete the footnote. (Revision 5 of the Decommissioning Funding Plan assumes \$4.83/Kg U for disposal cost of tails.)
015-14	14	2-64	13, 16, 19, 22, and 25	Change "United States Enrichment Corporation" to "USEC Inc."
015-15	15	2-64	14, 17, and 20	Change "NRC Docket No. 70-2004" to "NRC Docket No. 70-7004"
015-16	16	2-88	27	Change to read as, "...activity would involve a filament winding process,

Comment Number	Page	Line	Comments
015-17			which will not..."
17	3-24	19	Technetium-99 is misspelled.
015-18	3-25	40	The DEIS states that Little Beaver Creek receives "treated process wastewater...ditch)." Since November 1988, the only wastewater the east drainage ditch routinely receives is stormwater runoff, non-contact cooling water (essentially tap water), condensate from air conditioners and steam lines, and treated groundwater from the U.S. Department of Energy's (DOE) X-624 facility. None of these are "process wastewater." In addition, the only treatment any of these waters (except the groundwater) receive is a settling period in the X-230J-7 East Holding Pond. The DEIS phrasing implies that decontamination solutions, or a comparable material, are being discharged to the creek.
015-19		40	Delete word "process"
015-20		49	Change "612" to "012"
015-21	3-27	15	Change "19 permits" to "19 permitted outfalls,"
015-22		16	Change "19 permits" to "19 permitted outfalls,"
015-23		28	Change "permits" to "permitted outfalls."
015-24	3-28	5	Outfall Column - Change "1" to "001"
015-25		7	Outfall Column - Change "2" to "002"
015-26		9	Outfall Column - Change "0.125" to "003"
015-27		11	Outfall Column - Change "4" to "004"
015-28		13	Outfall Column - Change "5" to "005"
015-29		15	Outfall Column - Change "0.375" to "009"
015-30		17	Outfall Column - Change "0.4167" to "010"
015-31		19	Outfall Column - Change "11" to "011"
015-32		21	Outfall Column - Change "0" to "012"
015-33		22	Outfall Column - Change "0.042" to "013"
015-34		23	Outfall Column - Change "0.125" to "015"
015-35	3-30	7	Delete "manganese," from the Parameters column.
015-36	3-30	7	Add "Cadmium," to the Parameters column.
015-37	3-30	9	Delete "Fluoride, manganese," from the Parameters column.
015-38	3-30	9	Add "Cadmium, mercury," to the Parameters column.
015-39	3-31	8	Change "weekly composite" to "monthly grab"
015-40		11	Add "are taken quarterly." to the end of the sentence.
015-41		15	Add "are taken quarterly." to the end of the sentence.
015-42	3-40	34	Change "X-611a," to "X-611A,"
015-43	3-40	35	Change "X-611b" to "X-611B"
015-44	3-41	37	Notes: Q1 and Q4 are not used in Table 3-12, delete reference.
015-45	3-69	24	Change "healthy work effect," to "healthy worker effect,"
015-46	3-74	38	Section 3.14.3.1 lists 16,190 of containers, but the number should be 16,109 to be consistent with Table 3-31.
015-47	3-74	13	Change "XT847" to "XT-847"
015-48	3-80	33, 36, and 42	Change "United States Enrichment Corporation" to "USEC Inc."
015-49	3-80	34	Add "NRC Docket No. 70-7003" before the date.

Comment Number	Page	Line	Comments	
015-50	51	4-14	7	Revise bulletized item as follows, "X-3356 and X-3366 Product and Tails Withdrawal Buildings;"
015-51	51		25	Add "X-3366," after "X-3356,"
015-52	52	4-21	17	Change "012" to "013"
015-53	53		18	Change "013" to "012"
015-54	54	4-23	33	Change "weekly composite" to "monthly grab"
015-55	55		37	Add "are taken quarterly." to the end of the sentence.
015-56	56	4-65	9-31	The radiation dose analyses on this page apparently used the same rural food source assumptions appropriate for the offsite locations. This pattern assumes that a fixed percentage of the receptor's food is produced at the home location. This is not a reasonable assumption for the on-site tenant organizations (ONG and OVEC). No foodstuffs are being produced on the DOE reservation and the percentages of the food sources for the on-site tenants should be adjusted to reflect this. CAP88-PC does allow this.
015-57	57	4-123	31	Add "NRC Docket No. 70-7004" before the date.
015-58	58	4-123	42	Change "USEC, Inc." to "USEC Inc."
015-59	59	4-123	46	Change "USEC, , Inc." to "USEC Inc."
015-60	60	5-4	31 and 34	Change "United States Enrichment Corporation" to "USEC Inc."
015-61	61	6-3	7	Revise bulletized item as follows, "X-3001, X-3002, X-3003, and X-3004 Process Buildings;"
015-62	62		8	Revise bulletized item as follows, "X-3356 and X-3366 Product and Tails Withdrawal Buildings;"
015-63	63	6-4	4	Revise subtitle as follows, " <u>X-3001, X-3002, X-3003, and X-3004 Process Buildings</u> "
015-64	64		6	Revise sentence to read as follows, "The X-3001, X-3002, X-3003, and X-3004 Process Buildings would..."
015-65	65		25	Revise subtitle as follows, " <u>X-3356 and X-3366 Product and Tails Withdrawal Buildings</u> "
015-66	66		26	Revise sentence to read as follows, "The X-3356 and X-3366 buildings would..."
015-67	67	6-6	6	Change "012" to "013"
015-68	68		7	Change "013" to "012"
015-69	69	6-12	34	Change "United States Enrichment Corporation" to "USEC Inc."
015-70		7-10	43 and 46	Change "United States Enrichment Corporation" to "USEC Inc."
015-71	70	8-4	13	Change "3324" to "3346"
015-72	71	8-5	3	Change "United States Enrichment Corporation" to "USEC Inc."

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

6

Title: American Centrifuge Plant Draft EIS
Public Meeting

Docket Number: (not applicable)

Location: Piketon, Ohio

Date: Thursday, September 29, 2005

Work Order No.: NRC-627

Pages 1-101

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

PUBLIC MEETING TO DISCUSS
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR AMERICAN CENTRIFUGE PLANT

+ + + + +

THURSDAY

SEPTEMBER 29, 2005

+ + + + +

PIKETON, OHIO

+ + + + +

The public meeting was held in the auditorium of the Verne Riffe Career and Technical Center, at 7:00 p.m., Chip Cameron, Facilitator, presiding.

PRESENT:

JIM CLIFFORD, NRC

SCOTT FLANDERS, NRC

BRIAN SMITH, NRC

YAWAR FARAZ, NRC

I-N-D-E-X

AGENDA ITEM PAGE

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- III. Results of the Environmental Review 14
- IV. How Comments can be Submitted 26
- V. Public Comments 54
- VI. Closing/Availability of Transcripts, etc. 111

1 P-R-O-C-E-E-D-I-N-G-S

2 (6:59 p.m.)

3 FACILITATOR CAMERON: Good evening
4 everyone. My name is Chip Cameron, I'm the Special
5 Counsel for Public Liaison at the Nuclear Regulatory
6 Commission, the NRC, and I'd like to welcome you to the
7 NRC's public meeting tonight. The subject that we're
8 going to discuss is the NRC's environmental review. As
9 part of it's evaluation of a application we received from
10 USEC to construct and operate a uranium enrichment
11 facility known as the American Centrifuge Plant, and the
12 NRC staff will be telling you about other parts of our
13 evaluation as we make a decision on whether to grant this
14 license, and I would just thank all of you for being here.

15 I'm going to serve as your Facilitator
16 tonight, and generally my role will be to try to assist
17 all of you in having a productive meeting.

18 I just want to cover three points on
19 meeting process before we get into the substance of
20 tonight's discussion and I'd like to tell you a little bit
21 about the format for the meeting, tell you about some
22 simple ground rules and go over the agenda and introduce
23 our speaker for tonight.

24 In terms of format, it's going to be a
25 two-part meeting. For the first part is for us to give

1 you information about the NRC's evaluation process, and
2 also the findings in the draft environmental impact
3 statement that we prepared, and then to go on to you to
4 answer the questions that you might have about either the
5 process or the environmental impact statement. The second
6 part of the meeting is going to give us an opportunity to
7 listen to you, to your comments, to your recommendations,
8 to your concerns about the draft departmental impact
9 statement.

10 I would emphasize the word "draft" to you,
11 because it will not be finalized until we evaluate all the
12 comments that we hear tonight, as well as written comments
13 that we're going to be soliciting from you, and the staff
14 will tell you more about that in a few minutes.

15 In terms of ground rules, when we go on to
16 you after the NRC presentation for any questions that you
17 might have, if you have a question, just signal me and
18 I'll come out to you with this cordless microphone.
19 Please introduce yourself to us and any affiliation, if
20 that's appropriate, and ask your question and we'll try to
21 answer it for you.

22 I would ask that only one person speak at
23 a time for two reasons: one, most importantly, is so we
24 can give her full attention to whomever has the floor at
25 the moment and secondly, so that we can get a clean

1 transcript. Our stenographer tonight is Kris Kaun, over
2 here, and that will be the public record of the meeting,
3 and it will be available to anybody who wants to get a
4 copy of the transcript.

5 I would -- during the question part of the
6 meeting, I would ask you to just keep it to questions.
7 There will be an opportunity for comment later. I know
8 that often, when we're getting a question out there may be
9 comment attached or wrapped around it. That's fine, but I
10 would try to -- ask you to try to keep your comments to
11 when we get to the comment part of then meeting, and try
12 to be as brief as you can. It's hard to --- and in terms
13 of these complex and sometimes emotional issues -- but try
14 to be brief so that we can make sure that we give everyone
15 an opportunity to participate tonight. In fact, when we
16 go to the second part of the meeting and you come up to
17 the podium to talk, I would ask you try to follow a
18 five-minute guideline. That's not a hard and fast rule,
19 but after about five minutes, I'm going to have to ask you
20 to wrap up. If you have material that you'd like us to
21 attach to the transcript, either graphics or if you have a
22 prepared statement, we will be glad to attach that to the
23 transcript and obviously, you can submit more detailed
24 comments to amplify on what you say tonight during the
25 written comment period. Usually five minutes is enough

1 time for people to summarize their most important points,
2 and it accomplishes two important things: it alerts the
3 NRC to issues that it should start looking at beginning
4 tonight, talking to you after the meeting, perhaps, to get
5 more information about those issues, and it also alerts
6 those in the audience to concerns that you might have. So
7 the public comment part of the meeting is extremely
8 important.

9 In terms of our, agenda we have one
10 speaker who is going to talk about the NRC process and
11 then the findings in the draft environmental impact
12 statement, and that's Mr. Matthew Blevins, who's right
13 here. Matt is the project manager in the environmental
14 review on this license application, and to give you little
15 bit of his background, he's been with the NRC for
16 approximately six years doing environmental reviews on
17 various types of license applications, various types of
18 projects that we get. He was a private consultant before
19 he came to the NRC, working in low-level waste disposal
20 and decommissioning and he is a master's degree in
21 environmental engineering from Clemson University and a
22 bachelor's in chemistry from West Virginia University --
23 or, is that the University of West Virginia? He's not
24 sure. Well, hopefully, he knows more about chemistry than
25 that, but Matt will talk to you -- and if you just told

1 your questions until he's done, it won't be that long, and
2 then, we'll come out to you for questions and then we'll
3 proceed with the rest of the program. We have to be out,
4 I think -- wrap up by about 9:45 tonight so that the
5 custodians can close the school down by 10:00 or so, but
6 the NRC staff will be here after the meeting two talk to
7 anybody, and you'll be getting some contact information
8 from them. Please feel free to call them or send an
9 e-mail if you have concern or questions and thank you all
10 for being here. This is an important decision that the
11 NRC has to make, and we thank you for helping us in making
12 that decision.

13 Before we go to Matt and his presentation,
14 we do have one of our senior managers here tonight, Mr.
15 Jim Clifford, who is chief of the special projects branch
16 at the NRC. He's been with the NRC for about 25 years and
17 has been involved in a wide range of activities, and he's
18 just going to give you a little bit of perspective on all
19 this. Jim?

20 MR. CLIFFORD: Thank you. This is the
21 only time that Chip will ever give up his microphone,
22 because I -- after I give it back him, he maintains it for
23 the rest of the night. And, Chip and I have done a number
24 of these meetings together.

25 My name is Jim Clifford. You know my

1 title, but the responsibilities I have are for the
2 technical review for this application and for overall
3 project management for the successful completion of the
4 review, whether that ends up allowing a license or
5 deciding not to allow a license.

6 My counterpart for the environmental side
7 of the activities is Scott Flanders who's sitting in the
8 middle of the table and he has responsibility for the
9 environmental side of the review as well.

10 Just to let you know who's available at
11 the table to answer any questions that may come up and
12 will be listening to comments as well, Brian Smith is my
13 supervisor -- the supervisor who works for me who's
14 responsible for all the gas centrifuge reviews including
15 this one and then Yawar Faraz is the technical and overall
16 project manager for our review.

17 So, I just wanted to end my welcome to
18 everybody who has come out tonight and shown interest. We
19 are here to listen to your comments and take your comments
20 back. I will tell you, we've done similar meetings. We
21 did one for the Louisiana Energy Services. We got over
22 4,400 comments by the end of the comment period, and we do
23 go through and we do look at them, and we do address
24 everyone of them. So make sure you speak out, we're here
25 to listen to your comments tonight. Thank you.

1 FACILITATOR CAMERON: Okay, thank you very
2 much Jim, and let's go to Matt for his presentation. This
3 is Matt Blevins. Matt?

4 MR. BLEVINS: Okay, thanks Jim. Hello
5 everyone, my name is Matt Blevins -- is this on? Can you
6 hear me? Okay.

7 As Chip mentioned, we're here tonight to
8 discuss the proposed American Centrifuge Plant and on
9 behalf of myself and the other staff we want to welcome
10 you to the meeting. Now just one clarification, I did
11 graduate from West Virginia University, but I heard they
12 changed their name, so that's the point of uncertainty.

13 PARTICIPANT: The microphone is not
14 working.

15 MR. BLEVINS: I may need to stand closer.
16 Is that better? I'll stand closer. Can you hear me now?

17 PARTICIPANT: I can hear you verbally from
18 where you're standing but I don't know about anybody else
19 back there.

20 MR. BLEVINS: Anybody in the back, can
21 you hear the speakers, do you think?

22 PARTICIPANT: Yes.

23 FACILITATOR CAMERON: Okay, good. Thank
24 you, sir.

25 MR. BLEVINS: Okay, thank you. As Chip

1 told you, our main goal tonight here is to listen to your
2 comments. First, I'm going to briefly describe the NRC's
3 license and review process, and then go into the findings,
4 at least in a summary fashion, of the environmental
5 review. When I've completed the short presentation, we're
6 going to have a short question and answer session and then
7 we're going to -- for the bulk of the time, we're going to
8 sit here and listen to your comments.

