

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Mixed-Oxide Fuel Scoping Meeting
Public Hearing

Docket Number: (not applicable)

Location: North Augusta, South Carolina

Date: Tuesday, April 17, 2001

Work Order No.: NRC-158

Pages 1-161

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + + MIXED OXIDE FUEL

SCOPING MEETING

+ + + + +

TUESDAY

APRIL 17, 2001

+ + + + +

NORTH AUGUSTA, SOUTH CAROLINA

+ + + + +

The Public Meeting convened at the North Augusta
Community Center, 495 Brookside Avenue, North Augusta,
South Carolina, at 7:00 p.m., Chip Cameron, NRC
Facilitator.

I-N-D-E-X

1		
2	<u>TOPIC</u>	<u>PAGE</u>
3	I. Opening Remarks	3
4	II. Presentations	
5	NRC Responsibilities -- Generally and as	11
6	They Relate to the Mixed Oxide Fuel	
7	Fabrication Facility, Tom Essig	
8	NRC EIS Process, Tim Harris	18
9	III. Question and Answer Period	29
10	IV. Public Comments	51
11	V. Closing	160
12		

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

(7:06 p.m.)

MR. CAMERON: Good evening everybody.

Welcome to the NRC's public meeting on the development of the Environmental Impact Statement on the construction authorization request to construct a mixed oxide fuel fabrication facility. My name is Chip Cameron. I'm the Special Counsel for Public Liaison at the Nuclear Regulatory Commission, and I'm pleased to serve as your facilitator for tonight's meeting.

And we would like to thank all of you for coming out to be with us to discuss these important issues. Before we get into the substance of tonight's discussions, I wanted to go over three things briefly with you. One are the objectives for tonight's meeting. Secondly, I'd like to talk about the format and ground rules for the meeting. And third, I'd like to just go over the agenda for the meetings so you have an idea of what's going to happen when.

In terms of objectives for the meeting tonight, first we want to provide all of you with information on the NRC's responsibilities for evaluating the construction authorization request. And specifically, for the NRC's responsibility for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 evaluating the environmental impacts that might result
2 from the mixed oxide facility.

3 A second objective, and the most important
4 one, is the NRC is here tonight to listen to your
5 views, your advice, information that you might provide
6 to the NRC in terms of potential environmental impacts
7 from this facility. And tonight's meeting is called
8 a scoping meeting, and that's a term that is used in
9 connection with the preparation of Environmental
10 Impact Statements.

11 The term that we're probably going to be
12 using tonight is EIS. We will keep the acronyms very
13 spare tonight. We won't be throwing a lot of acronyms
14 at you, but I think that one you will hear here is EIS.
15 The Environmental Impact Statement is to assist the
16 NRC in its decisionmaking on whether to grant or deny
17 the construction authorization request.

18 And scoping helps the NRC determine what
19 should be in the Environmental Impact Statement. What
20 information should be gathered and evaluated in the
21 statement? What types of impacts should be looked at?
22 What types of alternatives should be looked at? The
23 NRC's ultimate objective from tonight's meeting is to
24 use the information that you provide us tonight in
25 determining the scope of the Environmental Impact

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Statement.

2 A second thing I'd like to discuss with
3 you tonight are the format for the meeting and the
4 ground rules. And the format and the ground rules are
5 intended to meet the objectives of the meeting,
6 providing information to you and being able to listen
7 to your comments. We're going to have some brief
8 presentations by the NRC staff to provide you some
9 background and some context for this subject that
10 we're going to be discussing tonight.

11 And we'll answer any questions that you
12 might have after those two presentations. And they
13 will be relatively short. But we don't want to get
14 into discussion of comments at that time, but we do
15 want to make sure that you understand what the NRC's
16 responsibilities are.

17 The second part, and larger part of the
18 evening, is going to be the part where we hear from
19 all of you out there, those of you who want to make a
20 comment, provide information for recommendations to
21 the NRC. And we'll start that at approximately 8:00,
22 and based upon how many questions we get, we may start
23 earlier.

24 In terms of ground rules for the meeting
25 tonight, if you want to ask a question, please signal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 me and I will bring you this talking stick. And
2 please state your name and affiliation, if
3 appropriate, for the record. We are keeping a
4 transcript of the meeting tonight.

5 Our stenographer is over here, and I'm
6 going to ask you to just let's just have one person
7 speaking at a time. That will not only help us to get
8 a clear transcript, but will also allow us to give our
9 full attention to whoever has the floor at the time.

10 We have a lot of interest in this
11 particular action that's on the table, and many of you
12 have signed up to speak tonight. There is -- I have
13 a list of people who want to talk tonight. And if you
14 want to speak and you haven't signed up, that's fine.
15 You can -- you can speak tonight. The list, though,
16 is to give us an idea of how many people want to talk
17 so that we can gauge how much time we need.

18 As a flexible ground rule tonight, I'm
19 asking everybody to limit their comments, their
20 recommendations, when you do speak, to five minutes so
21 that we can ensure that we can hear from everybody
22 tonight. And also, we do have to be out of here, out
23 of this nice facility, at 10:30 tonight. So we're
24 going to try to end on time. We might go a little bit
25 over, but we'll start to wrap up at 10:15.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And I just would emphasize that the focus
2 tonight is on the environmental impacts, and it's on
3 the NRC's responsibilities in regard to this
4 construction authorization request. We realize that
5 there is a lot of interest in this facility and in the
6 responsibilities of, perhaps, the Department of Energy
7 or others. And the NRC is always willing to listen to
8 public views and provide information when we can.

9 But I just want to emphasize that our job
10 here tonight is to accomplish the objective of
11 providing you information about the NRC's
12 responsibilities and listening to your comments on
13 potential environmental impacts. So we're going to
14 try to keep to that.

15 We're going to start off in terms of the
16 agenda. We're going to start off with Tom Essig of
17 the NRC's staff who is right here, who is going to
18 give us an overview of NRC's responsibilities. And
19 then we're going to go to Tim Harris, who's going to
20 get into more of the details of the NRC's
21 responsibilities.

22 And I just want to tell you a little bit
23 about Tom and Tim before they get up here in terms of
24 their biographical data. Tom has been with the NRC
25 for 22 years in environmental and radiation protection

1 areas. He's currently the Chief of the Environmental
2 and Performance Assessment branch within the NRC
3 Office of Nuclear Material Safety and Safeguards.

4 Tom has a Master's degree in Environmental
5 Engineering, and is certified in Health Physics by the
6 American Board of Health Physics. And he'll be up in
7 just a moment. Tim Harris works for Tom in the
8 Environmental Performance Assessment branch. He is
9 Project Manager there. He's been with the NRC for
10 eight years in environmental and the commissioning
11 areas.

12 Prior to that, he was with an
13 environmental consulting firm. He has a Bachelor's in
14 Civil Engineering from the University of Maryland, and
15 is currently pursuing a Master's in Environmental
16 Engineering from Georgia Tech. And he'll be up in a
17 minute, too. We also have other technical staff from
18 the NRC here tonight.

19 We have some of our legal staff. We have
20 representatives from our regional office in Atlanta to
21 make sure that we can provide you with as much
22 information as we can tonight. And there's also
23 representatives here from state governments, South
24 Carolina and Georgia, and from other federal agencies,
25 and we have some state legislators with us tonight,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and some mayors of the surrounding cities here tonight
2 who are going to speak.

3 You'll be hearing from Tim probably that
4 you can submit your written comments on these scoping
5 issues. And I think May 21st is the deadline for
6 submitting those. But we're here in person to talk to
7 you tonight about those issues. Any comments that you
8 make tonight are going to be treated in the same
9 manner as written comments that are submitted so that
10 you don't have to submit written comments if you just
11 want to keep what's on the record, whatever you say
12 tonight.

13 But hopefully, in this type of forum, you
14 can hear what other people in the community have to
15 say about these issues. And some of the information
16 that you get from the NRC staff tonight, some of the
17 things that you hear your neighbors saying, may be
18 helpful in preparing any written comment that you
19 might have.

20 And I would just thank you again for being
21 here. My goal as a facilitator is to try to help all
22 of you have an effective meeting and specifically to
23 make sure that what is said by the NRC is clearly
24 understood. Secondly, to make sure that everybody has
25 an opportunity to talk tonight. I'll also try to keep

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 us organized and on topic.

2 And finally, I'm going to keep track of
3 what I call action items up here. These are -- we'll
4 be hearing lots of comments about environmental
5 impacts. And those are going to be captured on the
6 transcript. But there may be other things that come
7 up that the NRC commits to providing information on.
8 We may not have information on all the questions you
9 ask, so I'll take note of those so that we don't lose
10 track of them. And we'll put them up here on the --
11 on the flip chart.

12 Last, there is an evaluation form that the
13 NRC asks all people who come to public meetings to
14 fill one out to give us an idea of how we can improve,
15 what we did right, what we could have done a better
16 job on. And those forms are back on the desk. Betty
17 can steer you to those if you need one, and we would
18 appreciate it if you could fill it out.

19 Now, I'm going to go to Tom. I think it's
20 ready for you to give your presentation. And we'll
21 then have Tim do his presentation, and then we'll go
22 on to you for questions and answers and I'm going to
23 put this sign up sheet back on the table, if anybody
24 wants to add their name to it. Thank you. Tom?

25 MR. ESSIG: Thank you -- thank you, Chip.

1 As Chip said, I'm Tom Essig. I'm Chief of the
2 Environmental Performance Assessment branch within the
3 NRC's Office of Nuclear Material Safety and
4 Safeguards. My branch is responsible for the
5 Environmental Impact Statement production. And it's
6 part of our responsibility under the National
7 Environmental Policy Act.

8 In addition to what Chip has already
9 mentioned, I will be telling you a little bit about
10 who NRC is, what our role in the proposed project,
11 that is the Mixed Oxide Fuel Fabrication Facility
12 project, and we'd certainly like to thank those of you
13 who attended our open house. Hopefully, you found it
14 valuable. I saw a lot of networking going on, a lot
15 of good information being exchanged.

16 And if you would reflect that in your
17 feedback forms that Chip mentioned, we would
18 appreciate that as well. Because we haven't done the
19 open house portion of it with any degree of
20 regularity, and we're trying that a little bit more in
21 earnest this evening. And it seems to have worked
22 well, at least from my assessment of it.

23 As Chip mentioned, tonight we will be
24 conducting a scoping meeting. This is an important
25 first step in the production of an Environmental

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Impact Statement. It is a follow on -- tonight's
2 meeting is a follow on to informational meetings which
3 were held in July of last year. That was actually
4 preceded the -- tonight's scoping meeting.

5 Following this presentation, I think as
6 Chip has already clarified, we will listen to your
7 concerns, and we'd like your help in identifying
8 alternatives or environmental impacts that may be of
9 concern to you that you would like to -- like to voice
10 to us and have on the record so that we may consider
11 them when we prepare the Environmental Impact
12 Statement.

13 And we feel that many of you local
14 residents have some unique insights, which we would
15 certainly like to take advantage of because it just
16 collectively represents a greater depth of knowledge
17 of the environment. And we'd certainly like to factor
18 that in.

19 I'd like to say just a few words about the
20 NRC and what our mission is. We're an independent
21 federal agency. We report to the Congress. DOE, on
22 the other hand, who many of you know, and maybe some
23 of you are even associated with, is an executive
24 agency and reports to the President. So we're totally
25 separate.

1 Our mission is to protect the public
2 health and safety in the environment in the commercial
3 use of all forms of radioactive material. We do this
4 mission -- exercise this mission by issuing
5 regulations and guidance for implementing those
6 regulations.

7 We conduct licensing activities. We
8 perform inspections of license activities once the
9 license is issued. And when the license is not being
10 followed, we take enforcement action. That pretty
11 much rounds out our regulatory program.

12 Now, as part of our licensing activities,
13 we perform environmental reviews. And I believe Chip
14 mentioned earlier that Tim Harris and my staff will be
15 providing some additional detail on the nature of the
16 environmental review and the various activities that
17 it includes.

18 Next is a brief history of the Mixed Oxide
19 program. Following the Cold War cessation that we
20 were engaged with the Soviet Union, the issues
21 regarding the fate of the excess weapons plutonium
22 were raised. And the mixed oxide fuel project traces
23 its beginnings to the nuclear non-proliferation
24 agreement signed between Russia and the United States.

25 Congress conditioned that agreement that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the NRC would be required to review a proposed mixed
2 oxide fuel fabrication facility and determine whether
3 or not it could be licensed. And as part of that
4 licensing process, because that represents a major
5 federal action, the National Environmental Policy Act
6 requires that we prepare and issue an Environmental
7 Impact Statement.

8 And as I mentioned, this is the first step
9 of that process this evening. The Department of
10 Energy role, just to clarify, I mentioned what the
11 NRC's role is. As an Executive Branch agency, the
12 Department of Energy is responsible for implementing
13 the nuclear non-proliferation policy, which I
14 mentioned, the disposition of the surplus weapons
15 plutonium.

16 DOE has prepared its own Environmental
17 Impact Statement, and it looked at several approaches
18 to reducing the amount of nuclear material. It also
19 looked at several sites across the U.S. where these
20 activities could be performed. And DOE ended up
21 adopting a hybrid approach, which considered
22 immobilization in one part.

23 And then the other part of it was to
24 convert some of the plutonium to an oxide form which
25 could be blended with uranium dioxide, and hence the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 name, mixed oxide, which could be used as a fuel in a
2 nuclear power plant. Now, DOE is contracted with Duke
3 Engineering Services, COGEMA and Stone & Webster
4 consortium, known as DCS. It may be a familiar term
5 to many of you.

6 The contract was to construct and operate
7 the proposed mixed oxide fuel fabrication facility.
8 And let me say just a little bit about the process
9 involved, and there will be Tim Harris' presentation
10 will touch on that in a little bit more detail. The
11 division of responsibility between the NRC and DOE is
12 DOE basically has the input from the left and the
13 input from the bottom.

14 The NRC would license the proposed mixed
15 oxide fuel fabrication facility. And then the output
16 of the process would be a mixed oxide fuel, which
17 would be suitable for irradiation in a nuclear power
18 plant. Now, NRC is not involved with any of the DOE
19 weapons program or the DOE's depleted uranium program.
20 Those are totally within purview of the DOE.

21 In fact, when the DOE's -- DOE's record of
22 decision identified the Savannah river site as the
23 preferred location for the MOX fuel fabrication
24 facility. And NRC will not revisit this decision. It
25 is outside of our statutory authority. NRC's rule is,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 as given to it by the Congress in this case, is to
2 decide whether or not the MOX, or mixed oxide fuel
3 fabrication facility, can be licensed.

4 If we decide that it can, then we would
5 issue a license. If we decide that it cannot, then we
6 won't issue a license. The licensing process starts
7 with an applicant. In this case, it's Duke COGEMA
8 Stone & Webster, DCS. They have submitted an
9 environmental report to us in December of 2000. They
10 submitted a construction authorization request in
11 February of this year.

12 In both cases, as is our custom, we
13 conducted what we call an acceptance review. What
14 that means is that we determine whether the document
15 is sufficiently complete for us to engage in a review.
16 We want to make sure that our resources are most
17 efficiently used. And they would not be most
18 sufficiently used if the document was not complete.

19 So that is the purpose of the acceptance
20 review. It does not -- there was no decision made on
21 the merits of the application. It's merely, is it
22 complete enough for docketing? And that was the
23 question that was answered. In both cases, the answer
24 was yes, it was complete enough for docketing and it
25 was docketed.

1 The next step in the review would be the
2 operation authorization request which we're told may
3 be coming in July of next year, the application for
4 it. And then lastly, I'd like to move on to the --
5 just an overview of the licensing process, the NRC
6 actions. We are currently reviewing the environmental
7 report and the construction authorization request.

8 We have a federal registered notice, which
9 we have drafted and sent to the Office of the Federal
10 Register accepting the construction authorization
11 request for review and noticing the opportunity for a
12 hearing. We had hoped to be able to say tonight when
13 the publication date of that federal register notice
14 was -- would be. But it's being reviewed by the
15 federal register right now and we don't know exactly
16 for sure when it will be actually in print.