9 Now, the important thing is, I want to
10 point out that tonight is not the only time that you can
11 submit comments, and I'll describe in more detail at the
12 end of the presentation how you can submit other comments.

13 This was last-minute addition. The NRC is
14 an independent regulatory agency. We report directly to
15 Congress. We are not part of the Department of Energy,
16 they are a separate agency and the report to the
17 President. Now, the NRC has oversight responsibilities
18 for wide variety of facilities, the most obvious of which
19 are commercial power reactors, but we also regulate things
20 such as medical uses, such as the radiation used to treat
21 cancer.

22 The NRC's mission is to protect public
23 health and safety as well as worker health and safety,
24 along with the environment. The NRC does not promote
25 nuclear projects. All nuclear projects must meet strict

1 safety and environmental requirements before the NRC will
2 issue a license. Commercial nuclear facilities must have
3 a license from the NRC before they can hold or use nuclear
4 materials. In addition, the NRC conducts frequent and
5 periodic inspections of our licensees. If we find out
6 that the licensees are not following the requirements of
7 the license, we can take enforcement action. The NRC
8 would provide regulatory and inspection oversight for the
9 proposed USEC facility.

10 Currently, we are reviewing USEC's license
11 application to determine whether we can issue to license.
12 There are three main portions of NRC's licensing review:
13 We have the safety and security review, we have the
14 environmental review, and then we have a formal hearing
15 process.

16 Yawar's in charge of the safety and
17 security review, and he's currently prepared -- he's
18 currently preparing what is called a safety evaluation
19 report. I'm in charge of the environmental review and the
20 draft environmental impact statement, which we're
21 discussing here this evening. Those two documents form
22 part of the basis for whether or not we issue the license.

23 Additionally, as I mentioned there's a
24 formal hearing process made up of a panel of Judges. They
25 will ultimately make a recommendation to the NRC's

1 commissioners about whether to issue a license. Then,
2 those NRC commissioners will then publicly vote on whether
3 or not to issue the license, and that vote is based on all
4 the information in those different reviews I just
5 discussed.

6 Now, the next slide, I'm going to switch
7 gears and we're going to talk just briefly about what USEC
8 is proposing just make sure that everyone understands just
9 we're talking about. USEC is proposing to build a uranium
10 enrichment facility. It would be known as the American
11 Centrifuge Plant, and in this plant, USEC intends to
12 enrich uranium using a gas centrifuge process. Now, a gas
13 centrifuge, shown here in the diagram, it's a machine
14 used to enrich uranium. Basically, the machine uses
15 high-speed rotors that's able to spin the different
16 isotopes into different fractions. In other words the
17 heavier uranium-238 isotopes are able to be separated from
18 the lighter uranium-235 isotopes. The gas centrifuge
19 process will be used to enrich natural uranium from its
20 natural concentration of about .7 percent to somewhere
21 between 3 and ten percent, and that's dependent on what
22 USEC's customers need.

23 The proposed facility would be located
24 within the existing Department of Energy reservation.
25 USEC does propose to make use of some of the existing

1 buildings. For example, two large process buildings which
2 are already present would be used to house the
3 centrifuges. Other facilities would have to be built such
4 as a tails withdrawal facility.

5 Now, I'm going to switch gears again and
6 we're going to move onto the environmental review and what
7 some of the results that were. First, I want to show you
8 the various resource areas that we looked at in
9 preparation of the draft EIS. We looked to see whether
10 there would be impacts to each of these resource areas
11 including such important concerns as public health and
12 transportation. As you can see, it's a pretty extensive
13 list. In terms of how we evaluated the impacts, first we
14 looked at all phases of the project, both construction,
15 operation, and decommissioning for each of those resource
16 areas that we talked about on the previous slide. Now,
17 once our experts determine what the impacts were, we went
18 back and then we categorized those impacts as being either
19 small, moderate, or large. And we'll -- on the very next
20 slide, I'll define what those slides are, or what those
21 terms are.

22 Now, the draft EIS also discusses
23 mitigation measures. Mitigation measures are things that
24 USEC can do to help decrease a potential negative
25 environmental impact. For example, USEC has stated that

1 they will use dust suppression techniques for excavation
2 under dry conditions, and this relates to an air-quality
3 impact. All the impacts on all these resource areas are
4 discussed in the draft environmental impact statement in
5 chapter four, and that's the thick document that's back
6 there on that back table if you didn't get a copy already.

7 Now as I just said, once the experts
8 determine the impacts, we then categories them into small,
9 moderate, or large. The definition of those categories
10 are shown here. Small impacts are those that are either
11 not detectable or they're so minor that they would neither
12 destabilize nor noticeably alter any important attribute
13 of a resource. Moderate impacts would be noticeable, but
14 they wouldn't destabilize any important attribute of
15 resource. The large impacts would clearly be noticeable,
16 and they could eventually -- or, they could destabilize a
17 resource. We did not find any large impacts for the
18 proposed USEC facility.

19 Before we move on to the discussion of
20 those areas that had moderate impacts, I want to briefly
21 show you the areas that we estimated to receive small
22 impacts. In particular, I want to focus on two areas that
23 have received a lot of attention, starting with cultural
24 resources. I wanted to provide a little more detail so
25 you all know what we considered during the review.

1 In analyzing the impacts to cultural
2 resources, we followed the procedures as required under
3 the National Historic Preservation Act for consultation
4 and more specifically, we used the criteria for
5 determining eligibility to the National Register of
6 Historic Places.

7 In this analysis we define what is called
8 an area of potential effect. This includes the immediate
9 area of construction, and this is what we call for the
10 direct effects, and this could -- a direct effect could
11 include a piece of heavy equipment uncovering a cultural
12 resource. Now, we also extended this area of potential
13 effects out of the DOE or the Department of Energy
14 preservation boundary. And, this was for what we call
15 indirect effects such as noise or visual intrusion. Now,
16 in addition to those cultural resources which were inside
17 the area of potential effects, we also looked to cultural
18 resources which were immediately near the DOE reservation,
19 and that was based on scoping comments we received when we
20 were here last January, and based on information has been
21 presented in the ongoing legal hearing. Based on this
22 review, we determined that the impacts to cultural
23 resources would be small.

24 I also want to briefly discuss water
25 resources. Our analysis found that the impacts on water

1 supply would be small because the withdrawals would only
2 -- are only expected to increase by 10 percent over the
3 existing usage. Moreover, the total withdrawal is
4 estimated to be only 31 percent of the currently permitted
5 levels. So, in other words, the supply wells were
6 originally designed and permitted to pump more water than
7 is currently anticipated for the USEC proposal.

8 Our analysis also found that the impacts
9 to water quality will be small. This is based on the fact
10 that the USEC will not routinely discharge process water.
11 To explain in a little more detail, the Centrifuges are
12 cooled a closed loop cooling system. The important part
13 of that is that none of the water that comes into contact
14 with the centrifuges is discharge into the environment.
15 That primary cooling water system gets rid of its heat to
16 a secondary cooling water system and it does that through
17 heat exchangers. The important part of that is that the
18 two waters don't come in physical contact, so there's no
19 mixing. Additionally, any leakage or spills would be
20 collected in a separate system. If this collected water
21 meets NRC regulations then it can be discharged to the
22 site's sanitary sewer treatment system. If it doesn't
23 meet the NRC regulations, it would have to be
24 containerized and shipped offsite.

25 During our analysis, we found that five

1 resources areas may experience small to moderate impacts.
2 They may experience moderate impacts during some portion
3 of the facility's lifetime -- that's probably a better way
4 to say it -- but, not necessarily for the entire facility
5 lifetime. For example, the impacts during the
6 construction phase might be moderate but then once they to
7 go to the operations phase, those impacts may become
8 small. The five areas that have moderate impacts are
9 air-quality, socioeconomics, transportation, public and
10 occupational health, and waste management, And I'm going
11 to discuss each of these areas in detail in the next set
12 of slides.

13 For air-quality, we analyze various
14 pollutants. The moderate impact was found to exist for
15 particulate matter. More technically, the particulate
16 matter is known as PM2.5. The PM2.5, it refers to the
17 average size of the particulate matter. In this case,
18 it's 2.5 microns in average on the diameter. In other
19 words, it's very small particulate matter. The level of
20 PM2.5 would slightly exceed the existing air-quality
21 regulations for a distance of about 3,000 feet beyond the
22 site boundary. This is primarily related to the exhaust
23 from the construction equipment. It should also be noted
24 that this area of Ohio has high background of PM2.5. The
25 numeric details can be found in the draft EIS, but a good

1 way to summarize it is that the proposed USEC facility
2 would increase those levels by about 16 percent. Again,
3 this is related just to the construction phase from about
4 2007 to about 2011.

5 Now, we also looked at emissions during
6 the facility -- during the operation of the facility,
7 including the emissions of hydrogen fluoride, or HF, and
8 -- as well as emissions of uranium. The release of HF and
9 uranium would be very small -- very -- I guess you'd say
10 very far below the background -- I'm sorry, below the
11 regulatory thresholds. The actual numbers, for example,
12 the hydrogen fluoride is about .003 micrograms per cubic
13 meter, and to put that in perspective, the regulatory
14 threshold is 2500, so you can see that there's a large
15 difference between those two numbers. And that's similar
16 for the uranium numbers as well. The numeric details,
17 again, are found in chapter four of the draft EIS.

18 Socioeconomics includes a wide range of
19 areas. We analyze employment, population, housing, public
20 services, and financing -- finances. We found that the
21 employment impacts would be moderate because the proposed
22 facility would either create or sustain jobs in the local
23 area. We also found that impacts to the population
24 increases would be small and that's primarily because of
25 the small number of people expected to move to the area,

1 and I have some of the job numbers here listed on the
2 screen.

3 For transportation, we looked at both
4 materials and equipment coming to the site as well as
5 workers commuting back and forth. Now, during both the
6 construction in the operations phases combined, we
7 estimated -- the estimate was less than five combined
8 fatalities from either the shipment of the materials and
9 equipment or from workers daily commutes, and this is just
10 from normal routine daily traffic accidents, not including
11 -- you know, in other words, if another vehicle were to
12 run of the road, in other words a non-radiological
13 accident.

14 Then, we looked at the radiological
15 impacts from the transportation or the routine shipment of
16 these radioactive materials, and when we say "routine
17 shipment" we mean, if there weren't any accidents, and
18 then, we also looked at what would happen if there were
19 different accident scenarios involved with that
20 transportation. Again combining those two estimates over
21 the 30-year period, we expect less than one additional
22 cancer death over that time frame. We consider the
23 impacts of these areas to be small.

24 Now this analysis assumed that all the
25 materials would be shipped by truck except for the

1 depleted uranium tails, which is a type of radioactive
2 waste, which we'll talk about on the next slide. For that
3 analysis, we assume that the depleted uranium tails would
4 be shipped by rail. For that shipment scenario, we would
5 expect far less than one additional cancer death over the
6 shipping time frame. And again, we expect this to be a
7 small impact.

8 Now, during construction, we expect minor
9 congestion primarily on US Route 23. Route 32 will see
10 increase traffic but it won't be as noticeable as on 23.
11 Because the speed of these routes will be slightly reduced
12 and because of the increased number of vehicles, we've
13 concluded this would be a moderate impact.

14 Now, in addition to the small radiological
15 impacts which we just talked about, it's also possible
16 that an accident could have nonradiological impacts. For
17 example, the formation of a hydrogen fluoride gas could be
18 created. The exact impacts vary based on several factors,
19 for example, whether it happens in a rural location or
20 whether it happens in a city. It also depends on the
21 meteorological conditions. It depends on which way the
22 winds are blowing and whether it's a stable atmosphere.
23 And, it also depends on what the material is, whether it's
24 UF₆, which is the uranium hexafluoride, or whether it's
25 U-308. The results are summarized in detail in chapter --

1 in table 416, and there were a lot of numbers so I think
2 you have to go look at that to get a feel for what the
3 ranges are. Now, because of the low probability of such a
4 severe accident occurring, we found that the
5 nonradiological impacts from accidents would be moderate.

6 Now, as you know, USEC would be handling
7 radioactive materials. So, we do a careful assessment of
8 any possible health effects that may occur. We look at
9 both workers at the facility as well as the public living
10 near the facility. We found that for construction, normal
11 operations, and decommissioning, the radiological health
12 impacts to both workers and the public would be small.
13 During operations, it was estimated that the nearest
14 member of the public would receive between .2 and 1
15 millirem per year and this is dependant upon the location
16 around the facility. The south and southwest direction
17 receives its highest exposure from the airborne emission,
18 and that relates to about the .2 millirem per year number.
19 The direct radiation contributes the highest dose to a
20 theoretical member of the public at the north boundary,
21 and we say and we say theoretical because nobody currently
22 lives there. But, that number -- that -- the highest dose
23 in that area was about 1 millirem per year. Both of these
24 doses are well below the NRC's regulatory requirements of
25 25 millirem per year.

1 We also looked at accidents and we found
2 high or intermediate consequences for several accidents
3 that were analyzed. Now, however, there are safety
4 equipment that's at the facility that makes such as severe
5 accident highly unlikely. Based again on the low
6 probability that such a severe accident would occur, we
7 determined those impacts would be moderate as well.

8 The last area I'm going to discuss is
9 waste management. The facility would generate both
10 non-radiological waste and radiological waste. The
11 non-radiological waste could include things such as scrap
12 metal from construction and the radiological waste could
13 include things such as dirty rags or laundry, but most of
14 the radioactive waste is depleted uranium tails. The
15 uranium tails could be stored on site until their eventual
16 conversion and disposal.

17 Now, we found that the impacts from the
18 non-radiological waste and most of the radiological waste
19 to be small. That is, there's adequate capacity at an
20 appropriate licensed disposal facilities. The impact --
21 now specifically to the depleted uranium tails, the
22 impacts from the storage of the depleted uranium tails was
23 also estimated to be small to moderate. It was estimated
24 to have small impacts on the nation's disposal capacity,
25 small impacts from transportation of the depleted uranium

1 once it's converted into a more stable form, and small
2 health impacts once it's eventually disposed of. The
3 moderate impact is the necessary extension of DOE's
4 depleted uranium conversion facility that's also going to
5 be located on the DOE reservation.

6 That conversion facility, the one that's
7 currently under construction, would have to operate for a
8 much longer period of time than if it were just converting
9 the existing inventory. DOE has considered this operating
10 extension in their previous environmental reviews.

11 Now that concludes my technical overview
12 of the draft EIS findings, and now, I'm going to switch
13 gears and tell you how to submit comments.

14 First off, we're going to be accepting
15 oral and written comments this evening. You may not have
16 anything to say this evening, and that's okay, but you may
17 hear something or something may come to you afterwards,
18 and that's why the comment period ends October 24. It's
19 important that you understand that we consider all the
20 comments when we're preparing the final EIS. All those
21 comments are going to be included in an appendix to that
22 final EIS. Along with that -- along with your comments,
23 there's going to be a NRC response, and that way you
24 understand how we addressed your comments.