17 We're expecting, perhaps sometime this
18 week, some of the documents that we will prepare along
19 the way as part of the licensing process. We will
20 prepare what's called a safety evaluation report. And
21 we will do that at two stages: One for the
22 construction of the facility and another then for the
23 operation of the facility.

24 The Environmental Impact Statement that I
25 mentioned will be prepared to address both the

1 construction and operation of the facility. And then
2 these documents, collectively, will serve as the basis
3 for our licensing decision. As part of the safety
4 evaluation for operation, there will be another
5 opportunity for hearing at that time.

6 Now Mr. Tim Harris and my staff will take
7 over from here and go into some of these areas in a
8 little more detail. Tim?

9 MR. HARRIS: Thanks, Tom. I guess I need
10 to grow some. My name is Tim Harris. I work for Tom
11 in the Environmental and Performance Assessment
12 branch. What I'd like to talk to you tonight is
13 briefly explain why we do EISs, go over briefly the
14 EIS process, and then present a list of potential
15 discussion topics hoping that will get your minds
16 thinking and spur you on for interactions later.

17 When I present these, I will try to
18 present them in the context of the MOX facility. That
19 is if we're talking about a certain impact, I'll try
20 to provide a little bit of information about what we
21 know about the proposed MOX facility.

22 As Tom mentioned, the National
23 Environmental Policy Act requires that federal
24 agencies perform EISs, or Environmental Impact
25 Statements for major federal actions. We considered

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the licensing of a proposed MOX facility to be a major
2 federal action and have undertaken preparing an
3 Environmental Impact Statement. As Chip mentioned,
4 Environmental Impact Statements are a planing and
5 decisionmaking tool, and they consider a full range of
6 impacts. Next slide, please.

7 In Environmental Impact Statements that
8 the Nuclear Regulatory Commission takes, we look at
9 both radiological and non-radiological impacts. And
10 these impacts may be both positive or negative.
11 Impacts can be characterized in three ways. First,
12 there can be direct impacts, indirect impacts, or
13 cumulative impacts.

14 An example of a direct impact would be air
15 emissions from a facility which degrade air quality.
16 An example of an indirect impact would be economic
17 growth resulting from a proposed project. Cumulative
18 impacts consider incremental impacts from the proposed
19 action, in this case, the proposed construction of a
20 MOX facility with other past, present and reasonably
21 foreseeable future actions. In the case of the
22 proposed MOX facility, it was proposed to be located
23 at the Savannah River Site, which currently has other
24 existing nuclear facilities which are currently
25 impacting resources to some extent. Next slide,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 please.

2 We evaluate impacts for alternatives. The
3 National Environmental Policy Act requires us to
4 evaluate impacts for the proposed action, which in
5 this case is to license the MOX facility. It also
6 requires us to evaluate impacts from other
7 alternatives, other actions.

8 Currently, we are considering two
9 alternatives. They would be the proposed action and
10 the no action alternative, which would be not to
11 license a facility. And we're just starting a process
12 now and we'd be interested to hear your views on other
13 alternatives which you think we should consider in the
14 EIS. And that's a big part of what scoping is.

15 This project is a little different than
16 other projects we prepare Environmental Impact
17 Statements for, and the DOE has already decided the
18 need and location for the proposed facility. This may
19 limit the number of alternatives that we would
20 normally otherwise consider. Next slide, please.

21 This is, I guess, a quick shot at the
22 Environmental Impact Statement process. As you can
23 see, there's two areas in blue which are points where
24 the public can be involved. And they're very important
25 points, parts of the process. As Tom mentioned, we've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 received an application and we've also published a
2 notice of intent to prepare an Environmental Impact
3 Statement.

4 This appeared in the federal register on
5 March 7th. And we're currently in scoping. And this
6 is the point where we reach out to the public for
7 their views on impacts and also alternatives. And as
8 Tom mentioned, you being local residents, have some
9 unique knowledge that we want hopefully to receive
10 from you here tonight.

11 After scoping, we look at the comments and
12 the transcripts and the written comments, and also
13 hopefully the feedback forms which Glenn said she
14 would encourage people to fill out. We'll look at
15 those and then prepare a scoping summary report, which
16 we hope to issue sometime in June which will summarize
17 what we've heard and present the alternatives that we
18 plan to consider and also impacts.

19 After we prepare that, then we start the
20 actual detailed review. At this point, we're just
21 getting started in the process and haven't done much
22 of any evaluation. That will come later after we
23 determine what alternatives we should look at and what
24 impacts and resources are significant to you.

25 We'll document that review in a draft

1 Environmental Impact Statement. And as Tom mentioned,
2 we hope to public that in February of 2002. Following
3 that, there will be another opportunity for public
4 involvement. Again, another important piece in the
5 Environmental Impact Statement process where we want
6 to hear your views on how we did our evaluation, how
7 we listened to you.

8 We'll consider those comments and public
9 and prepare a final Environmental Impact Statement.
10 And as Tom mentioned, that will be part of the
11 documentation which will serve as our licensing basis.
12 Next slide, please.

13 This is a map of the Savannah River Site.
14 The proposed MOX facility would be located in the F
15 Area, which is on the northern portion of the Savannah
16 River Site. The Savannah River Site occupies
17 approximately 310 square miles and has a restricted
18 area boundary which limits public access. The F Area
19 is located approximately six miles inside that
20 restricted area boundary. Next slide, please.

21 This is a more detailed picture of the F
22 Area that's basically kind of designed to give you an
23 overview of what the F Area looks like. The proposed
24 MOX facility would be located on the north end of the
25 F Area. It would encompass approximately 41 acres.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 DOE has activities within the F Area and currently
2 uses the F canyon for chemical separation. And also
3 there is some high level waste tanks located in the F
4 Area.

5 MR. MONIAK: While you have that picture
6 up, can I ask where the packaging and stabilization
7 facility is in that picture? Is it a big hole in the
8 ground?

9 MR. HARRIS: I prefer -- I think that's a
10 question that somebody else is going to answer. So I
11 prefer to conclude my presentation.

12 MR. CAMERON: Let's go back to that
13 question when he's done, and then we'll see whether
14 it's within the NRC or whether it should be something
15 for someone else.

16 MR. HARRIS: Yes, that's really not
17 something that I'm familiar with, with preparing
18 scoping.

19 MR. CAMERON: We'll go back to that. Go
20 ahead.

21 MR. HARRIS: Okay. Next slide. This is
22 an artist's rendering of what the proposed MOX
23 facility would look like. As Tom discussed, inputs
24 with the facility would come from DOE. That would be
25 DOE would convert the weapons plutonium into plutonium

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 oxide powder.

2 The other input would be depleted uranium
3 that would come from DOE's stockpile at one of the
4 enrichment facilities. The proposed MOX facility
5 would purify the plutonium oxide powder and mix it
6 with the depleted uranium oxide to make MOX or mixed
7 oxide reactor fuel assemblies. Those assemblies would
8 be transported to a reactor site.

9 And in this case, the proposed Catawba and
10 McGuire reactors were indicated in the DCS
11 environmental report. Those MOX reactors assemblies
12 could be irradiated to produce electricity, then they
13 would be stored presumably on site, and then finally
14 disclosed of in a national geologic repository. Next
15 slide.

16 These are the potential topics I told you
17 we'd put up, and they're intended to, hopefully,
18 promote discussion. They include a list of things
19 that we typically consider in evaluating an
20 Environmental Impact Statements or could consider
21 specifically for the MOX -- proposed MOX Environmental
22 Impact Statement.

23 The scoping, and at this point, is to
24 identify issues that are significant to you and that
25 we will undertake detailed study of. At this point,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we haven't done the detailed study. And the whole
2 purpose of scoping is for you to tell us which things
3 you think we should look at.

4 Things such as air quality and noise are
5 fairly self-evident. The proposed MOX facility will
6 have a stack which will emit small quantities of
7 material into the air. The noise would be generated
8 from construction and operations.

9 Cultural resources are maybe less clear.
10 These include archeological and historic resources
11 which are protected under the National Historic
12 Preservation Act. In evaluating these resources, we
13 would consult with the state historic preservation
14 officer. The environmental report from DCS did
15 indicate that some archeological areas could be
16 impacted.

17 Next is terrestrial and aquatic ecology.
18 This deals with plant and animal species, biodiversity
19 and habitat loss. These resources are protected under
20 the Endangered Species Act and we would consult with
21 the Fish and Wildlife Service in evaluating these
22 impacts.

23 Land use deals with the proposed and
24 current land use of the facility. This is closely
25 tied with socioeconomic impacts which include things

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 like population growth, changes in employment and
2 taxes, housing characteristics, traffic and also the
3 quality of services, such as fire protection, police
4 protection and education.

5 Aesthetics is another thing that we
6 typically consider. That is, would the construction
7 of the proposed MOX facility visually degrade the F
8 Area? Like I said, these are things that hopefully
9 will promote discussion. I'm not sure aesthetics is
10 one we should spend much time on, but maybe some of
11 these others. Next slide.

12 Surface and ground water could also be
13 impacted. There are a number of streams which border
14 the F Area which drain into the Savannah River, which
15 flows through Savannah, Georgia down into the Atlantic
16 Ocean. There were also a number of ground water
17 aquifers beneath the F Area.

18 As I stated, human health impact, and as
19 Tom indicated, that's probably one of our key missions
20 and key reasons for being here. In evaluating the
21 Environmental Impact Statements, we look at
22 radiological and non-radiological impacts. These are
23 closely tied with air quality, water quality and
24 ecology because these things form pathways whereby
25 humans can be exposed or impacted.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We would also evaluate environmental
2 justice. This deals with the disproportionate impacts
3 to low income or minority populations. Waste
4 management is typically considered in Environmental
5 Impact Statements. And in the case of the proposed
6 MOX facility, the facility would generate mixed waste,
7 low level waste, and also high alpha waste stream.

8 We would also look at -- typically look at
9 decommissioning. That is, the impacts from cleaning
10 up the facility at the end of its use. Other things
11 that we could look at would be reactor use. That is,
12 the MOX fuel would be used in a reactor.

13 These impacts would be considered indirect
14 impacts as they relate to the proposed MOX facility.
15 And I guess a degree or level at which we evaluate
16 these are something we're interested in hearing from
17 you tonight.

18 The reactor use impacts could also include
19 spent MOX fuel storage and also how they're treated in
20 the geologic repository. In addition to traffic, we
21 would also evaluate the impacts from transporting
22 radioactive materials.

23 These could be the depleted uranium and
24 also the fresh MOX fuel. The transportation analysis
25 typically consider incident-free, that is no accident,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and also accident scenarios. Next slide, please.

2 To summarize our next steps in the scoping
3 process are to hear your comments tonight, also to
4 accept written comments which will be available --
5 accepted until May 21st. After that time, we would
6 accept comments and use them to the extent
7 practicable.

8 The address for submitting those comments
9 is on the fact sheet, which I think Betty had copies
10 of. Also, it was in the notice of intent, which was
11 published in the federal register and we sent out to
12 a number of you, and also on our MOX web page.

13 The scoping summary report we hope to
14 submit in July -- I may have said June before -- I
15 think we're going to, because of the Charlotte
16 meetings, we're going to hopefully get that out in
17 July. Then we'd prepare a draft Environmental Impact
18 Statement after we've done our detailed evaluation of
19 the impacts and alternatives.

20 And again, there would be another
21 opportunity to hear your comments after we publish the
22 draft. Then our goal is to incorporate those comments
23 and publish a final Environmental Impact Statement, as
24 Tom said, which would address both the construction
25 authorization and the operation authorization in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 September of 2002. And that concludes my
2 presentation.

3 MR. CAMERON: Okay, thank you, Tim. And
4 thank you, Tom. I believe we do have an answer to
5 this gentleman's question, and I'm going to just ask
6 him to repeat it and tell us his name for the record.
7 And I think Mike Weber will have an answer for us.
8 Could you repeat that question for us, sir?

9 MR. MONIAK: My name is Don Moniak. My
10 question was where is the site, the packaging and
11 storage facility where they excavated -- did some
12 excavation work?

13 MR. WEBER: Can you all hear me? I
14 believe the location of the facility, the APSF, Anti-
15 Packaging and Storage Facility is right about here is
16 the proposed area for a fabrication facility.

17 MR. CAMERON: Okay. Thank you, Mike.
18 Let's go over here to Jen Kota. And if you could just
19 give us your name and affiliation.

20 MS. KOTA: Where is the transportation of
21 plutonium?

22 MR. HARRIS: Plutonium at which end of the
23 stage, Jen?

24 MS. KOTA: Incoming.

25 MR. HARRIS: I think those are decisions

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we haven't made yet. Certainly, I guess we were
2 envisioning that the plutonium shipments as MOX fuel,
3 proposed MOX fuel would be looked at. The
4 transportation impacts of the DOE may be outside our
5 statutory authority.

6 MS. KOTA: Maybe? But not necessarily if,
7 right?

8 MR. HARRIS: I think in scoping, we're
9 open to any comments that you have.

10 MR. CAMERON: So the answer, basically is,
11 is we're going to see what the suggestions are that
12 come in in scoping and further evaluate this issue?

13 MR. HARRIS: Right, yes. I guess, Jen, my
14 point of going through those topics were to spur
15 discussion, not necessarily tell you what we are
16 doing, just to kind of put a little flavor and context
17 of the MOX facility.

18 MR. CAMERON: Okay. We're going to go
19 here and then we're going to go over there.

20 MR. ATHERTON: Mr. Harris, my name is
21 Peter James Atherton. I have one quick question. You
22 indicated a final EIS schedule for release in
23 September of 2002. The NRC will come out with a
24 construction and operational evaluation?

25 MR. HARRIS: Yes, as Tom mentioned, we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 going to prepare two safety evaluation reports.

2 MR. ATHERTON: Simultaneously?

3 MR. HARRIS: No, we would be -- safety
4 evaluation for the construction authorization request
5 is being headed up by the Division of Fuel Cycle
6 Safety and Safeguards, the licensing part of NMSS.
7 That would be done starting now. We would just have
8 done the acceptance review for that piece.

9 DCS would also submit an authorization
10 request in the summer of 2002. And we would only
11 prepare one Environmental Impact Statement, which
12 would cover both the construction and operation of the
13 proposed MOX facility. Is that clear? You seem --

14 MR. CAMERON: I think maybe -- why don't
15 you go ahead.

16 MR. ATHERTON: This is Peter James
17 Atherton again. I used to work with Atomic Energy
18 Commission and Nuclear Regulatory Commission in the
19 licensing of nuclear power plants. There were two
20 phases that they went through.

21 One was the issuance of the construction
22 permit before construction began, and the issuance of
23 a licensing permit at some place near the end of
24 construction but not simultaneously. And so I remain
25 a little bit confused when you mention the final

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Environmental Impact Statement would have some sort of
2 an approval for both construction and operation at the
3 same time.

4 That would evaluate the environmental
5 impacts. The other piece of that would be the safety
6 evaluation for the operation which would be a separate
7 document.

8 MR. CAMERON: Do we have a slide on this
9 that you had up before where we could just show people
10 the relationship between the NRC licensing decisions
11 and where the Environmental Impact Statement and the
12 safety evaluation report comes in? Could one of you
13 just maybe -- maybe we don't have a slide on it.

14 MR. HARRIS: I believe it's best shown on
15 a poster back in the back. But the timing would be
16 that we would have -- evaluate the construction
17 authorization request, do a safety analysis, which
18 maybe Tim Johnson knows the date for that -- for the
19 safety evaluation report for the construction
20 authorization request.

21 MR. JOHNSON: There will be two safety --
22 my name is Tim Johnson. I'm with the Division of Fuel
23 Cycle.

24 MR. CAMERON: You really need to get close
25 and speak up on this one for everybody.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. JOHNSON: My name is Tim Johnson. I'm
2 with the Division of Fuel Cycle. We're going to
3 prepare a safety evaluation report for each of the two
4 phases of the licensing. The first phase of licensing
5 is construction authorization. And there will be a
6 safety evaluation report prepared related to the
7 construction aspects.