25 The important thing is when you're

1 something comments outside of the meeting, I want you to
2 note the docket number on your comments. That way, it
3 gets routed to the right people, it doesn't get lost in
4 some of the different paper mailboxes that we have at the
5 NRC. You can send your comments via regular post office
6 mail or you can send them to the e-mail address listed.
7 Also, we have some blank comment forms back here on one of
8 the tables. Feel free to write your comments out on those
9 blank forms as well, if you'd like, and you can provide
10 those on your way out the door this evening.

11 Now in the next two slides, we're going to
12 talk about some of the different web addresses where you
13 can get more technical information. On the first web
14 address, it's where you can see an electronic version of
15 the draft environmental impact statement, and I think this
16 is important because it has better resolution of the
17 pictures. The second web site address takes you to the
18 NRC's web site and it talks -- it has general information
19 about the USEC licensing proceeding and generally has some
20 of the more important documents. Now, this web site
21 address may be the most important because it takes you
22 directly to the NRC's electronic reading room, and on that
23 web site, you can get all the publicly available documents
24 about the USEC licensing action. Examples of documents
25 that you can find this web site include records of phone

1 conversations, e-mails, meeting summaries and other public
2 comments, and of course, all of USEC's submittals. Now,
3 if you're having trouble finding a document in his
4 electronic reading room, I've given you public document
5 room, they have staff that said there and their job is to
6 help you find it and provide you electronic copies, so
7 just e-mail them or give them a call and they should be
8 able to help you find something.

9 Now in terms of the NRC staff, if you have
10 an overall licensing question or a safety and security
11 review question, probably the best person to contact is
12 Yawar, and I've given his contact information here. If
13 you have any questions on the environmental review, you
14 can contact myself, and we have -- again, these are on
15 copies of the slides if you got one of those when you came
16 in.

17 So that wraps up my presentation, and --
18 do you want me to sit down, or --FACILITATOR CAMERON: Why
19 don't you just stay up there because I think we'll have
20 some questions now. The NRC points of contact, can we
21 leave that up there because I didn't see a slide.

22 MR. BLEVINS: It should be in the last
23 page there on the back.

24 FACILITATOR CAMERON: All right.

25 MR. BLEVINS: Maybe you have a bad copy.

1 FACILITATOR CAMERON: Okay, but we'll --

2 MR. BLEVINS: We can --

3 FACILITATOR CAMERON: -- leave this up so
4 that you can have time to look at it, and Matt, you can --
5 people can submit comments by e-mail, --

6 MR. BLEVINS: Yes.

7 FACILITATOR CAMERON: -- also, right?

8 MR. BLEVINS: Yes.

9 FACILITATOR CAMERON: Okay.

10 MR. BLEVINS: On the previous slide, there
11 was an e-mail address.

12 FACILITATOR CAMERON: And, note that there
13 is an e-mail address on their for --

14 MR. BLEVINS: Or, you can e-mail it to me
15 and I'll forward it to the e-mail address.

16 FACILITATOR CAMERON: Okay, great. Now,
17 are there questions? Yes, sir, please introduce yourself
18 to us.

19 MR. KITE: Fred Kite from WEB News, in
20 Athens. If, in fact, you have your EIS issued -- the
21 final EIS issued by April 2006, when would the final,
22 final approval of the NRC come?

23 MR. BLEVINS: I'm going to defer -- I
24 think it's in early '07, but Yawar probably has the best
25 time frame for that.

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1 FACILITATOR CAMERON: And, it would be the
2 final decision. It may not necessarily be an approval.

3 MR. BLEVINS: Right.

4 FACILITATOR CAMERON: But, it would be the
5 final decision. Yawar?

6 MR. FARAZ: The NRC Commissioner has
7 issued an order and in the order, they have set a goal for
8 the entire review. It was a 30 month, review from the
9 submittal of the application to the final decision. Based
10 on the 30 month schedule, it's February of '07.

11 FACILITATOR CAMERON: Thank you very much,
12 Yawar. And, let's go right out here. Yes?

13 MS. BAKER: I had two questions if you
14 don't mind. My name is Deborah Baker. I have two
15 questions, if that's alright. I wonder if you could
16 compare your -- you're talking about the millirems that
17 were the very small doses that were going to affect the
18 locals around here. How does that compare to the doses
19 that are estimated -- the real doses -- of people around
20 nuclear power plants?

21 MR. BLEVINS: I'm going to give that to --
22 Scott, you want that one?

23 MR. FLANDERS: The doses that Matt spoke
24 of, I believe, he said it was approximately about 1
25 millirem at the -- to a theoretical person at the

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1 boundary, and around nuclear power plants, the doses vary
2 based on the affluence, but they're typically very low,
3 similar in nature to around nuclear power plants.

4 There's -- the regulatory limit for this
5 type of facility is about 25 millirem, which represents a
6 relatively small fraction of what the general public would
7 receive from just day-to-day normal activities. It's
8 about 300 millirem per year that's received to all of us
9 just based on -- from natural sources, and there's about
10 60 millirem and that's assumed from activities, man-made
11 type activities such as x-rays, flying in airplanes, et
12 cetera, so the doses represent a very small fraction of
13 the regulatory limit and an even smaller fraction of what
14 a general member of the public would receive on a yearly
15 basis.

16 FACILITATOR CAMERON: Okay, Deborah, your
17 other --

18 MS. BAKER: Yeah, I just wanted to comment
19 on that, that, as you know, cancer rates have gone up
20 since nuclear testing has been going on in the atmosphere.
21 So, the radioactivity in the air does affect cancer rates,
22 and there is more radioactivity around nuclear plants and
23 in fact, the cancer rates around nuclear plants -- power
24 plants are higher than the cancer rates away from the
25 nuclear power plants. If the rates are similar, then I

PMT-002-2

1 expect to see the same thing here, and of course some of
2 the workers here have been contact -- contracting cancer.
3 So, whatever the background rates are it sounds like that
4 the industry is bad for people's health.

5 MR. FLANDERS: Well, just to add a few
6 points, the background rates, I spoke of, the 360 millirem
7 are not specific to exposure around a nuclear power plant.
8 That's a general average of exposure.

9 PARTICIPANT: Can you speak into the mic?

10 MR. FLANDERS: Can you hear me? The
11 background rates I was speaking of are general background
12 rates, not necessarily background rates associated with
13 nuclear power plants, or 360 millirem. That's just a
14 general member of the public based on information
15 collected by various radiological groups such as NCRP and
16 international groups as well.

17 FACILITATOR CAMERON: And, Deborah, do you
18 have another question?

19 MS. BAKER: I was wondering, who is the
20 panel of Judges who will be making the recommendation?

21 MR. FLANDERS: There's a panel, there's a
22 -- what's called an atomic safety and licensing board.
23 It's made up of three Judges, and I'm not necessarily sure
24 who the specific names of the Judges are, but these are
25 what you would call -- I'm lost in my words, Chip. You

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1 know better than I do -- Administrative Law Judges. It's
2 made up of the three panel members. Usually one is a
3 person with a technical background. Others are
4 individuals with a legal background as well. So that's
5 what makes up the panel.

6 FACILITATOR CAMERON: And if you need the
7 exact names, we can get those to you off-line, Deborah.

8 And, Deborah made one statement and I
9 believe that was that the radioactive emissions around
10 nuclear power plants are higher than in areas away from
11 cancer rates. I -- and I just would ask the NRC staff to
12 think about whether there has been than any studies that
13 demonstrate that or provide other information. We don't
14 need to do it now but I just want to make sure that we get
15 all the information on the record.

16 Thank you, Deborah. Thank you, Scott.
17 Other questions? Let's go to Vina. We apologize for the
18 feedback. Vina?

19 MS. COLLEY: Yes, I'd like to ask the NRC,
20 would you be willing to sign a legal paper stating that
21 this facility will cause no harm to the workers or the
22 community, and if it did, who can they sue?

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23 FACILITATOR CAMERON: And, this is Scott
24 Flanders again.

25 MR. FLANDERS: The NRC has a set of

1 regulatory standards, which Matt spoke of briefly, that we
2 do as a part of our safety evaluation report and those
3 regulations are based on analysis by the NRC that we put
4 those regulations in place, that we believe that if those
5 regulations are satisfied, they're protective of public
6 health and safety. So, in order for us to issue a
7 license, we have to first ensure that the facility will be
8 built in accordance with those regulations and then later
9 operated in accordance with those regulations, and if
10 they're not operated within accordance with those
11 regulations, we would take enforcement action.

12 So, through that process is the NRC's way
13 of ensuring and having reasonable assurance that they'll
14 be protective of public health and safety. So, that's our
15 regulatory process.

16 Our regulatory process does not include
17 the signing of any specific documents, but our regulatory
18 process includes this review and it's later reviewed by
19 our Commission as well.

20 FACILITATOR CAMERON: Okay, thank you very
21 much Scott, we didn't answer the --

22 MR. FLANDERS: Did I miss a --

23 FACILITATOR CAMERON: -- question, it's --
24 the way Vina phrased it is, if there's damage, who could
25 be sued. In other words, liability for any --

1 MR. FLANDERS: Well, if --

2 FACILITATOR CAMERON: -- type of damage.

3 I don't know if we can have the knowledge to address that
4 right now, if you want to say anything about it in
5 general, then --

6 MR. FLANDERS: I would say, generally,
7 that if it was found that there was an accident or a
8 violation of NRC's regulations, an enforcement action
9 would be taken and the licensee would be held accountable
10 for any violations of the regulations.

11 FACILITATOR CAMERON: And, in terms of any
12 sorts of harm to people it would be handled in the typical
13 way that any damage, I think, would be handled from any
14 type of industrial facility, through a tort action in the
15 courts. Vina, do you have a -- excuse me. Vina, do you
16 have a follow up?

17 MS. COLLEY: Yeah, I'm just wondering if
18 sovereign immunity is going to play into this liability to
19 compensate these workers of the community, because right
20 now, we have a compensation bill that's not working that's
21 been in place for six years and not the first worker who
22 had toxic chemical exposure -- if they didn't have cancer
23 they can get paid, and they're still not even getting paid
24 if they got cancer. So, I'm still wanting to know who is
25 going to be liable if you guys give this company another

PMT-003-2

1 license to kill more people. I want to know who's going
2 to be liable.

3 FACILITATOR CAMERON: If any of the NRC
4 staff, or others, if we can try to piece together the
5 framework of an answer that we can give to Vina after the
6 meeting, let's try to do that. We do have some people
7 here from our Office of General Counsel, so we'll talk to
8 them about it. Yes, ma'am?

9 MS. SWAIN: Yes, this is a follow up on
10 the comment that you made about violations -- NRC
11 violations. I understand that USEC does have quite a few,
12 in fact, a disgraceful record. They have, like, 16
13 violations of NRC regulations, and has that been taken
14 into account? Has that been factored into this impact
15 statement? And I have another question after that.

16 FACILITATOR CAMERON: Scott, or Yawar?

17 MR. FLANDERS: I'll start and I'll look
18 for Yawar to see if he can answer. I assume you're
19 speaking of violations as it relates to the operation of
20 the gaseous diffusion facility?

21 MS. SWAIN: Right.

22 MR. FLANDERS: That -- the license for the
23 gaseous diffusion facility is a separate activity. This
24 is a review for a proposed license that they are proposing
25 and we're evaluating right now the technical basis of how

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1 they would construct and operate the facility. So we're
2 about -- were doing a technical evaluation at this point
3 in time. The aspect of looking at violations are done as
4 a part of our inspection activities, which this plant
5 will also have inspection activities.

6 FACILITATOR CAMERON: And, but, I don't
7 think that in terms of whether violations are addressed in
8 the environmental impact statement itself, as opposed to
9 other parts of the licensing process, --

10 MR. FLANDERS: The operational -- the way
11 in which they will operate the facility and the way in
12 which we will be -- we will inspect the facility is
13 addressed separate from the environmental impact
14 statement.

15 FACILITATOR CAMERON: Okay, so you won't
16 find any thing on that in the environmental impact
17 statement, and as Matt and Jim Clifford talked about,
18 there's other aspects to this review and this decision.
19 Yawar, do you want to add anything on this? Yawar Faraz.

20 MR. FARAZ: As Scott mentioned, it's a
21 certificate that we issued for the gaseous diffusion plant
22 where the violations have occurred. We are reviewing the
23 application for its merits -- this, for the centrifuge
24 facility, and it would -- that's what we would base our
25 review on, on the merits of the application. We look at

1 not, you know other -- if you find the application
2 acceptable, we would conduct preoperation inspections to
3 make sure that they construct the facility as described in
4 the application, and then we will continue our oversight
5 by conducting routine inspections and also unannounced
6 inspections once they begin operations. So, that's how we
7 would make sure that the facility is maintained -- safety
8 is maintained.

9 FACILITATOR CAMERON: Okay, and if you
10 want to -- yeah, I know you have another question. I
11 think that for any licensee of the NRC, the enforcement
12 record, the violations are all part of the public record
13 and you can judge how, you know, serious you think they
14 are and see what the fine wants. And, your --

15 MS. SWAIN: The second question is, has
16 the NRC ever not licensed an applicant, other than LES,
17 which was denied in a couple of places, but is still under
18 application?

19 FACILITATOR CAMERON: And, I'll translate
20 that into any type of facility, okay? Not just a facility
21 like this.

22 MS. SWAIN: Not just a centrifuge.

23 FACILITATOR CAMERON: Scott?MR. FLANDERS:
24 Throughout the NRC's regulatory history, I mean, there's
25 been times where an application has come in and the NRC

1 has not approved that application. We approve the
2 application only after it's been demonstrated that they
3 can satisfy our regulatory requirements. So if it's
4 demonstrated that the regulatory requirements can be
5 satisfied after we've done our technical and environmental
6 review, then we would issue a license, but until that
7 point in time, so there's been cases where we did not find
8 that the application demonstrated and satisfied all the
9 safety requirements, and in some cases there's a need,
10 also, to condition the license as well, which what -- is
11 another way of adding additional requirements -- or,
12 additional conditions to ensure that they satisfy our
13 regulatory requirements.

14 FACILITATOR CAMERON: And, Scott, along
15 those lines, there have been some cases, have there not,
16 where we have requested that a licensed applicant do
17 something to improve safety or to meet the regulations and
18 they might have withdrawn their application?

19 All right, yes, let's go -- we'll go right
20 here and then go to you, and please introduce yourself,
21 sir.

22 MR. WEINER: Alan Wiener. I have two
23 questions too, it's going around. One question is the
24 nuclear fuel cycle in the back has, like, a one-way
25 direction and there's no circle in it, and I wonder if

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1 USEC or NRC determines the safety of the spent fuel. And
2 the second question also -- I'll wait on the second one.

3 FACILITATOR CAMERON: Do you understand
4 Allen's question in terms of what the NRC role is in
5 regulating either the storage or disposal of spent nuclear
6 fuel? Is that basically it?