8 There's also going to be a second phase of
9 licensing dealing with the operation of a facility.
10 There will be a separate safety evaluation prepared
11 for that phase of the facility. The EIS, as Tim
12 Harris mentioned, is going to be issues that will
13 cover both aspects of the facility. The environmental
14 impacts are both construction and authorization. So,
15 in effect, there are three documents NRC will be
16 preparing: The Environmental Impact Statement and two
17 safety evaluation reports.

18 MR. CAMERON: Tim, can I just ask you for
19 clarification on that to make sure that everybody
20 understands, and I'd also like to understand too.
21 We're going to make a separate decision on the
22 construction authorization, and there will be a
23 separate technical safety evaluation to guide our
24 decision on that construction authorization. Is that
25 correct?

1 MR. JOHNSON: Yes, that's correct, yes.

2 MR. CAMERON: And will there be a final
3 Environmental Impact Statement or a portion of a final
4 Environmental Impact Statement that would apply to
5 approval or disapproval of the construction
6 authorization request? In other words, you said there
7 would be one Environmental Impact Statement, but will
8 there be an Environmental Impact Statement at the time
9 the NRC makes a decision on the construction
10 authorization request?

11 MR. JOHNSON: Yes. The final
12 Environmental Impact Statement will be prepared
13 concurrently with the construction authorization
14 safety evaluation report. So the decision on
15 construction authorization will also have input in it
16 from the Environmental Impact Statement that Tim has
17 just talked about.

18 MR. CAMERON: Okay. I think it got a
19 little confusing when there was only one Environmental
20 Impact Statement.

21 MR. HARRIS: Tom's going to tell you that
22 --

23 MR. CAMERON: Clarification from Tom. All
24 right.

25 MR. HARRIS: -- that there may be an

1 opportunity -- if we get new information, we could
2 prepare a supplement I think is what Tom was going to
3 say.

4 MR. ESSIG: Slightly different. What I
5 wanted to add is I think the gentleman that was
6 raising the point about the two Environmental Impact
7 Statements is quite correct. The reason -- in fact,
8 I used to be involved in the preparation of those
9 myself -- the reason that two were typically issued is
10 because the issuance of a construction permit for a
11 nuclear power plant and the issuance of the operating
12 license were so far separated in time, typically six,
13 seven, eight years or even more in some cases, that
14 during that time, there might be design changes at the
15 plant or other factors that needed to be considered in
16 the Environmental Impact Statement.

17 So the issuance, then, of the operating
18 license, the other major federal action, really needed
19 to be updated. And so then a separate Environmental
20 Impact Statement was issued, pursuant to the operating
21 license. But in this case, assuming that the actions
22 are fairly closely coupled, as we identified in the
23 schedule, and we would see that only one EIS would be
24 warranted.

25 Now, if for some reason the operating

1 portion of the operating license is not issued in that
2 time frame and is delayed and maybe there are
3 additional issues that need to be considered, then we
4 would certainly, as Tim mentioned, consider
5 supplementing the EIS that we've discussed here
6 tonight.

7 MR. CAMERON: Okay. Let's go to Mary
8 Olsen, and then we'll go back over here. Mary?

9 MS. OLSEN: I have a process question for
10 you and then two questions regarding the presentation.
11 Am I correct that we've been having a transcript the
12 entire time?

13 MR. CAMERON: Yes, absolutely.

14 MS. OLSEN: Okay. Sometimes they don't
15 start till later, so I just want to be sure.

16 Second, two questions for Tim. One, you
17 didn't mention this, but I know that when DCS did
18 their environmental report they contacted a number of
19 Native American tribes -- Cherokee Nation, Muskogee
20 Creek, others -- and I'm curious if you know why in
21 particular those groups were contacted about this
22 project?

23 And then my second question is you
24 mentioned decommissioning, and the contract that DCS
25 has from the Department of Energy doesn't mention

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 decommissioning, doesn't fund decommissioning. And I
2 see this as a huge incongruity with NRC licensing. So
3 I'm curious about your invoking decommissioning as
4 part of this review.

5 MR. HARRIS: The first question, I'm not
6 sure who DCS contacted, but when we do environmental
7 justice reviews we would contact groups like that.

8 MR. CAMERON: And maybe the --

9 MS. OLSEN: Can you clarify that they're
10 in Oklahoma?

11 MR. HARRIS: The Cherokee?

12 MS. OLSEN: The addresses of the -- if you
13 look at the appendices of their review, you'll find
14 that the letters went to entities in Oklahoma.

15 MR. HARRIS: We will do our own
16 consultations.

17 MR. CAMERON: And traditionally, in the
18 case of the Cherokees, when the NRC did license
19 renewal in former Cherokee territory, the people
20 contacted were in the main nation in Oklahoma.

21 Now, perhaps you could go to the
22 decommissioning question.

23 MR. HARRIS: Yes, I was going to go to
24 that.

25 MR. CAMERON: All right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. HARRIS: The topics that we presented
2 up there were decommissioned, and typically we would
3 consider decommissioning. This facility is a little
4 different in that I think the DCS environmental report
5 discusses deactivation. And that's certainly one area
6 we're interested in pursuing how we evaluate
7 decommissioning. And if you've got some views,
8 thoughts on that, Mary, we'd certainly be happy to
9 hear that.

10 But, yes, we realize -- I don't think it's
11 an incongruity with NRC licensing as it was perhaps
12 with the DCS submittal. I think our intention,
13 depending on what we hear through the scoping process,
14 would be to look at decommissioning impacts.

15 MR. CAMERON: Okay. Thank you. Ed, did
16 you have a question?

17 MR. LYMAN: Actually, one -- this is
18 actually trying to clarify the CAR and OR issue. The
19 fact is that the OR will be granted when the facility
20 is only about half constructed. Is that the current
21 plan?

22 MR. CAMERON: The OR I think that Ed is
23 referring to is the --

24 MR. LYMAN: Is the approval of the
25 operating -- the issuance of the operating procedure.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. CAMERON: Okay. And your question is?

2 MR. LYMAN: Is it going to be approved
3 when the facility is only half complete?

4 MR. CAMERON: Tim, could you comment on
5 that, please?

6 MR. JOHNSON: Ed, could you repeat your
7 question, please?

8 MR. LYMAN: Sorry. With regard to the
9 approval of construction or the approval of operation,
10 the approval of operation is going to be --

11 MR. CAMERON: Ed, do you want to step up
12 here?

13 MR. LYMAN: Is it true the plan is to
14 approve the operating license for the facility when
15 it's only actually half constructed? And if that is
16 the case, what is the logic behind granting an
17 operating license when you can't even confirm that the
18 facility will be completed according to the
19 specifications that it's supposed to be built to?

20 MR. CAMERON: Okay. Thank you.

21 MR. JOHNSON: The way the regulations are
22 written we will not be able to approve operations
23 until we can show that the construction has been done
24 consistently with the commitments made in the
25 construction authorization. So we won't be approving

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 for operations until construction is completed and we
2 can verify that that was done in accordance with the
3 commitments that the applicant made.

4 MR. CAMERON: So that answer is is that
5 construction has to be completed before we can approve
6 it. All right. That was a yes. Yes, sir?

7 MR. POE: My name is Lee Poe. I have a
8 question on siting the facility in the F Area. Would
9 you comment on what went into the decision to site at
10 that location?

11 MR. HARRIS: Well, I think the DOE, in
12 their record of decision, proposed the F Area. DCS,
13 in the environmental report, looked at, I think it
14 was, five or six different areas. And the rationale
15 for their decision in choosing the specific site is in
16 the environmental report.