7 MR. WEINER: And, the ultimate disposal.

8 FACILITATOR CAMERON: Ultimate disposal,
9 okay. Scott?

10 MR. FLANDERS: The NRC has rules specific
11 to the spent fuel, both storage and ultimate disposal. We
12 have specific regulations in place that are in
13 requirements for storage of spent nuclear fuel, as well as
14 requirements in place that provide guidelines for ultimate
15 disposal of spent nuclear fuel, as well.

16 FACILITATOR CAMERON: And, that last part,
17 Scott, is referring to the fact that the Department of
18 Energy has to get a license from the NRC. They have to
19 meet all of our regulations to be able to construct and
20 operate a repository for the disposal of waste at Yucca
21 Mountain. Second question, Alan?

22 MR. WEINER: I wondered why there's an
23 absence of any mention of higher percentages of
24 concentration, meaning for other uses like bomb making.

25 MR. FLANDERS: The NRC does not regulate

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1 the Defense uses of nuclear materials. That's separate
2 from our responsibility.

3 [PMT-005-2] MR. WEINER: Is that out of the question
4 for this plant?

5 MR. FLANDERS: Under the NRC -- under the
6 license that the NRC would grant, yes, the -- it would be
7 limited in to -- as to how much they can enrich the fuel,
8 so they -- or the material, I should say.

9 FACILITATOR CAMERON: Okay, does anybody
10 from the NRC want to add anything on that last -- Yawar?
11 Can you go up to the podium, please? Thank you.

12 MR. FARAZ: Just as Scott mentioned USEC
13 would be authorized up to 10 percent for enrichment, and
14 we have a separate plan that would require USEC to submit
15 that plan to us. It's called the Fundamental Nuclear
16 Material Control Plan, and that's a way to -- for USEC to
17 demonstrate to us that they would not go above the 10
18 percent, and then the NRC would be -- would review that
19 plant, obviously, and would be part of the application
20 review and then the NRC would again, you know, conduct
21 inspections to make sure that they are abiding by this
22 FNMC Plan to make sure that there's no unauthorized
23 enrichments, or any kind of divergent off of material.

24 In addition to the NRC, we expect the IEA,
25 which is the international -- the UN body to -- if it

1 selects the American Centrifuge Plant for -- to conduct
2 inspections for the IE to come in -- and also on its own,
3 independently make sure that there are no unauthorized
4 enrichments being conducted at this facility or material
5 is not be diverted.

6 FACILITATOR CAMERON: Okay thank you.
7 Let's go right here, excuse me, Dr. Manuta.

8 MS. PUCKSTEIN: I'm Jean Puckstein and my
9 question is about the scoping process which some of us
10 make contributions to. The document, as it appears as --
11 on the internet, the ADAMS Reading Room, did a summary of
12 the scoping remarks, and it included after the summary
13 remarks, pages or copies -- or some of the letters that
14 have been sent in about the scoping process and in my
15 computer and others I've talked with, we were not able to
16 unscramble who those letters were from. In my experience
17 reading other environmental impact statements and scoping
18 reports, you usually include those letters in their
19 entirety instead of a summary. Will that be done after
20 this process?

21 MR. FLANDERS: For the scoping summary
22 report, the NRC normally summarizes the comments, and
23 that's so we can quickly and efficiently get the comments
24 and the issues that out of the public so to make sure we
25 understood what you said at the meeting. We don't --

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1 there shouldn't have been any letters attached that
2 scoping summary report that we issued in April, 2005.

3 Now for this -- for the draft EIS, when we
4 go to finalize it, what we'll do is an add an appendix,
5 and then, what you're talking about is everyone of the
6 public comment letters will be in the appendix, and then
7 we'll sort of cross-reference that the where the --
8 because that's a large document, we'll cross-reference
9 that to where the NRC response will be nearby or will be
10 cross-referenced so you can find it easily.

11 FACILITATOR CAMERON: If Jean wanted to
12 see the actual letters that were submitted during scoping,
13 those are part of the public record, and she can get to
14 those, right?

15 MR. FLANDERS: Certainly. One of the
16 things you can do is -- probably the most efficient way is
17 if you contact the public document room at the number I
18 listed, the 1-800 number, if you tell them what you're
19 looking for, they're pretty efficient, and they'll be able
20 to locate those numbers and they can tell you how to get
21 those electronically. They're pretty small documents, the
22 letters themselves, because they're probably one to two
23 pages. We might have had some that were a little larger,
24 but those would all show up on the record in a certain
25 time frame.

1 FACILITATOR CAMERON: And if Jean is
2 having trouble with this, she can contact you and see if
3 you can give her some assistance from --

4 MR. FLANDERS: Yeah, I can too. The most
5 efficient, though, is --

6 FACILITATOR CAMERON: Is to go --

7 MR. FLANDERS: -- public document.
8 They're the professional people that do that.

9 FACILITATOR CAMERON: Okay. All right,
10 did you have a follow-up?

11 MS. PUCKSTEIN: I wanted to ask Mr.
12 Blevins, if I send a copy -- it's only one page of this
13 scrambled language, would you be able to explain it to me?

14 MR. FLANDERS: I might. The only thing
15 that we put on ADAMS are portable document files, PDFs.
16 It's in an Acrobat reader file. It sounds like maybe a
17 different file format was opened on a different program,
18 maybe, in your computer, because I've seen some sort-of
19 scrambled documents too. It's important just to use the
20 right application.

21 MS. PUCKSTEIN: Okay.

22 FACILITATOR CAMERON: Well, you can give
23 it a try.

24 MR. FLANDERS: Yeah, you can give it a try
25 --

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1 FACILITATOR CAMERON: Send it to him.

2 MR. FLANDERS: I'll try to find out what
3 document it really is and then send you back the original
4 version of that.

5 FACILITATOR CAMERON: All right, Dr.
6 Manuta, you have a question?

7 DR. MANUTA: Well, it's actually to
8 clarify what Mrs. Lever (phonetic spelling) just asked a
9 few minutes ago. The gaseous diffusion process actually
10 did at one time make what you defined as bomb-grade
11 material, which is up to 97 percent. That process stopped
12 in 1964 and the building was subsequently shut down in the
13 early 1990s, around 1992. But, keep in mind that that's
14 the gaseous diffusion plant, so that's an entirely
15 different animal.

16 Now related in with the centrifuge is the
17 fact that the licensing process here has a lot more
18 knowledge base going into it because the NRC is involved,
19 so there's kind of a talk the talk and walk the talk
20 attitude -- walk the walk -- when the gaseous diffusion
21 plant came about in the 1950s, the NRC didn't exist.
22 Okay, very very important.

23 And so a lot -- and then getting back to
24 what Vina was mentioning, I've dealt with a lot of this
25 over the years. There are long periods of time where

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PMT-007-2

1 people were not given all the information about the work
2 that they were getting involved in. That era has come and
3 gone, fortunately, and that's really critical to
4 understand that as we move into the new era with the
5 centrifuge, when the document is prepared with the
6 assistance of USEC personnel to meet the criteria that NRC
7 has and then for the judges to then pass their judgment at
8 some point on the road, what you're going to find is that
9 the legal mechanisms are in place so that if things happen
10 which are unplanned and the object is that you've
11 accounted for 99 plus percent of what the average employee
12 is likely to encounter, there should be many fewer
13 problems with the centrifuge than there were with the
14 gaseous diffusion.

15 FACILITATOR CAMERON: Thanks, Dr. Manuta.
16 Other questions out here? Anybody before we -- okay.
17 Yes, ma'am?

18 MS. RAINEY: Carol Rainey. What happened
19 with the centrifuge plant back in the seventies and was
20 there environmental impact on what happened then? That's
21 one of my questions.

22 MR. FLANDERS: I can briefly answer. The
23 NRC wasn't involved in that original -- what was
24 originally called the GSEC facility, that was a DOE
25 project. My understanding is it was run for a very brief

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1 period of time and currently, my understanding is some of
2 the centrifuges did have radioactive material in them, but
3 some did not. They're currently dismantling or
4 refurbishing some of those centrifuges from the facility.

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5 MS. RAINEY: Why didn't it work?

6 MR. FLANDERS: That I don't know. Yawar,
7 do you have -- I think it might have been more of a budget
8 issue but I'll let Yawar --

9 FACILITATOR CAMERON: And after that, can
10 we -- let's move on and if there is more information, if
11 anybody has it -- let's provide it off-line. Yawar?

12 MR. FARAZ: Well, from what I understand
13 it was a political decision. The plant was operated
14 successfully for short period of time, but then there was
15 this AVLIS method that was on the horizon and the decision
16 was made that, you know, AVLIS would be pursued as opposed
17 to a gas centrifuge.

18 FACILITATOR CAMERON: Okay, and if --
19 whatever we can provide to her on that after the meeting,
20 I think we'd best do it.

21 MR. FLANDERS: Question from up here that
22 was new.

23 FACILITATOR CAMERON: Okay, and let's --
24 we'll take this question and then let's go to all of you
25 to hear from you with comment. Yes, ma'am?

1 MS. WAHLEY: Lois Wahley. I have two sort
2 of general questions which come from the background, which
3 is provided in the report.

4 First is about how much this fuel, which
5 is going to provide -- how much will that supply -- that
6 is to say, will it supply five power plants, 10, 100?
7 There seems to be only this one facility for this gaseous
8 diffusion. There must be other methods which are being
9 used, or something.

10 MR. FLANDERS: There are several methods
11 and I think I can talk more generally, and to get into
12 very detailed, we will have to go to Yawar or Brian, but
13 the whole fuel -- the -- think of the 100 nuclear power
14 reactors we have, the current demand is about 11 million
15 SWU, which is called a separate work unit. This proposed
16 facility would initially -- the initial license
17 application is for 3.5 million SWU, or separate work
18 units. There's also some capacity, or SWU capacity from
19 the Russian down blending of high enriched uranium and I'm
20 pretty sure you can find some of that information of USEC
21 internet web site.

22 And then, there's also this proposal --
23 well, and before we get to that, there's the Paducah
24 gaseous diffusion plant, which -- is that about 5 million
25 SWU right now?

1 MR. FARAZ: It varies.

2 MR. FLANDERS: Okay, so it varies, but I
3 think that's the number, I think, we used in the draft
4 EIS, and then there's the proposed facility in New Mexico,
5 which its licensed application was for 3 million SWU. So
6 you can see, total, they're getting close to the number
7 for the 11 million SWU needed for the fuel cycle. Right
8 now, a lot of the SWU comes from overseas and one of the
9 purpose it needs was the -- that Congress thought we
10 perhaps needed a more secure domestic supply of this
11 energy, this SWU capacity.

12 MS. WAHLEY: So, this would be about a
13 third. Is that --

14 MR. FLANDERS: Roughly, yes.

15 MS. WAHLEY: The other question has to do
16 with the -- what is it, megatons to megawatts, and the use
17 of Russian nuclear warheads as background or source
18 material for fuel source for the gaseous diffusion, is
19 that correct? And a, you know, how many warheads are
20 going to use up? I certainly hope -- and is there also,
21 what about the US warheads? I guess that this plant would
22 not be using dismantled US warheads, is that correct?

23 MR. FLANDERS: The American Centrifuge
24 Plant isn't involved in the megatons to megawatts. When I
25 said earlier --

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1 MS. WAHLEY: Okay.

2 MR. FLANDERS: -- the Russian, the high
3 enriched uranium, you are correct, the proper term is the
4 megatons to megawatts. That agreement, my understanding,
5 expires in 2013. So that's one of the reasons they feel
6 we need to bring additional capacity online, they being
7 the Department of Energy, for the more -- to get more of
8 the domestic sources. The -- but the Russian material of
9 the megatons to megawatts wouldn't, or isn't involved in
10 the American Centrifuge Plant. The American Centrifuge
11 Plant only uses natural-feed uranium, or natural assay
12 uranium. Does that help?

13 FACILITATOR CAMERON: Okay, and is there
14 any project that is involved in the mega to mega?

15 MR. FLANDERS: Yawar can answer that, I
16 think that --

17 FACILITATOR CAMERON: I say, it isn't
18 involved here, but for complete information, maybe we can
19 give you that. Yawar?

20 MR. FARAZ: The material that's coming
21 from Russia is essentially what the clients, the USEC's
22 clients are requesting, so it comes down, downblended to
23 whatever the customer needs.

24 So it's not a feed to the gaseous
25 diffusion process nor is it going to be a feed to the gas

1 centrifuge process. It essentially taking -- it's brought
2 in from Russia then provided to the plants directly.

3 FACILITATOR CAMERON: All right, thank you
4 very much. Thank you all. Okay, one quick question,
5 Geoffrey, before we go to comment?

6 MR. SEA: Yes, Geoffrey Sea. The draft
7 EIS says in the beginning that one of the main
8 justifications for the facility is that if ACP goes
9 into operation, Paducah will be shut down. What you just
10 said was that Paducah would be needed to stay in operation
11 to meet the total domestic demand for enriched uranium, so
12 which is it? If this facility is not going to result in
13 the shut down of the Paducah plant, then everything you
14 say in here about how the cleaner technology and more
15 efficient technology will be acquired by shutting down
16 Paducah is irrelevant.

17 MR. FLANDERS: Right, if I gave the
18 impression that USEC or the Paducah facility would have to
19 stay online, that's not necessarily the case, but again,
20 that's a USEC business decision. Even if they do license
21 this, they're not required to shut down Paducah, so it's
22 an issue of what the demand is for the SWU and how they
23 produce that, how to decide on the business model to
24 produce that SWU. What they have told us as they plan on
25 shutting it down because the centrifuge process is more

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1 efficient. Does that --

2 FACILITATOR CAMERON: Okay, thanks for
3 asking that clarification, Geoffrey, and thank you, Matt
4 and Scott, and we're going to go to the portion of the
5 meeting where we hear from all of you, and our first
6 commentor is MarJean Kennedy from the Governor's regional
7 office. MarJean?

8 MS. KENNEDY: Thank you. We are confident
9 in the NRC's evaluation that potentially there could only
10 be very minimal impact to the public and occupational
11 safety and health, especially given USEC's history of safe
12 operation. Since USEC has operated the gaseous diffusion
13 plant, it has -- excuse me -- it has a proven safety
14 record. The plant is consistently below the national
15 average in the number of OSHA-recordable illnesses and
16 injuries.

17 Just like the gaseous diffusion plant, the
18 centrifuge's commercial plant will also be a highly
19 regulated facility, requiring strong safety programs in
20 order to maintain strict compliance with all state and
21 federal regulations for the safety and health of the
22 employees, as well as the public.

23 As part of its review, the draft
24 environmental impact statement, the NRC evaluated both the
25 direct and indirect economic impacts from the plant, and

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1 as stated earlier by Mr. Blevins, they determined that
2 there be small to moderate impacts. Most are positive
3 impacts, such as jobs and tax revenues. This conclusion
4 seems reasonable, based on our understanding of USEC's
5 project.

6 Site preparation and construction is
7 estimated to cost 1.4 billion between 2006 and 2010. USEC
8 tells us they're going to spend approximately 1.7 billion
9 on the plant from 2002 until its completion. That's a lot
10 of money for the local economies here in Piketon,
11 Chillicothe, and all of southern Ohio. It means up to 500
12 jobs, both direct for the reservation and indirect for
13 contractors in the region.

14 In addition to the multiplier effect, that
15 money -- of that money on the local economy, these workers
16 will be supporting our local businesses and that's good
17 for everyone.

18 The cost estimates to construct and
19 operate the plant were based on a facility that would
20 generate 3.5 million SWU per year, as you just heard, but
21 the draft environmental impact statement and USEC's
22 environmental report anticipated growing the plant's
23 output to 7 million SWU per year and that means more
24 machines, more jobs, and more money into your local
25 economy. The draft EIS does not anticipate any additional

1 problems from increasing the plant's output to 7 million
2 SWU.

3 During the site preparation,
4 refurbishment, and construction, it is anticipated that
5 there will be 3,362 new full-time jobs created in the
6 local economy. There is also an anticipated increase of
7 \$2.3 million in annual state income tax revenues and an
8 increase of \$3.7 million in annual state tax receipts.
9 During American Centrifuge operation, 1,500 jobs are
10 anticipated to be created as a ripple effect into the
11 community. The state will potentially benefit from \$1.8
12 million to \$2.4 million in additional annual income in
13 sales tax receipts, respectively.

14 At the end of the life of the centrifuge
15 project -- centrifuge plant, excuse me, there will then be
16 decommissioning phase. When the plant is closed, that
17 time frame could be much longer as the experience from the
18 gaseous diffusion plant shows. The gaseous diffusion
19 plant began operation in 1956 and wasn't shut down until
20 2001 and it still has not been decommissioned, but when it
21 is, there will be jobs for that work as well. The NRC
22 estimates that \$435 million will be spent over six years
23 to decommission the American Centrifuge plant.

24 In closing, we appreciate the fact that
25 the NRC has been taking a very hard, but a very fair look

1 at this project for the State of Ohio. Thank you.

2 FACILITATOR CAMERON: Okay, thank you
3 Margie, and you're going to hear a lot of -- all of you
4 are going to hear things tonight from other people that
5 you may not agree with, you may really disagree with, and
6 I would just ask all of you to just extend the courtesy to
7 one another and respect for their opinions as we go along
8 tonight.

9 Second speaker, Judy Newman from
10 Congressman Ted Strickland. Judy Newman?

11 MS. NEWMAN: Thank you very much. I'm
12 very pleased to be here to represent Congressman
13 Strickland tonight, and I have a brief statement from him.

14 Congressman Strickland is very
15 enthusiastic about the deployment of advanced enrichment
16 technology in southern Ohio. He recognizes the importance
17 of this program to the local area and to it's economy.
18 Ted would also like me to express his appreciation for the
19 dedicated workforce and their commitment to protect the
20 health and safety of their colleagues and the community
21 surrounding this facility, and Ted strongly urges USEC to
22 employ these his local workers and capitalize on their
23 expertise. Thank you so much.

24 FACILITATOR CAMERON: Okay, thank you,
25 Judy, and thank the Congressman, too, for those remarks.

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1 Lorry Swain?

2 MS. SWAIN: I'd like to give my five
3 minutes to anyone else.

4 FACILITATOR CAMERON: Well, we don't -- if
5 you want to take the time to comment, please come up and
6 do it, but we usually don't give five minutes to anybody
7 else, so maybe you want to come up and just tell us what's
8 on your mind, all right? Thank you.

9 MS. SWAIN: Aside from the two concerns
10 that I raised earlier, one about USEC's safety record and
11 their violations at the gaseous diffusion plant, I also
12 have a concern many of us carry, and that's that we do not
13 buy into the idea that there is any safe place on earth in
14 which to permanently and safely store the radioactive
15 waste that would be generated by this plant. Thank you.

16 FACILITATOR CAMERON: Okay, thank you
17 Lorry, and for your questions and comments from before.
18 Deborah, do you want to come up and talk to us? I think
19 we heard some of your concerns before. You want to talk
20 from there? All right. This is Deborah Baker.

21 MS. BAKER: One of the comments that a
22 proponent of this plant made was that the USEC plant that
23 is there now has had an OSHA safety record better than the
24 national average, but I would like to point out also that
25 there was a whistleblower there who was fired, so there

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PMT-002-4

1 are things that are going on that aren't being talked
2 about.

3 Also, I did get the draft environmental
4 impact statement. I didn't read it all. It's very large,
5 and there was not a lot of time to look at it for those of
6 us don't get paid 40 hours a week to do this kind of work
7 -- to read, so I didn't read all of that so excuse that,
8 but there are things that concern me.

9 For example, centrifuge technology -- the
10 things that concern me are not the details like how many
11 -- whether it's one millirem or 17 millirem, you know, 5
12 feet away or 5 miles away, but the facts like Lorry was
13 talking about.

14 One is that the Centrifuge technology as
15 we all know is -- as you were telling me, it's easier to
16 make weapons-grade material from the centrifuge technology
17 than from the gaseous diffusion. I'm not promoting
18 gaseous diffusion, I'm just saying this is dangerous -- I
19 think this is dangerous. I mean, this is a dangerous way
20 to go.

21 The United States has not been honoring
22 the Nuclear Proliferation Treaty, it's not decommissioning
23 its weapons. In fact, there was a question about this and
24 that question was not answered. And, in addition, the
25 Bush administration wants to develop more nuclear weapons,

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1 and they also said that they would be willing to make a
2 first nuclear strike. I think this is very disturbing and
3 I think this has a lot to do with centrifuge technology,
4 and I don't think it's something that we should have.

5 I don't think any nuclear technology is
6 something we should use, but this particular one is very
7 dangerous for all the peoples of the world, not just
8 people here in Piketon. That's one of my worries about
9 this plant.

10 Another is that the fiscal responsibility.
11 Ohio, as well as this county here, have paid a lot of
12 money for this plant to locate here. Ohio has paid, like,
13 \$100 million, an awful lot of money, for 1,500 jobs?
14 That's not a very good return. I understand that the
15 local county also has given a complete tax abatement, that
16 USEC is not paying local taxes. And so, this is not
17 something that's good for the community, and according to
18 the tax base.

19 In other ways, the tax payer subsidizes
20 the nuclear industry. For example, the Price Anderson
21 Act, Vina was asking, what -- who do you sue? The nuclear
22 industry is not taking fiscal responsibility for accidents
23 that will happen. They have very limited responsibility
24 and I think even the newer acts, newer Patriot Acts have
25 made the responsibility even less. The taxpayers are

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1 responsible. We are the taxpayers and I, for one, don't
2 want to subsidize the nuclear industry. Accidents will
3 happen, accidents have happened, and I don't think we
4 should be paying for it.

5 Other concerns are having contractors and
6 subcontractors in smaller and smaller companies
7 responsible for this work. Who do you sue? They're going
8 to go out of business by the time you get your cancer.
9 Where is your health benefits going to be paid by? Who's
10 been to be paying your health benefits? Who's going to be
11 responsible for -- that's just going to disappear by the
12 way this is being done, you know, I mean, do we talk to
13 DOE, to talk to USEC, do we talk to -- I mean, it's too
14 confusing for response -- as far as responsibility is
15 going.

16 And of course, as was mentioned before,
17 also, there is no way too store radioactive waste until
18 the time that it's no longer a danger. There is no way.
19 It doesn't matter how thick this book is there is no way
20 to do that. It's not safe. Yucca Mountain has not been
21 approved. The people in Nevada do not want that waste
22 going there. We wouldn't want that waste going here. If
23 we can't send it out from here, it will probably say stay
24 here. We don't want it here, it's dangerous.

25 I don't think I can say more than that.

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1 FACILITATOR CAMERON: Okay, thank you
2 Deborah. Jean -- and, is it Puckstein? All right. Jean
3 Puckstein.

4 MS. PUCKSTEIN: Yes, I'm Jean Puckstein,
5 and I'm speaking as a member of the public today.

6 For the past 20-some years I have been
7 reading and critiquing environmental impact statements for
8 licenses that would continue to endanger the public by the
9 spread of radioactive materials. I offer my
10 congratulations to your staff -- I'll say something good
11 about it -- for writing the best looking DEIS I have ever
12 seen, also the longest, at of some 450 pages.

13 Mr. Blevins is already repeated some of
14 this, but I think it's so important, I'm going to go ahead
15 and repeat it from my written statement. Quoting from the
16 NRC's DEIS, This proposed action is the issuance of an NRC
17 license for USEC under the provisions of the Atomic Energy
18 Act. This license would authorize USEC to possess and use
19 special nuclear material, source material, and byproduct
20 material at the proposed American Centrifuge Plant in
21 accordance with the NRC regulations, and the scope of
22 activities to be -- this is a continuation of the quote
23 -- the scope of activities to be conducted under the
24 license would include the construction, operation and
25 decommissioning of the plant.

1 The glossary included at the end of your
2 DEIS defines special nuclear material, plutonium,
3 uranium-233, or uranium enriched in the isotopes, ores
4 containing .05% uranium or thorium, regulated under the
5 Atomic Energy Act. In general, this includes all
6 materials containing radioactive isotopes concentrations
7 greater than the natural and the byproduct trailings from
8 the formation of this concentrated material, and byproduct
9 materials is defined as the tailings or waste products
10 produced by the extraction or concentration of uranium or
11 thorium from any ore processed primarily its source
12 material content. See also source material, which I just
13 read.

14 These very broad definitions seem to
15 include any and all radioactive materials that USEC will
16 be authorized to possess and use if NRC grants this
17 license. Now, we've heard some discussion about the
18 weapons-grade materials, and the -- I think it would be
19 helpful in your final impact statement to include a list
20 of the nuclear material that will not be used at the site.

21 Okay, then, quoting again from the DEIS
22 under the heading, Staff preliminary recommendations
23 regarding the proposed action, After weighing the impacts
24 of the proposed action and comparing alternatives, the NRC
25 staff, in accordance with the law blank sets forth its

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1 recommendations regarding the proposed action. The NRC
2 staff recommends that unless safety issues mandate
3 otherwise, the proposed license to be issued to USEC in
4 this regard, the NRC staff has concluded that
5 environmental impacts are generally small, although they
6 could be as high as moderate in the areas of air-quality,
7 socioeconomics, and transportation.

8 Small is defined in the introduction as
9 the environmental effects are not detectable or are so
10 minor that they would neither destabilize nor noticeably
11 alter any important attribute of the resource. Moderate
12 is defined as the environmental effects are sufficiently
13 -- sufficient to noticeably alter, but not the stable ways
14 important attribute of the resource. And, large is defined
15 as the environmental effects are clearly noticeable and
16 are sufficient to destabilize important attributes of the
17 resource.

18 As Mr. Blevins has pointed out, that the
19 NRC staff did not find any environmental effects that were
20 considered large, very few, small the moderate, and almost
21 all of their analysis and conclusions in this 450 page
22 report would have small effects. Some of the examples of
23 effects judged to be small, and because of our time
24 constraint tonight, I'm only going to review one page, and
25 that's page XXII in the summary introduction, and I'm

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1 quoting, I'm giving three examples of how difficult it is
2 to understand in these broad categories the real impacts
3 when they're called small, medium, and large. Okay, the
4 quote is, Construction of the new large cylinder storage
5 yard, again, in addition to the other plant facilities
6 that they license, would enable USEC to build in existing
7 locations on the site, there's a proposed new cylinder
8 storage yard, would result in small -- but the
9 environmental impact statement goes on to state it would
10 result in small impacts of flora and fauna in or around
11 the tributaries of little Beaver Creek.

12 On the same page, the noise impact is
13 rated small for a catastrophic failure of a centrifuge
14 could cause a sudden but brief loud noise due to the high
15 rotational speed of the centrifuge. However, the
16 likelihood of a single centrifuge catastrophically failing
17 is very low.

18 No mention is made of several centrifuges
19 failing or the large screams of employees who are the
20 victims of such an accident on the same page under the
21 heading, Transportation, subheading, Small radiological
22 impacts from routine transportation and transportation
23 accidents, again, this is the same page. You know, I'm --
24 this is my last analysis, but it's to give you an idea of
25 some of the doubletalk language used in this environmental

1 | impact statement. The transportation of materials
 2 | containing radio nuclides would result in some increased
 3 | cancer risk to both the occupational workers transporting
 4 | and handling the material, and two, members of the public
 5 | driving along the road or living along the transportation
 6 | routes, continuing the quote, the probability of a severe
 7 | transportation accident that releases sufficient quantities
 8 | of uranium hexafluoride that could pose health breath
 9 | risks is low, but the consequences of such an accident,
 10 | should it occur, are high -- I suppose that's -- yeah --
 11 | based on this analysis, the impacts associated with such
 12 | an accident as part of the proposed action are considered
 13 | moderate.

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PMT-006-5

14 | No mention is made of accidents with
 15 | enriched, radioactive material leaving the plant to become
 16 | fuel for nuclear plants and other critical safety
 17 | concerns. I believe that these and many other safety
 18 | issues not adequately addressed in your DEIS mandate that
 19 | NRC deny issuing the license to USEC. I believe that
 20 | these and -- because of the time constraints again, this
 21 | evening, I will continue my remarks in writing and submit
 22 | them before your October 24 deadline and I'll give you
 23 | printed copy of my comments tonight.

24 | FACILITATOR CAMERON: Okay, thank you very
 25 | much, Jean, and obviously you did a careful reading of the

1 document. Thank you for that, too. All right, thank you,
2 and we'll attach these to the transcript. We can do that,
3 right, Kris?

4 COURT REPORTER: Yes.

5 FACILITATOR CAMERON: All right, thank
6 you. Mr. Beekman? Blaine Beekman?

7 MR. BEEKMAN: I, too, have spent quite a
8 time in that document, and I guess that my view differs a
9 little bit because sometimes it does take 450 pages to
10 tell his story if it's complete. I don't have a lot to
11 complain about it. In fact, I thought it was pretty
12 well-done piece at this point, but I'm still waiting to
13 see the final document.

14 Last year, we brought up 8,000 letters of
15 support, because it was important to understand that the
16 community where this plant, if it is licensed and built,
17 resides. It was impressive. It was certainly, I think,
18 representative of the basic feeling of most of the
19 residents, but that's basically all that those folks did.
20 We didn't have 8,000 people show up for the meeting and --
21 but still, I think it was clear and the picture got
22 across, both to USEC, and people who needed to see it
23 there was a lot of support for it.

24 This summer, we've had something entirely
25 different. We've had a group of things put forward that

1 appeared to be very difficult to understand, almost
2 unfathomable. Now basically, most of the folks that live
3 in this community are not nuclear scientists, we're not
4 architects, we're not archaeologists. A lot of things we
5 aren't, and so when people say, or you see lists of things
6 which are absolutely -- something that we've never
7 experienced, it was really somewhat confusing except, the
8 strange thing that developed, because when we began to ask
9 around in this community about certain issues we found out
10 people had attitudes about them, then found out that those
11 attitudes went back to experiences and facts that they had
12 had, and when you begin to put the community together and
13 let them speak out about what they knew about things that
14 had happened in this community over the past 50 years, we
15 found out that they had really a lot of information to
16 give. It's just that no one had asked them and what it
17 really -- and there are people in the community, I know
18 --or, in this room tonight, I see -- looking back and see
19 Bob Childers, I see Teddy West, I see Steve Eckhard, guys
20 who are able to bring information into events and
21 situations that were trying to be explained that nobody
22 else seemed to have an explanation for.