17 MR. CAMERON: Okay. Thank you. And
18 there, perhaps, may be further information in those
19 DOE documents.

20 MR. HARRIS: Yes, Chip. I think the
21 answer to his question lies in the DCS environmental
22 report.

23 MR. CAMERON: Okay. Thanks, Tim. Let's
24 go to Glenn Carroll. It seems to be working better
25 out here.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. CARROLL: My name is Glenn Carroll,
2 and I'm with Georgians Against Nuclear Energy. Along
3 the questions Ed Lyman asked, what is the logic of
4 beginning of the review of the design and licensing
5 construction before we have the benefit of our EIS
6 study being completed so that the design can
7 incorporate what we learn from the EIS process?

8 MR. CAMERON: Tim?

9 MR. JOHNSON: This is Tim Johnson. The
10 construction approval will be done concurrently with
11 the EIS. And when the EIS is done, the impacts from
12 that Environmental Impact Statement will be used in
13 making the licensing decision on authorizing
14 construction.

15 MR. CAMERON: Okay. Thank you, Tim. Don?

16 MR. MONIAK: My name is Don Moniak. And
17 I'd like to know, first of all, when was the decision
18 made to pursue an Environmental Impact Statement,
19 prepare one?

20 MR. JOHNSON: The need for an
21 Environmental Impact Statement is in our regulations.
22 It's required by the regulations in 10 CFR Part 51 for
23 this type of facility.

24 MR. MONIAK: So the record of decision
25 there was made by Department of Energy. It was made

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in January 2000, and here it is 15 months later. Why
2 the delay in starting to prepare the scoping on this?

3 MR. JOHNSON: I think you have to look at
4 what the DOE Environmental Impact Statement was. That
5 was for the program for determining how to disposition
6 plutonium and the locations where those activities
7 would occur. The purpose of this Environmental Impact
8 Statement is look specifically at the mixed oxide fuel
9 fabrication facility as part of our licensing decision
10 to grant or deny a license for the fuel fabrication
11 part of that program.

12 MR. HARRIS: I think your answer was when
13 did we decide to prepare an Environmental Impact
14 Statement.

15 MR. MONIAK: Yes.

16 MR. HARRIS: And I think that the came
17 after we received the environmental in December.

18 MR. MONIAK: December of 2000.

19 MR. HARRIS: And your question is why did
20 we wait so long to have scoping. Part of the
21 rationale was we wanted to have the construction
22 authorization request, to have information out to the
23 public so that they could look at it and get more of
24 a flavor of what was actually going to be built so

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that they could intelligently comment to us during
2 scoping.

3 MR. MONIAK: Okay. Now, your answer is a
4 little bit different. If it was decided in December
5 of 2000 after you received the environmental report,
6 in which Duke COGEMA Stone wrote that there would be
7 a significant impact in terms of waste generation, was
8 that what triggered this EIS process? Or otherwise,
9 if your regulation had triggered it, then it should
10 have triggered it for this type of facility last
11 January.

12 MR. HARRIS: But we had no -- we react to
13 --

14 MR. MONIAK: And your scoping with, sir,
15 function to provide input into what should be in the
16 construction authorization request and the ER, but
17 there's a lot of things missing. I can't find, like,
18 an industrial hygiene, which is rather amazing that
19 that section would be left out.

20 So my question is just was there something
21 in the environmental report that showed there's going
22 to be a significant impact, and therefore instead of
23 doing an environmental assessment and issuing a
24 finding of no significant impact, you decided that you

1 did have to do an Environmental Impact Statement,
2 because this plant will have a significant impact?

3 MR. CAMERON: Let me get you a
4 clarification for your question, because it's a very
5 important question. And also I would just ask you,
6 when we go to the comments, if you would just make
7 your industrial hygiene comment again, because I think
8 it's exactly the type of comment that the NRC is
9 looking for in scoping.

10 I don't know if we've really clearly
11 described or answered the question. I guess one thing
12 that Tim was saying is that the NRC did not have a
13 major federal action on its plate that triggers the
14 NEPA process until there was a construction
15 authorization request. So the NRC could not do
16 anything until that construction authorization request
17 came in.

18 The need to do an EIS may be stated, as
19 Tim Johnson said, in the NRC's regulations. But that
20 process would get turned in motion until we got the
21 construction authorization request. And I think
22 that's probably the sum of what these two guys said.

23 MR. HARRIS: Yes. I think it was --

24 MR. MONIAK: Is there a decision document,
25 our document that says --

1 MR. CAMERON: We've got to get this on the
2 record.

3 MR. MONIAK: Okay. Let's make this even
4 easier. Is there a decision document, a document that
5 has a date on it, already signed, and says, "We are
6 doing an Environmental Impact Statement of this
7 project for these reasons"?

8 MR. HARRIS: I guess I'd like Jennifer
9 Davis to answer that. She's the lead for the entire
10 EIS; I'm just in charge of the scoping process.

11 MR. CAMERON: Great.

12 MS. DAVIS: Hi. I am Jennifer Davis. I
13 am the Environmental Review Lead for this project at
14 the Nuclear Regulatory Commission. And I believe we
15 did tell you in our meetings here and in Columbia last
16 summer that we did intend to do an Environmental
17 Impact Statement for this facility if we did receive
18 a license application. The official document that
19 says that we do intend to do an Environmental Impact
20 Statement is our Notice of Intent, which was published
21 in the Federal Register on March 7 and is summarized
22 in a fact that went out to a lot of you all who had
23 attended the previous meetings. So I think that gives
24 you our informal and our formal response. And as Tim

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 said, of course, Tim Johnson said, we are required to
2 do this by our regulations.

3 MR. CAMERON: And, Don, just to make sure
4 that we wrap this up for you, and we really do need to
5 move on to the comment period, I'll put an action item
6 up here that just clarifies this issue for you, okay?

7 All right. Let's take a few more
8 questions, and then we're going to go to the comment
9 period. Let's head to Janet. Janet? And I think
10 you're going to have to try to speak loudly. Let's
11 see if it works.

12 MS. ZELLER: My name is Janet Zeller. I'm
13 with Blue Ridge Environmental Defense League, and I
14 have a question for Tim. Tim, how detailed will your
15 scoping summary be? Are we all going to be lumped
16 into one paragraph if we've got -- if several of us
17 speak about one issue? How specifically will NRC
18 respond to our comments, both at the scoping meetings
19 and our written comments?

20 MR. HARRIS: I think you're probably
21 right. Similar comments would be lumped together and
22 summarized. Certainly, the record will be the
23 transcript and also written comments, which will be in
24 the docket file for public view. But the scoping
25 summary report has to be of limited length. It can't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 contain every comment that was generated. And it's
2 really the intent to kind of summarize what we heard.

3 MR. CAMERON: But no comments will be --
4 all comments will be addressed, though, even if
5 they're not addressed by an individual person.

6 MR. HARRIS: Correct. And we may get some
7 comments here tonight which are beyond scoping, which
8 we would use later in the preparation of the draft
9 Environmental Impact Statement.

10 MR. CAMERON: Okay. All right. Let's go
11 -- one more follow-up from Janet, and then let's go
12 over to this gentleman.

13 MS. ZELLER: So will the public have a
14 chance to read the transcript? Will it be posted on
15 the NRC web site? How's anybody going to know how
16 much wisdom you all glean from us tonight?

17 MR. HARRIS: Yes, ma'am. They will be on
18 the web site, and, again, everything will be in the
19 public document room, availability through the web
20 site.

21 MR. CAMERON: Okay. Thank you, Tim. And
22 could you give us your name, sir?

23 MR. E. SUTTON: I'm E. Sutton. Might a
24 word -- could you speak words for the issue of
25 environmental justice and looking at the long process,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 especially African-Americans, very few of us come to
2 these kinds of meeting. What other efforts are being
3 used to make sure that we're being informed about
4 these particular issues, including environmental
5 justice?

6 MR. CAMERON: Thank you.

7 MR. HARRIS: I think we've certainly tried
8 to do public outreach through various means to let
9 people know about it. The regulations that we follow
10 to evaluate environmental justice are provided by the
11 Council on Environmental Quality. We also have
12 internal procedures that we follow that look at
13 environmental justice issues.

14 One thing that we'd be interested to hear
15 your comments on is typically we evaluate a five-
16 square-mile area. In this case, the facility is six
17 miles away from the restricted area boundary, so if
18 you have some thoughts on what area we should consider
19 environmental justice, that would be very useful for
20 us.