23 What I really think that that shows, on
24 top of the fact that they had stuff to give, was the
25 amount of effort that went into it by certainly -- in one

1 incidence, a couple of dozen individuals who -- some still
2 live in the community, some have moved away, but we wanted
3 to be able to locate them and people went out of their way
4 to give us addresses, phone numbers and whatever so that
5 we could try to answer these questions which, when you put
6 everyone who have information about them, they weren't
7 really all that tough to understand, and they certainly
8 weren't quite as exciting as the theories put forward
9 behind them, but I think the important thing here is that
10 these people in the community, some of whom signed the
11 8,000 letters last year, they were willing to put out the
12 time and effort to try to show what some of the facts were
13 because again, it's a different level of support in this
14 community, and it's what we've learned to live with, with
15 the gaseous diffusion plan for 50 years. Now, we look at
16 a technology that by any standard that we can see, appears
17 to be safer and whatever, but again, we brought 8,000
18 letters last year. This time it was a smaller number of
19 people, but a much more intense effort, but the result of
20 each of them is the same. It's a support for this project
21 and an attempt to make sure that the NRC regulators who
22 are studying it get as correct the information as
23 possible. Thank you.

24 FACILITATOR CAMERON: Okay, thank you, Mr.
25 Beekman. Then I'm assuming that some of that information,

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1 or all of it is -- has been presented to the NRC or will
2 be presented?

3 MR. BEEKMAN: Yeah.

4 FACILITATOR CAMERON: Okay, thank you.
5 Next we have, I guess I would call it a collegial effort.
6 We have four women from the same organization, which is
7 PRESS, which they will tell us what PRESS stands for, but
8 we're going to hear four speakers, and we're going to
9 start with Pat Marida, and then we'll go to Kathy Arnold,
10 then Nancy Walker, and then Vina Colley, right, Pat? And,
11 you're going to lead off for us? Okay.

12 MS. MARIDA: Hi, my name is Pat Marida. I
13 do have some -- a written copy of my statement for the
14 NRC. I am, tonight, reading comments from a PRESS -- the
15 Portsmouth/Piketon Residents for Environmental Safety and
16 Security.

17 According to this Draft Environmental
18 Impact Statement, the ACP would cost about \$3 billion to
19 construct with centrifuges. The Enterprise Zone program
20 of the State of Ohio would expect about 15,000 new jobs to
21 be created for that scale of capital investment. In other
22 words, put an average non-nuclear industry on this site
23 and you would get 15,000 jobs. On page 3-50 of the DEIS,
24 we find that USEC currently employs 1,223 workers at the
25 site. On page 4-34 of the DEIS, we learn that in the

PMT-014-1

1 operation phase, the ACP is expected to create 600 direct,
2 full-time jobs. This is clarified on page 494 of USEC's
3 ACP application, where it states that the operation of the
4 ACP is projected to employ 600 personnel. In other words,
5 the ACP would result in a net loss of 623 jobs. We
6 estimate that the indirect jobs lost based on 900 indirect
7 ACP jobs created would be about 935, for a total net loss
8 of 1,358 jobs caused by the ACP. That's not counting the
9 750 jobs that would be lost at Paducah.

10 However, if we assume that those 6,000 --
11 excuse me, 600 created jobs result from the \$3 billion
12 investment, the ACP underperforms in job creation by a
13 factor of 25 by Enterprise Zone standards. So, if \$25 --
14 25 times less money, less jobs for the money. Differently
15 put, the Enterprise Zone would create the same number of
16 new jobs for an investment of just \$120 million in
17 capitol.

18 In the building phase, the assessment of
19 impacts to tax revenue is treated differently from the
20 impacts to population characteristics. For tax impacts,
21 the DEIS states that building will create 3,362 jobs, but
22 for population impacts, the DEIS states that 2,998 of
23 those jobs are on a continuum of existing jobs generated
24 or supported by current USEC activities, thus, the DEIS
25 tells us, 374 new jobs would be created during

1 construction.

2 To summarize the job situation, the DEIS
3 contains enough information for us to predict that the ACP
4 would create 374 new jobs over the short-term building
5 period, followed by a net loss of 1,358 jobs in the
6 operations period.

7 On safety, if we add up all the deaths and
8 injuries presented in the DEIS due to routine
9 transportation and due to transport accidents and
10 non-occupational accidents, we get a total of six -- of
11 just six deaths and 1,117 injuries; however, the DEIS
12 neglects to express the injury rates in several
13 significant categories related to routine and accidental
14 radiological exposures in both the occupational and
15 transport categories of both the operations stage and in
16 the decommissioning stage.

17 Further, the DEIS treatment of
18 occupational injury rates depends on statistics from the
19 Bureau of Labor Statistics, the BLS, but overlooks an
20 important statement in the BLS study which says some
21 conditions, for example, long-term latent illnesses caused
22 by exposure to carcinogens, are often difficult to
23 regulate -- excuse me, difficult to relate to the
24 workplace and are not adequately recognized and reported.
25 These long-term latent illnesses are believed to be

PMT-014-2

1 understated in the surveys illness measures. That is end
2 of quote from the Bureau of Labor Statistics.

3 On page 462, the DEIS describes that
4 workers may be exposed to puff releases of uranium
5 hexafluoride gas which is exactly the type of puff -- of
6 exposure that would result in a long-term latent illness.

7 To be fair, the DEIS does show in table
8 3-29 that mortality rates in Pike County, due to renal
9 failure, are between two and four times that of the rates
10 in Ross County and Scioto County; however, although renal
11 failure is associated with uranium poisoning, the DEIS
12 suggests that this death rate may instead be associated
13 with diabetes and hypertension. The NRC staff has made no
14 attempt to determine whether uranium poisoning has, in
15 fact, caused those deaths.

16 Blindly following USEC's analysis, the
17 DEIS compares potential ACP occupational injury rates to
18 those from the broad and now obsolete Standard Industrial
19 Classification, which is called Industrial and organic
20 chemicals, not elsewhere classified.

21 Not only is this inappropriate, but the
22 ACP occupational injury rates are projected using Piketon
23 operations in 2002 and 2003. Uranium enrichment
24 operations at the DOE reservation in Piketon, Ohio, ceased
25 in May, 2001. In fact, as measured by the NRC's

1 enforcement action notices, USEC has, by far, the worst
2 safety record of all NRC materials licensees. Of 516
3 materials licensees that have been issued with NRC
4 enforcement notices, USEC has the most, with 16, followed
5 by Mallinckrodt Incorporated, with nine, and Westinghouse
6 Electric, with six. Most violations have just one or two
7 -- most violators have just one or two notices.

8 On security, this type of plant has a poor
9 history. The Uranco Centrifuge Plant is responsible for
10 allowing the Con Network access to the centrifuge
11 technology behind the enrichment programs of Pakistan,
12 Iran, Iraq, and Libya. So, that is how they got access.
13 Some of USEC's violation notices have involved lax control
14 over classified computers.

15 So, that's the end of my statement. I
16 would like to point out that over on the table, I have put
17 out some information from the Nuclear Information and
18 Resource Services. It's called "The Myth of the
19 Millirem," and in ten sentence -- a ten-word description
20 of what that says, it says that the rem is not based on
21 any standard unit that can be verified. So, thank you
22 very much.

23 FACILITATOR CAMERON: You're welcome, and
24 the table you are referring to is --

25 MS. MARIDA: Is -- it's right over here.

PMT-014-3

1 FACILITATOR CAMERON: Right over there
2 somewhere.

3 MS. MARIDA: Right over -- right.

4 FACILITATOR CAMERON: Okay.

5 MS. MARIDA: The round table on my left.

6 FACILITATOR CAMERON: The round table,
7 okay.

8 MS. MARIDA: The Myth of the Millirem, and
9 so I think there are -- we -- our statement is long so
10 we've got enough people to finish it.

11 FACILITATOR CAMERON: Okay, thank you,
12 Pat. And, Kathy Arnold?

13 PARTICIPANT: (Inaudible comment from an
14 unmarked location)

15 FACILITATOR CAMERON: Yeah, I think this
16 is all one statement that we'll attach.

17 MS. ARNOLD: Although we have yet to
18 complete our analysis of the 470-page Draft Environmental
19 Impact Statement itself, we have already identified
20 contradictions, bad advice, poor treatment of
21 alternatives, incompetent data entry, and incompetent
22 modeling --

PMT-015-1

23 FACILITATOR CAMERON: You're going to have
24 to --

25 MS. ARNOLD: Come closer?

1 FACILITATOR CAMERON: Yeah, because I
2 think they're -- that's --

PMT-015-1

3 MS. ARNOLD: Okay. Where am I? We've
4 already identified contradictions, bad advice, poor
5 treatment of alternatives, incompetent data entry, and
6 incompetent modeling based on unverifiable methods.
7 Moreover, the DEIS has overlooked some obvious problems,
8 and it overlooks the possibility that USEC may have misled
9 the State about the costs of the ACP, or that the ACP may
10 be too expensive for investors to back it.

11 Further, DEIS contains little in the way
12 of independent investigation and it does little to open
13 the details of the project to public scrutiny from under
14 two layers of secrecy: classified information and
15 proprietary information.

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16 In addition to this, we feel that the NRC
17 staff has neglected it's obligations under 40 CFR 15.03 to
18 respond, in satisfactory manner, to the scoping comments
19 submitted by opponents of the ACP for the Draft
20 Environmental Impact Statement. Most of these flaws seem
21 to result from the NRC's staff repeating rather
22 uncritically the assertions in the analysis of the USEC
23 ACP application documents.

PMT-015-5

24 We should remember that the ACP
25 application is such a highly -- such a high-qualified

1 application that although it models the highest possible
2 flood using the low rate five times that of the historical
3 flood of 1937, it finds that the highest possible flood
4 actually reached a lower height than the 1937 flood.

5 The DEIS contradicts itself. For example,
6 the annual number of feed cylinders is different on page
7 2-22 than it is on page 4-47. The DEIS also offers bad
8 advice. For example, on page 2-18, it recommended that
9 the GCEP documents from the 1980s be destroyed. This
10 would make it more difficult to determine what
11 contaminants have historically polluted the groundwater at
12 the site, thereby, impeding cleanup.

13 The DEIS treats alternatives very poorly.
14 For example, there is very little discussion of the
15 potential benefits of simply cleaning the site up once and
16 for all and using Enterprise Zone incentives to
17 reindustrialize the site.

18 Another alternative for the industry would
19 be a scheme in which laser isotope separation units were
20 located at all the major power stations. Laser isotope
21 separation costs less in capitol startup and electricity
22 for operations, and is capable of processing smaller
23 amounts of fuel. Moreover, by processing fuel at the
24 reactor site, the risk to the public due to transportation
25 of low-enriched uranium would be effectively eliminated.

PMT-015-2

PMT-015-6

1 In cost and benefit, it's a superior scheme.

2 The DEIS makes trivial false statements.
3 For example, on page nine -- page 369, the DEIS states
4 that the calendar year 2003 Bureau of Labor Statistics
5 average incidence rate of nonfatal occupational industries
6 -- injuries and illnesses are not currently published. In
7 fact, they were published in December, 19 -- 2004, and
8 reissued in June, 2005. So, this statement is false.
9 Clearly, there is -- clearly, this error arose because the
10 US -- because USEC application texts were cut and pasted
11 into DEIS.

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12 The DEIS purports to assess unknowable
13 risk. For example, a footnote on page 4-53 states that no
14 2.5 ton cylinder is currently certified to ship uranium
15 enrichment to higher than 5 weight percent of uranium-235.
16 Yes, the DEIS goes on to assess the risks associated with
17 the transport of 10 percent enriched uranium in a cylinder
18 that doesn't exist.

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19 Incidentally, the USEC has yet to explain
20 why it requires the license of 10 percent enrichment.
21 It's competitor in New Mexico has only asked for a five
22 percent license and the power industry doesn't require
23 fuel enriched above five percent.

24 FACILITATOR CAMERON: Oops, thank you,
25 Kathy. And, Nancy Walker?

1 MS. WALKER: To continue from the PRESS,
2 the Piketon/Portsmouth Residents for Environmental Safety
3 and Security statement, the DEIS has incompetent data
4 entry with another point that was raised. For example,
5 table 4-15, estimated latent cancer fatalities from the
6 transportation of radioactive materials for one year of
7 operation is seriously messed up. None of the totals is
8 the sum of it's column or row. Moreover, by comparison to
9 table D-12 we can see that the risk to the public, whether
10 following a cylinder on the road, living by a road where
11 cylinders are transported, or pulling into a rest stop
12 where a cylinder truck is, the risks have obviously been
13 grossly understated by a factor of 10,000.

14 The DEIS shows incompetent modeling. For
15 example, in tables D-12 and D-14, the trip from Piketon to
16 Clive, Utah, indicates that the trip includes rest stops
17 and inspection stops. The modeling is based on the
18 WebTRAGIS system, but the WebTRAGIS manual only mentions
19 rest stops and inspection stops in association with road
20 transport, not the rail transport, as indicated. So, the
21 Piketon-Clive trip is clearly modeled for road transport,
22 yet on page D-5, it is clearly stated that this is a trip
23 -- is a rail trip.

24 Furthermore, we tried to register with the
25 ORNL WebTRAGIS system on September 23, but we have

1 received no reply. We suppose that the system admits only
2 classified access and that the system is, in any case, not
3 available for public scrutiny. The risk analysis is
4 therefore unfavor -- unverifiable by the public.

5 The DEIS overlooks obvious problems. For
6 examples, on page 4-76, the DEIS informs us that the DOE
7 conversion utility is designated to operate until 2024 and
8 to handle a capacity of 243,000 metric tons of depleted
9 uranium hexafluoride, but that the ACP is designed to
10 operate until 2040 and to generate 571,000 metric tons,
11 thus the DOE conversion facility is designed to be
12 decommissioned 16 years too early and to have a capacity
13 that is less than 1/3 of the ACP waste.

14 The DEIS overlooks a possibility that the
15 USC may -- that USEC may have misled the State of Ohio in
16 order to win various incentives. For example, on page 7-1
17 of USEC's ACP Environmental Report, we find that on August
18 15, quote, 203, USEC issued requests for proposals to the
19 Commonwealth of Kentucky and State of Ohio to cite the ACP
20 at the respective gaseous diffusion plant. Both States
21 were offered an opportunity to provide financial or other
22 incentives to reduce the cost of the ACP. By all
23 accounts, the cost of the ACP as understood by the State
24 of Ohio was 1.5 billion; however, page 7-2 of the DEIS
25 gives the cost of building the ACP and manufacturing

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1 centrifuges at 2.872 billion.

2 The DEIS doesn't consider that the cost of
3 the ACP is unlikely to be met by private investors. For
4 example, in addition to the costs mentioned above, this
5 position would cost 2.758 billion based on 571,000 metric
6 tons of tails, 7 MSW plant, and -- at \$4.83 per kilogram
7 disposition cost, this compares with a license
8 application's estimate of \$0.72 billion for tails
9 disposition, license application, page 10-16.

10 Further, decommissioning would cost \$0.435
11 billion, according to DEIS page 7-2. Know also that USEC
12 has estimated the decommissioning and decontamination at
13 \$0.130 billion, license application 10-14.

14 So, USEC appears to have uniformly
15 underestimated costs by a factor of between three and
16 four, so the total cost, without the withheld information
17 about running cost, is about \$6.65 billion. By
18 comparison, when USEC went public, it raised just \$1.5
19 billion in it's initial public offering. This was \$1.0
20 billion short of the \$2.5 billion required for it's AVLIS
21 program. The AVLIS program was cancelled.

22 FACILITATOR CAMERON: Are we ready for
23 Vina? All right, thank you very much, Nancy. This is
24 Vina Colley.

25 MS. COLLEY: Hi, I'm Vina Colley. I'm

1 President of PRESS, Portsmouth/Piketon Residents for
2 Environmental Safety and Security. I am co-chair of the
3 National Nuclear Workers for Justice.

4 In the DEIS, presents little evidence that
5 it contains the results of an independent investigation.
6 For example, PRESS has released the results of analysis of
7 radioactivity in Big Run Creek, which casts significant
8 doubt that DOE, USEC, and other EPA data from offsite
9 sample locations, may be flawed.

10 The DEIS used data from these sources, a
11 comprehensive independent survey is warranted. PRESS has
12 had two different independent experts who came in here.
13 The first expert that came in, he read DOE documents. He
14 didn't have to do any testing, he didn't have to do
15 anything, he just read DOE documents which proved that
16 there is offsite contamination in the creeks going to
17 Little Beaver, Big Run, Big Beaver, into the Scioto river,
18 into the Ohio river.

19 We want an independent investigation. We
20 don't want to believe the word of USEC, DOE, or -- who was
21 the other one, I can't -- I forgot my glasses, guys -- the
22 USEC and the contractors of this facility, the NRC needs
23 to do an independent investigation and I'm still not sure
24 who is over the special nuclear material at this site.
25 I'm still not sure who's really regulating the

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1 trans-uranics that's going into the creeks. I don't
2 remember seeing it in your book who's going to regulate
3 it.

4 The DEIS was overlooked some obvious
5 problems and it overlooks the possibility that USEC maybe
6 misled the State about -- I'm sorry, everyone, I forgot my
7 glasses and I can't hardly see this paper -- about the
8 cost of the ACP or that the ACP may be expensive for
9 investors to back it. Further, the DEIS contains little
10 in the way of independent investigation and it does little
11 to open the details of the project to the public scrutiny
12 from under two layers of secrecy, classified information,
13 and prosperity information.

14 The difficulty seems to result mainly from
15 the NRC following the assertion and the analysis of the
16 USEC ACP application to closely and uncritically -- I
17 heard a few statements here tonight and I'm -- as a former
18 worker, a whistleblower who's been blacklisted, who's lost
19 all her benefits and everything from this facility, I sit
20 here and I listen to you tell these people that this is a
21 safe plant and it is going to continue to be safe. The
22 whole time I worked here, there was 570-some violations
23 year after year after year that never was taken care of.
24 The centrifuge plant, when it started in '85, I remember
25 that there was alpha daughters in the lunchroom where the

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1 workers were at and to this day, I bet none of these
2 workers have ever been told.

3 This facility produced highly enriched
4 uranium for weapons-grade material from 1954 to 1992,
5 which you thought was '64.

6 I'm still wanting to know who's going to
7 take the liability for all these sick and dying workers
8 that aren't being taken care of now, and now, you want to
9 add additional stress to the community and to the workers?
10 We are becoming a national nuclear sacrifice zone. We are
11 going to be taking everyone's nuclear waste if you guys
12 let this happen. If you start this it means that they'll
13 never know what, exactly, is going on here, in Piketon,
14 and I'm really concerned about the radium-226 that's
15 offsite. Not only did my experts back it up but your
16 experts that you're listening to right now, backed it up
17 with a letter to me. So, someone's conning us in all of
18 the analysis that they're taking at this plant.

19 FACILITATOR CAMERON: Okay, thank you,
20 Vina, and thank all the participants for -- from PRESS,
21 and if you do have a statement that we can attach to the
22 record, we'll do that, and just one clarification is that
23 the Draft Environmental Impact Statement is a draft, not
24 final yet, including the conclusion, until we evaluate
25 comments, and then there is the other part, the safety

1 review, in which there's been no finding yet. So, it's
2 still in -- is a work in progress, here.

3 We're going to go to Mr. Geoffrey Sea, and
4 then we're going to go to Dr. David Manuta. Geoffrey?

5 MR. SEA: My name is Geoffrey Sea. I'm
6 the owner of the Barnes home, which is one of the three
7 historic properties that the DEIS mentions but doesn't
8 really say much about, and I'll start by saying that it's
9 a little irritating, the way they describe the Barnes home
10 as qualifying under criteria A and C. They don't say what
11 -- where those criteria came from, or they don't say what
12 they are. I find that to be a rather inscrutable and
13 mystifying way to describe a historic property and get
14 into a discussion of the impacts on it. So, let me tell
15 you a little bit about the Barnes home.

16 Barnes home was originally built in 1804.
17 It is generally considered to be the finest home of the
18 19th century in Pike County. The Barnes family was
19 extremely influential over four generations in the
20 politics -- political developments and general history of
21 the county. I won't go into that, a lot of that will be
22 made available in my written comments.

23 The house is on the border of the ACP site
24 in the direction of the maximal windborne contamination
25 from the site, which has a one-mile fence line with the

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PMT-010-3

1 site. The DEIS could -- just dismisses and concludes,
2 offhandedly, without any analysis, that there are not
3 aesthetic or visual impacts on my property in particular.
4 I can't -- I know you can't all see this, this is a
5 picture of the ACP buildings from my fence line, okay?
6 You're all welcome to come up and take a look at this
7 photo afterwards. It will be made available and attached
8 at the website at which these comments are available, so
9 you'll all be able to see it there.

10 Now, no one from NRC came to my property
11 and looked at what the view of ACP is from my property,
12 yet they conclude that there's no visual or aesthetic
13 impact, or that it's minimal. The new buildings that NRC
14 wants to approve -- the staff wants to approve as being
15 built will be between these existing buildings and this
16 fence line here, okay?

17 Now, what are criteria A and C? Criteria
18 A is architectural significance, and we've had
19 architectural historians come and analyze my house and
20 conclude that architecturally, it's one of the finest
21 examples of architecture from that period in the country.
22 Those statements will be made available to NRC. They
23 would have been made available already, but I was not made
24 a consulting party to the review of cultural resources,
25 even though I, starting in December, 2004, told NRC

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1 directly about my interests and was, in fact, admitted as
2 an intervener -- as having standing to intervene in the
3 issuing of a license, but they still didn't consult me as
4 a consulting party in the historical review. That has now
5 been corrected to very loud complaints from yours truly.
6 But, because of that, they were -- did not have access.
7 They didn't -- never asked to come to my property. I'd be
8 happy to give them a tour any time they'd like. I'd like
9 to give them a lot of information, but that has all been
10 held up. That all needs to be corrected.

11 Now, there were only three properties
12 listed as having -- as being historic properties in the
13 DEIS. That's rather strange and mysterious. The -- I
14 have, in documents that I've submitted, legally, to the
15 Atomic Safety and Licensing Board that's hearing this
16 matter, have provided NRC with detailed information about
17 all the historic properties in the affected area, and
18 there is no mention of many of them, and let me mention
19 four others that receive no mention in the DEIS:

20 One is the Sargent home, which is just up
21 the road from the Barnes home, and is at the main plant
22 gate. I'm not sure -- I know the owners of that home were
23 here earlier. I'm not sure if they're still here, but
24 anyway, the Sargent family was the family that gave rise
25 to the name of the town of Sargents, which is where the

1 plant is located. They were very closely related to the
2 Barnes family. They intermarried. Three of the Barnes
3 boys married three of the Sargent girls, so they
4 effectively became one big family and the Barnes and
5 Sargent estates, which included some 4,500 acres,
6 originally, provided, essentially, all the land, or 90
7 percent of the land on which the atomic reservation is
8 located, the AEC came and took a few thousand acres from
9 the Sargent estate and very close to that from the Barnes
10 estate. The actual place where the ACP buildings, where
11 the main process buildings will be located, is on the
12 border between the Barnes -- old Barnes and old Sargent
13 estates.

14 The third -- second house is -- third
15 house is the Rittenour home, which is down by the Scioto
16 river, and the Rittenour family was also related to the
17 Sargent and Barnes families, was one of the founding
18 families of the town of Sargents.

19 The important thing about -- one important
20 thing about the Rittenour home is that it -- on the
21 Rittenour estate were numerous Indian earthworks that were
22 written about in 1820 by a guy named Caleb Atwater. Some
23 of the earthworks that made the Ohio earthworks famous
24 were on that property. Now, one of those earthworks is a
25 long, linear earthwork that was, in fact, seized by DOE in

1 1983 by eminent domain and is one of the places where DOE
2 and then USEC has placed their water field from which they
3 will draw the water to supply ACP.

4 And that is, in fact, the reason why NRC
5 went into these detailed analysis and explanation of ACP's
6 use of water resources, but they didn't tell you the
7 reason. The reason is that there are earthworks that have
8 now been located on the water field site, called the GSEP
9 water field down along the Scioto river. Why is that
10 missing from your DEIS? You had detailed information
11 about it. On August 5, we -- I brought three cultural
12 resource experts, one archeologist, one expert in ancient
13 architecture, and one expert in Hopewell culture on to
14 that site after a lot of argument and a lot of fighting,
15 finally got access due to the good graces of the ASLB,
16 which intervened to basically compel USEC to allow us to
17 go on to the site, and we now have an expert statement
18 from those three experts certifying that there is an
19 earthwork there, right underneath the wells from which
20 they will draw water.

21 And, the problem with the analysis you
22 heard earlier is that NRC, so far, follows only the USEC
23 model of talking only about the overall water usage of the
24 plant in an attempt to minimize it, saying that, "well, it
25 will only be a 10 percent increase in the water usage of

1 the site," but that's irrelevant. What we want to know is
2 not what is the overall water usage, because there are
3 many well fields and the plant draws water from many
4 locations. What we want to know is what's the impact of
5 water usage at the earthworks site where the earthworks
6 are located, because that's the impact, and that's on DOE
7 land, on Federal land, which is supposed to be protected,
8 and the national historic preservation act mandates that
9 studies be done when such a cultural resource is found on
10 Federal land.

11 So, part of the 106 review that the DEIS
12 completely neglects and overlooks is that you are required
13 to mandate studies be done of what the hydrological
14 impacts are on those cultural resources that have been
15 identified on that federal land that, again, was seized
16 from the Rittenour estate.

17 Now, the owner of the Rittenour home
18 supplied me a letter, which I provided to NRC, which was
19 actually addressed to NRC. There's no mention of that
20 letter in the DEIS, in which he complains about the whole
21 process by which DOE seized his -- the land for this water
22 field in 1983, complains that DOE never complied with the
23 National Historic Preservation Act when they seized the
24 land, never made him a consulting party, and he asked to
25 be made a consulting party now for the licensing process

PMT-010-5

1 of ACP. As far as I know, there's been no reply to him.
2 There's no mention of him or his letter in the DEIS.

3 You sent out all these consulting letters,
4 supposedly, to fulfill your requirements under section 106
5 of the act, but you never consulted the people who asked
6 to be consulted, which included me and Charles Beagle, the
7 owner of the Rittenour home. It's rather unbelievable.

8 Now, your interpretation of section 106 is
9 rather incredible. It's basically that you consult with
10 the State Historic Preservation office to ask them who you
11 should consult. That's not the law, I'm sorry. The law
12 is, and this comes from my direct discussions with the
13 State office, is that the agency is responsible for
14 identifying the consulting parties, meaning that if a
15 consulting party comes to you and says, "We have
16 concerns," you must evaluate those concerns directly
17 because we don't always go first to the State Historic
18 Preservation office. They don't -- that's not their role.
19 They rely on the agency to provide them information about
20 the project, and they know almost nothing about this
21 project, because they've been told nothing about this
22 project.

23 And, that applies, as well, to the Native
24 American groups that you mentioned, and you'll be hearing
25 more from them in my written comments. There will be a

1 lot, and you'll be getting direct comments from Native
2 American groups as well. Don't have time to go into that
3 tonight.

4 FACILITATOR CAMERON: And, Geoffrey, could
5 you wrap up? And, I know you have some schematics of
6 things that you want us to attach, but if you could just
7 --

8 MR. SEA: Yeah, and let me just explain
9 those, and you're all welcome to --

10 FACILITATOR CAMERON: Okay, thank you.

11 MR. SEA: -- look at them after. There is
12 a map, which I've submitted to NRC. I'd like to see it
13 included in the final environmental impact study. It's a
14 map that I've created that shows all of the historic sites
15 in relation to the ACP, to give you an idea, because you
16 really do need a map to see what the impacts are, and what
17 really has to be in the final impact study, there's a
18 reference to it, but unless you see it visually, you don't
19 really get a sense.

20 This is what's called the Barnes Works on
21 the former Barnes estate. It is a major Hopewell site,
22 one of the largest Hopewell earthwork complexes in the
23 State of Ohio, or in existence, period. This is the
24 drawing from Squier and Davis' 1848 Monuments of the
25 Ancient -- Ancient Monuments of the Mississippi Valley.

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1 It's a very impressive drawing and gives you some idea of
2 just what we're talking about, not just mentioning that
3 there's something called the Barnes Works or the Scioto
4 Township Works, which these are also called.

5 And, I just want to mention one other
6 thing really quickly, and that is that this community has
7 been deceived on one particular issue, and that is the
8 issue of the deconversion plant on site. NRC and it's
9 DEIS has in fact gone way beyond being a regulatory body
10 and has actually solved USEC's waste problem for it. That
11 is, USEC didn't really say in their environmental report
12 what they intended to do with their depleted uranium
13 waste, and I'm sure that that prevent -- presented a real
14 dilemma for NRC because USEC didn't solve this major
15 problem, and so NRC stepped in, basically, and in their
16 DEIS, says that the waste will be treated, or will
17 probably be treated, or can be treated at the deconversion
18 facility that's now being built on site by DOE.