21 MR. CAMERON: And if you have suggestions
22 on groups and organizations that the NRC should
23 specifically contact, that would be very helpful if we
24 had an address and a contact for them. Thank you for
25 that comment.

1 Okay. Let's go to one more question from
2 someone who hasn't asked anything yet. No, go ahead,
3 Don.

4 (Laughter.)

5 MR. MONIAK: I mean the NRC meets with DCS
6 on a regular basis, sits around and hob knobs, so this
7 is one of our few chances. I'd like to know what
8 experience the Nuclear Regulatory Commission has in
9 reviewing, in licensing, and regulating the Category
10 I plutonium processing facility in this country or
11 anywhere, for that matter?

12 MR. HARRIS: That big a question is for
13 Tim Johnson to answer. Tim --

14 (Laughter.)

15 MR. HARRIS: I'm an environmental guy.
16 Tim is the -- as many of you know, Drew Persinko is
17 the lead Licensing Reviewer. Tim is the backup
18 Licensing Reviewer, so he's been answering all the
19 licensing questions.

20 MR. CAMERON: And, Tim, I think that it
21 would be instructive for Don and everybody not only to
22 answer the question in terms of experience with
23 specific types of facilities, but you might talk a
24 little bit about what the capability of the NRC staff
25 and/or consultants that we're using to address the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 types of issues that are raised by this particular
2 facility.

3 MR. JOHNSON: All right. Well, the use of
4 MOX fuel in the United States isn't really something
5 that's totally new. And during the '60s and '70s, the
6 NRC had licensed eight mixed oxide fuel fabrication
7 facilities around the country. Now, most of these
8 were limited amounts of MOX fuel that were produced.
9 Most of the fuel was produced for various research
10 projects. And MOX fuel was used in several reactors
11 -- at Dresden I, GINNA, San Onofre Unit I, and Big
12 Rock Point.

13 MR. CAMERON: Okay. Thank you, Tim.
14 We're going to move into comment period now, because
15 we do want to get on with that. And what we'll try to
16 do is circle back at the end for further questions.
17 Just one quick one.

18 MR. ATHERTON: I have one quick question.
19 Can you hear me? This is Peter James Atherton. Mr.
20 Johnson, you indicated there were four reactors in
21 this country which had, over the course of the last 20
22 or so years, used MOX fuel; is that correct?

23 MR. JOHNSON: Yes, that's correct.

24 MR. ATHERTON: How many of these reactors
25 are now operating?

1 MR. JOHNSON: GINNA is now operating, but
2 of course it no longer uses MOX fuel; it uses uranium
3 fuel. San Onofre Unit I, Big Rock Point, Dresden Unit
4 I, those are all in decommissioning.

5 MR. ATHERTON: And one last question: Did
6 MOX or do you know whether or not MOX played any role
7 in these plants being decommissioned?

8 MR. JOHNSON: No, they weren't -- in fact,
9 Dresden, Big Rock Point, San Onofre Unit I, those
10 units that are shut down used MOX for very short
11 periods of time, and they were shut down for other
12 reasons. They all converted to all uranium fuel after
13 those programs ended.

14 MR. CAMERON: Okay. We're going to have
15 to go into it, and we may get back to a follow-up on
16 that. But right now we're going to go to all of you
17 who want to provide us with comments and advice and
18 recommendation. And we're going to start with the
19 elected officials who have joined us tonight, and
20 we're going to start with the state legislators. And
21 I'm going to go first to South Carolina, our host for
22 tonight's meeting venue. And we're going to hear from
23 Rowland Smith, who's with the South Carolina House of
24 Representatives.

25 (Applause.)

1 MR. SMITH: Thank you, sir. Thank you,
2 sir. Thank you so much. I am certainly pleased to be
3 here, and I want to thank the Nuclear Regulatory
4 Commission, NRC, for allowing me to just make a few
5 public comments at this meeting tonight.

6 As previously stated, I am Rowland Smith,
7 and I serve in the South Carolina House of
8 Representatives. I represent House District 84 in
9 Aiken County. My house district covers several
10 municipalities, including Bernittown, Aiken, Jackson,
11 and areas of North Augusta. I represent over 32,000
12 citizens in Aiken County.

13 I also Chair the Economic Development
14 Committee in the South Carolina House of
15 Representatives, as well as the Chairman of the Aiken
16 Legislative Delegation. Also, I have the distinct
17 honor of chairing as one of the first joint Chairmen
18 of the Georgia/South Carolina Legislature Delegation.
19 A number of years ago we organized this group because
20 we were losing jobs and other issues between our two
21 states. My colleague from Georgia to speak about
22 Georgia also serves as my Co-Chairman as well. When
23 we meet in South Carolina, I serve as Chairman; we
24 meet in Georgia, Jack Connell serves as Chairman. We

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have worked to improve the quality of life for our
2 citizens on both sides of the river.

3 But I know you're here tonight to identify
4 issues and public concerns as it relates to licensing
5 for the MOX facility, which is proposed at Savannah
6 River Site. I'm fully aware how critical public
7 comment and participation can be in matters such as
8 this. I have important meetings in Columbia, but it
9 was important for me to be here tonight to share a few
10 remarks concerning my support for the MOX fuel mission
11 at the Savannah River Site.

12 I'm here to voice my support without any
13 question on my part for the MOX Fuel program. And I
14 recognize it as the best option for disposing of
15 surplus plutonium. I think it's critical and it must
16 be noted that Savannah River Site and their employees,
17 for the past five decades, have played a major role in
18 providing the defense material needed to help us, the
19 United States of America, to win the Cold War, which
20 we did.

21 We all owe a deep debt of gratitude to
22 both the active and the retired employees, dedicated
23 employees, committed employees in meeting those
24 production schedules, while yet maintaining an
25 impeccable employment safety record, protecting the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 general public as well as the environment. They
2 safely produced and handled the allegedly most
3 dangerous material known to man, more venomous than
4 the cobra venom. Without injury they did this. This
5 is a tribute to the Savannah River Site and its
6 plutonium handling capability.

7 I want to say to you today, I feel and I
8 support Savannah River Site and its mission of MOX
9 fuel. This complex has a high experience expertise,
10 skilled workforce, and the infrastructure to sustain
11 this mission. Based on the record, it makes the most
12 logical sense to have this new MOX mission at Savannah
13 River Site.

14 It is also to be noted that much of the
15 material that was produced and used for the nation's
16 nuclear weapons program were produced at the Savannah
17 River Site by the best technology. I think it's only
18 appropriate for the best to be chosen by the
19 Department of Energy to take these weapons and convert
20 them. Work with the material, convert it, not to
21 readily usable weapons, but to take this material and
22 convert it in order that we might use it, continue to
23 use it to be productive in our society.

24 Making use of the excess plutonium by
25 fabricating it into fuel for commercial reactors to

1 make electricity is the right thing to do. In Europe,
2 over 30 reactors are operating with MOX fuel. It is
3 not a new science, it's not unproven as pundits would
4 have you believe tonight. I have full confidence in
5 the NRC and their oversight and their approval, and I
6 have full confidence that they will approve this
7 project.

8 I recognize the urgent need to properly
9 dispose of weapons grade material to ensure that the
10 materials is no longer available to get in the hands
11 of terrorists around the world, rogue nations. I
12 respectfully request and urge you to approve this
13 process so that this facility can be built at Savannah
14 River Site. Our people in our community support it.
15 Thank you.

16 (Applause.)

17 MR. CAMERON: Okay. Thank you,
18 Representative Smith. Let's go to your colleague,
19 Jack Connell, Speaker Pro Tem, Georgia General
20 Assembly.

21 MR. CONNELL: Yes, sir. Thank you, sir.
22 Thank you, Mr. Chairman. Rowland and I have worked
23 together for a number of years. He's Chairman of the
24 local delegation over here, and I was Chairman in the
25 Augusta area. And we had about eight historical

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 meetings. And, Rowland, you've got to be in Columbia
2 shortly. I don't know how long it takes you to drive.
3 Those police cars in Augusta over in Georgia they
4 don't pay much attention to our tags.