19 Now, this is hugely problematic, because
20 DOE, in their reports to this community at their
21 semiannual environmental assessment meetings has said
22 repeatedly that that plant can not be used to treat a USEC
23 waste, there is, in fact, a legal -- both legally and
24 technically -- legally, to use that facility would
25 completely violate the letter and spirit of the USEC

PMT-010-6

1 Privatization Act. The purpose of the Privatization Act
2 was to separate private facilities from legacy government
3 facilities. That facility was built to treat the legacy
4 waste that is of public responsibility and at public
5 expense, and is not available, legally, to treat USEC's
6 private waste. Without a new act of congress, and if you
7 want to call for an act of congress to change that
8 requirement of the law, you should be direct about it, but
9 this community was deceived, and technically, that
10 facility was -- is not capable and was not designed to
11 treat all of the USEC waste.

12 FACILITATOR CAMERON: Okay, thank you --

13 MR. SEA: Thank you.

14 FACILITATOR CAMERON: -- Geoffrey, very
15 much, and if you have those -- you don't have to give them
16 to me now, but we'll make sure we get them on the
17 transcript, those schematics, okay?

18 MR. SEA: Okay, give me a chance to show
19 people --

20 FACILITATOR CAMERON: Okay, yeah. Sort it
21 out. Dr. Manuta? Why don't you start and we'll see if we
22 can get that --

23 DR. MANUTA: Hi everyone, can you hear me?
24 I was pleasantly surprised, earlier this month, to get a
25 surprise UPS delivery containing the EIS, and anyway, in

1 my background as a professional consulting chemist and
2 engineer, I came across two technical errors that do need
3 to be marked off in the EIS itself.

4 Okay, the first one is page 6-3. And
5 again, I guess, this is the reason why you have your draft
6 is to make sure that things like this don't go out into
7 the final edition. On page 6-3, beginning, it's -- 6.1.1
8 Air Emissions Monitoring, in the second paragraph that
9 begins on line 14, Airborne release. In line 18, you then
10 have a shopping list of the chemicals. The chemical
11 formula for uranyl fluoride is not right. Okay, it's
12 listed as UF2 in the document. It should be UO2F2, okay?
13 That needs to be taken care of because that's an error
14 that ought to be corrected.

15 And then, see, on page -- on Appendix B on
16 page 1, is there anybody here from the Chillicothe paper
17 because this is something that I tease them about all the
18 time. We've got a spelling mistake in the letter to Mr.
19 Epstein. Uranium Hexafluoride, of course the U goes
20 before the O, not the other way around, okay, and that's
21 why I constantly catch them on that.

22 So, now, with the editorial stuff out of
23 the way, I wanted to make a couple of quick hitters here
24 so we can go home. Thank you. Because, on the nuclear
25 fuel cycle, the only thing that this hearing really should

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PMT-007-4

1 be about is step four, because we're, again, working with
2 USEC's information submitted to NRC to develop an
3 environmental impact for the gaseous centrifuge enrichment
4 plant. Now, the NRC has regulatory authority in many of
5 these other areas, but our concern is on number four, and
6 I think that's important up front, now, because the way
7 the enrichment process works, as you've heard bits and
8 pieces, the natural feed is at a level of about .72
9 percent uranium-235 with the balance being 99.3, or
10 thereabouts, percent uranium-238. So, the UF6 is really a
11 blend of two similar compounds, and what the enrichment
12 process is designed to do is to enrich in a cascade-type
13 process, in other words, one machine after the next, to
14 enrich the uranium-235 F6 to a level that the public
15 utility can use, okay? Bottom line, that's what this is
16 all about.

17 Okay, now when we make the comparison, the
18 depleted uranium that we talk about is primarily not only
19 the U-238 F6, it's now at a level -- not at 99.3 percent,
20 but probably around 99.6 or 99.7 percent. In other words,
21 a significant amount of the usable uranium for electricity
22 generation has already been removed and so now, just to
23 make the linkage to the conversion process, because the
24 UF6 is not a stable compound with regard to it's
25 chemistry. I've dealt with dropped cylinders at the plant

PMT-007-5

1 of UF6 where the chemical does come out. It can react
2 with the cylinders, it can react with the moisture in the
3 air, and so on. The important thing is, in general, when
4 a UF6 cylinder is -- may be dropped, or where there's a
5 crack in the cylinder, many of the compounds that are
6 formed, with the exception of HF, are not volatile. In
7 other words, they stay right there. So, the issue of
8 drifting off of the reservation some distance away, HF is
9 the only one that you have to be concerned about. The
10 uranyl fluoride is a nonvolatile solid. It's going to
11 drop out wherever it's formed. Notice, that's why you get
12 a mist. And then, at some point, that does come out,
13 literally, like snow. Okay, so we need to be clear about
14 what the science is.

15 And, so, as far as I'm concerned, with the
16 two minor issues I brought up, this is a superb document
17 for meeting the objectives of number four, and that's
18 really what I think we're here for tonight, because the
19 tails, or the U238 F6, is not reactive waste. That's not
20 the stuff that's going out, in some point in the future,
21 to Yucca Mountain. We're talking about converting that
22 uranium fluoride compound to a uranium oxide compound,
23 whether it be UO2, UO3, U3O8, fundamentally, what we want
24 to do is put it back in the ground, because that's,
25 ultimately, where it came from. There can't be any more

1 environmentally responsible way of handling it than that.
2 We talk about cradle-to-grave, make the full circle?
3 Yucca Mountain's not part of this discussion, and we need
4 to be very, very clear about that.

5 Also, a couple of quick hitters before we
6 go, next year, in the -- when they do the census, we will
7 hit 300 million people as a nation, so we will have added
8 in, since 2000, probably around 18 million people, okay?
9 The reason -- I do a lot of driving, and people talk about
10 the price of gas. Well, the fact is, what we're dealing
11 with tonight doesn't approach that. We're really more
12 concerned, not with the transportation issues tonight, but
13 with the power generation issues, because there's a
14 difficulty associated, whether you deal with hurricanes,
15 natural gas, whatever, I like when I come into the office
16 in the morning and I hit the light switch, and the lights
17 come on. And, wouldn't it be nice, based on some of the
18 environmental issues you read all about, that when uranium
19 is used, and again, downstream, again, in the power
20 generation part, that you don't have any of the greenhouse
21 issues, and by, perhaps, ramping up the amount of uranium
22 we use for power generation, we can free up some of the
23 carbon-bearing chemicals, the petroleum and such, for
24 transportation, keep those costs down, and I think that's
25 pretty important to understand.

PMT-007-6

1 And, I think that's probably a good point
2 to leave it, just to kind-of fill in what I consider some
3 of the pieces, here, about why we're here and about why
4 it's important. So, thanks for listening.

5 FACILITATOR CAMERON: Okay, thank you, Dr.
6 Manuta. Thank you. Next, we have two more speakers,
7 Professor Andrew Feight. Professor Feight, do you want to
8 talk to us?

9 DR. FEIGHT: My name is Dr. Andrew Feight,
10 and, let's see. I moved here, to Portsmouth, back in
11 2001. I took a job as an Assistant Professor of History,
12 teaching American History, at Shawnee State University,
13 and about the time that I arrived here, I read the news
14 that the enrichment plant was shutting down, and for many
15 people in the community, that was bad news, the loss of
16 jobs. But, for me, I look to the future and I was quite
17 relieved and happy about that because I was looking
18 forward to a nuclear-free future for southern Ohio, for
19 Scioto County, Pike County, for where I have chosen to
20 live and where I have chosen to put my roots down and
21 raise a family. So, I was looking forward to a
22 nuclear-free future for myself, for my family, and my
23 children.

24 And, I'm a little disturbed by this
25 environmental impact study, and I'm going to approach it,

PMT-017-1

1 really, from the perspective of a historian. I've read
2 the parts dealing with historic and cultural resource
3 impacts, and what I see missing here is really a
4 consideration of an alternative future, alternative uses
5 for the site, a vision of a nuclear-free, cleaned up,
6 decommissioned nuclear site that really dates from the
7 cold war, that is in our past.

8 And, the more I studied local history and
9 the more I learned about the place, I've come to
10 understand that the site of the gaseous diffusion plant,
11 the atomic reservation, truly is a national, and even
12 international, historic site.

13 Geoffrey Sea spoke of the Indian mounds
14 located on the property, but there's also a story that Mr.
15 Sea is pursuing that is only now being told, although I'm
16 sure people in the community have known this for a long
17 time, and that is that the last passenger pigeon known to
18 exist in nature was shot and killed on this site.

19 The extinction of the passenger pigeon is
20 an incredible historical tail and right here, in Pike
21 County, at the site of the Barnes house, and on that
22 property, is where that last bird was shot, and that makes
23 this location quite important in the history of the
24 environment of the United States, the history of Pike
25 County, the history of southern Ohio, the history of Ohio,

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1 the history, really, of our nation. A very important
2 event did happen there.

3 And so, a vision of a future without a
4 centrifuge enrichment plant would entail appreciating this
5 site and developing this site as a historical -- a very
6 important historical site, one where the history of the
7 cold war, the history of the environment and the
8 extinction of species could be meditated upon and studied.
9 So, not only do you have Native American sites there, you
10 have the history of the Barnes home, you have the history
11 of the last passenger pigeon, and the backdrop and the
12 background, which you can see from the property, the A
13 plant, which, if it was cleaned up and decommissioned and
14 new industries, non-nuclear industries brought in, would
15 be a much better future for my children, for our
16 grandchildren --

17 The Draft Environmental Impact Statement
18 says -- study says that there are no large impacts, and
19 there's certainly -- according to this report, is that
20 there are no large impacts on historic and cultural
21 resources. That is not true. This is a large impact,
22 people just don't appreciate the history. People don't
23 know the history, they don't know about this, and so they
24 don't see it for what it is, which is a huge, large
25 impact. It will continue to desecrate Native American

PMT-017-1

PMT-017-2

1 sacred spaces. It will thwart the development of the site
2 as a historic site for appreciation of the story and the
3 history of the passenger pigeon, and of the environment in
4 general, and the problem of species extinction. And, it
5 will continue the environmental degradation of the area,
6 and all of this runs up against this vision that I had
7 when I first came here in 2001 of a nuclear-free future,
8 of a southern Ohio that is cleaned up, where we put the
9 cold war behind us, and this site can be a cold war
10 historic site, but it cannot be that if we continue to
11 operate and enrich uranium there, and there are sites
12 around the United States that are becoming historic sites
13 from the cold war, and this would be an excellent cold war
14 site.

15 Two more points. One, about the
16 centrifuge technology. This technology is the very same
17 technology is very concerned about Iran possessing. In
18 fact, there is very high tension between the U.S.
19 government and Iran right now because the U.S. government
20 is concerned that they are building a centrifuge
21 enrichment plant. The Iranian government says they are
22 doing this just for domestic purposes, and that may be,
23 but there is concern, and our government has right concern
24 for this, is that that technology can be used to make
25 bomb-grade material, and that is why they're concerned,

PMT-017-3

1 yet, should not we be concerned about this, that while the
2 license is not for the enrichment of bomb-grade material,
3 but the technology that they're putting in can be used for
4 such purposes, and I don't want such a possible future for
5 southern Ohio. I don't want something to change down the
6 road and they change the facility to start making
7 bomb-grade materials, because then, the environmental
8 impact would be extremely different, and that is a
9 possibility. It would change the whole impact of the
10 plant if they did, ultimately, start enriching it for
11 bomb-grade material.

12 So, let me just close and say, let's make
13 sure that the nuclear industry is in our past, because I
14 really hope for a nuclear-free future for myself and for
15 my children. I heard that this plant could close down in
16 2040. In 2040, I will be 70 years, and my son will be 35,
17 my age right now. That's a long time, that's a very long
18 time, and I would rather us not go down that path, and I
19 will borrow something you said, which was, let's
20 containerize it and ship it offsite. Let's containerize
21 this whole thing and ship it offsite so that we can get on
22 with a nuclear-free, clean south Ohio. Thank you.

23 FACILITATOR CAMERON: Thank you, Dr.
24 Feight. And next, we have Alan Weiner. Alan?

25 MR. WEINER: Thank you, everyone, for

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PMT-005-3

1 coming and thank you, for taking our comments, but I saw
2 one -- what I think looks like a typo, where it mentions
3 in the -- I'm not sure where, it's near the beginning, but
4 I'll research and write it, too, that it seems that the
5 number of cancer deaths will probably be, according to the
6 document, higher for routine non-accident issues, like
7 .013 deaths per year, than accidental release, which they
8 don't say the amount, but that seems to be .008, or half
9 of the number of cancer deaths.

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10 I also am active in Cincinnati area with
11 recreational trails and river resources. The Mill Creek
12 is one of the greatest streams there, but we're working to
13 make that a destination by cleaning it up and putting
14 greenways along it, and I wonder, with this plant here,
15 would there be very many recreational opportunities, both
16 along the Ohio river, which, the Ohio river way is
17 hopefully going to be a recreation destination.
18 Hopefully, the Scioto river could be hooked up to that, so
19 I think there's a lot of potential here, as well, all
20 along the Ohio, and I'd hope that it could all be kept or
21 made clean. Thanks.

22 FACILITATOR CAMERON: Thank you very much,
23 Alan. I'm going ask Jim Clifford to -- we still -- we
24 have some time for some informal discussion between NRC
25 staff and our experts too, who are here helping us, and

1 all of you, I'm going to ask Jim Clifford to just close us
2 out of the meeting.

3 I just would like to thank all of you for
4 being here and for your comments, and it was obvious that
5 a lot of people took the time to read the document, and we
6 had a lot of relevant comments, and thank you for
7 following the ground rules, too. And, Jim, would you like
8 to do the honors?

9 MR. CLIFFORD: Thank you, Chip. Once
10 again, I'd like to thank everyone for coming. Clearly,
11 there were emotions that were high on both sides of the
12 issue from what I observed here, tonight, and what I try
13 to do is reflect on what I've seen and heard. There's
14 been an awful lot of information provided, and we'll take
15 a look at those comments, but as far as the atmosphere
16 here, being as emotional as it is and can be, I greatly
17 appreciate the amount of respect that everyone has shown
18 to everyone who provided comments and everybody who had
19 questions, you showed the ability to respect everyone as
20 an individual and have their own views.

21 To me, I have been working for this
22 country and defending this country for 35 years now. The
23 beauty of this country is that we have the ability to have
24 our own view and to express those.

25 The purpose of this meeting is to make

1 sure that everybody has the opportunity to express their
2 views, and to me, that's the most important part of this
3 meeting tonight, is that people felt free to express their
4 views and we had some very strong views, and we do
5 appreciate those. We'll take a look at every single one
6 of those and we will be addressing those.

7 So, again, thank you for coming, and you
8 will see the final Environmental Impact Statement issued
9 in April. Is that correct? Okay.

10 And, we will be here for another 10 or 15
11 minutes for anyone who wants to chat with us. Thank you.

12 (Whereupon, at 9:36 p.m., the proceedings
13 in the foregoing matter were adjourned.)

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CERTIFICATE

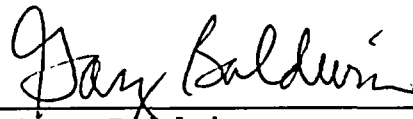
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: American Centrifuge Plant
Draft EIS Public Meeting

Docket Number: n/a

Location: Piketon, OH

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



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