5 (Laughter.)

6 So you'd better get going, and I've got a
7 dinner waiting for me, but I don't have far to go.
8 But he's been a great friend and a great help to the
9 future of this area. He's worked hard, and we've had
10 a real good historic, really -- historic in having his
11 delegation and my delegation work together for a
12 number of years, and as a result had a number of
13 meetings in Washington, D.C. And we think we had some
14 success, and we think we were part of the success.
15 But, Rowland, I'd love for you to stay, but you don't
16 want to listen to me anyhow.

17 (Laughter.)

18 Good luck to you, Rowland. I got a dinner
19 waiting for me, but he's got 70 miles to go. We have
20 elected officials here. We've got several mayors.
21 You're doing pretty good to have several mayors. And
22 we don't know what -- we've got enough in Augusta with
23 just one, but you've got three over here tonight, I
24 believe.

25 (Laughter.)

1 Where is Mayor Young? I'd better be
2 careful how I talk about Mayor Young, he lives in my
3 district.

4 But I just thank you for being here and
5 letting me talk with you and taking this opportunity
6 with the Nuclear Regulatory Commission for allowing me
7 to make a few comments on your scoping meeting. I
8 guess maybe some of you might be a first here in this
9 area, and this is the Central Savannah River area,
10 which we all have a part in. And we have about
11 500,000 people in the extension of Aiken County and a
12 couple other counties and over in Augusta, Richmond,
13 that area. So we feel like we are a real good part of
14 Georgia and South Carolina and what takes place at
15 SRS.

16 As he said, my name is Connell, and I'm a
17 member of the Georgia House. I think he gave you my
18 title. I'm Speaker Pro Tem of the Georgia House, and
19 I'm not sure what that's supposed to mean. Mr. Murphy
20 is the Speaker of the House, and some of my friends
21 have some very ugly comments to say what my job is.

22 In the capital -- it actually happened in
23 the capital, in Atlanta. Mr. Murphy has a very great
24 suite, beautiful artifacts all over the walls. And
25 one day he opened the window and I happened to walk

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in, and a great big -- this is the truth -- a big
2 horsefly came in, and he's got one of these big
3 swatters like this on the wall. And I reached and
4 grabbed it, and I hit that fly, and a lobbyist walked
5 in about that time and said, "I've been trying to find
6 out what the Speaker Pro Tem did. So now I know. You
7 swat flies for the Murphy, for the big Speaker."

8 But it's my understanding that you're here
9 to identify issues and public concerns as it relates
10 to licensing for MOX facility at Savannah River Site.
11 I'm here to voice my support for the MOX program and
12 hope that you see that it's the best option of
13 disposing of surplus plutonium.

14 Part of the SRS mission today is non-
15 proliferation. The MOX fuel work fits perfectly
16 within that mission. SRS not only has the best
17 plutonium handling capability in the nation but also
18 has many talented employees and tremendous expertise
19 and experience and the infrastructure to support that
20 program.

21 I am reminded that DOE consolidated the
22 non-proliferation mission SRS proposed. It makes more
23 economic and safety sense to locate under one roof
24 than at multiple facilities scattered throughout the
25 country.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Let me remind you that surplus plutonium
2 is a clear and present danger in the world today.
3 These materials must be protected from theft or
4 diversion by unauthorized parties or it will be
5 reintroduced into nuclear arsenals. Some critics have
6 called this mission a crazy scheme. Nothing could be
7 further from the truth. I recently attended the 50th
8 anniversary of the SRS site and know that for 50 years
9 the nation has relied on SRS to fulfill its missions
10 to protect and preserve the nation's defense.

11 Let us not be misled when we know that
12 critics misrepresent the MOX issue. Part of the
13 overall mission is to reduce the risk of nuclear war
14 and terrorism. Let us use plutonium as a national
15 asset. It makes sense to reinvest in our economy the
16 plutonium in the form of MOX fuel for use as power and
17 producing reactors. Also it creates some economic
18 value for everyone by producing electricity. I am
19 told that in Europe over 30 reactors operate with MOX
20 fuel with a proven record of success.

21 I ask the Commission to approve this
22 process. I know that SRS is ready to safely perform
23 this new mission.

24 Again, I thank you for the time and hope
25 that you enjoy your visit to the Augusta area, which

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 includes Aiken, Barnwell, Aiken County, Richmond
2 Count, and a whole lots of others. We always say it's
3 the Augusta area, but Rowland would probably tell you
4 it's the north Augusta/Aiken area. But thank all of
5 you for being here, and I appreciate having the
6 opportunity to meet with many of you. Thank you very
7 much.

8 (Applause.)

9 MR. CAMERON: Thank you very much.

10 MR. CONNELL: I'm going to my dinner.

11 (Laughter.)

12 MR. CAMERON: Hey, as Representative
13 Connell mentioned, we do have the mayors from North
14 Augusta and Augusta and Aiken. And I think I'm going
15 to ask Mayor Lark Jones, Mayor of North Augusta, to
16 come up as our host for this meeting. And thank you
17 for our use of these facilities.

18 MR. JONES: Well, I want to thank the NRC
19 for renting them.

20 (Laughter.)

21 My name is Lark Jones, and I am a
22 practicing attorney and the Mayor of North Augusta.
23 And I have resided here my entire life, which is now
24 in excess of 51 years. I was here -- I consider
25 myself a pre-duponter, which means I was here before

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the Savannah River Site was built, and I know the site
2 is going to be here long after I'm gone.

3 I'm here tonight individually and on
4 behalf of my city to tell you that our community fully
5 supports the MOX fuel missions at SRS. Now, I'm not
6 intimately knowledgeable of all the nuances of the
7 nuclear industry, and therefore you did not hear me
8 ask any questions during the questioning period. But
9 I can tell you that the communities in this area have
10 confidence in the Site; they respect its work and its
11 safety record. I am confident that the CSRA will
12 welcome and support any mission that's given to the
13 Savannah River Site.

14 As Jack Connell said just a minute ago,
15 several months ago SRS celebrated its 50th
16 anniversary, and I was pleased to be in attendance at
17 a number of those events. Much was made of the
18 heroism of the local persons who were moved from their
19 homes to allow construction of the Site. At the
20 Edward Teller lectures I learned how the first nuclear
21 device was built and how the group known as the
22 Manhattan Project were heroes as well. They had
23 nothing of the technology and the expertise that we
24 have today.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Those persons, as well thousands of SRS
2 employees, have created a legacy of service and
3 patriotism that still exists today. The nuclear
4 industry of the past, to be sure, has created
5 responsibilities and obligations for the future. What
6 better way to solve those problems and fulfill those
7 responsibilities than with positive action.

8 Our community feels like that now is the
9 time, and SRS is the place, and that we are ready to
10 support the MOX fuel mission. Thank you.

11 (Applause.)

12 MR. CAMERON: Thank you. We're going to
13 go across the River now and go to Mayor Bob Young,
14 City of Augusta. And then we're going to hear from
15 Fred Cavanaugh, Mayor of the City of Aiken.

16 MR. YOUNG: Thank you. I'm not going to
17 try to tell any stories to top Representative Connell.
18 He always comes up with a gem every time he gets up to
19 speak, and I think he does a good enough job.

20 Let me just say good evening and how
21 pleased I am to be here with you tonight. I'm Bob
22 Young, the Mayor of Augusta, Georgia. I come here
23 this evening both as the chief elected officer of a
24 city of 200,000 people and 330 square miles, much

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 larger than the Savannah River Site, and as a long-
2 time member of this community.

3 Those of us who know the Savannah River
4 Site and many of the employees who work there and
5 those who have now retired are extremely proud of the
6 role SRS has played in our national defense. We're
7 equally proud of the history and the record of safety,
8 both to the employees and to the public, as well as to
9 the environment.

10 Having made much of the material at SRS
11 that was used in our nation's nuclear weapons, SRS has
12 been chosen by the Department of Energy to take that
13 material and now convert it into material not readily
14 usable in weapons. There is no better location to do
15 this work than at SRS, making use of the years of
16 experience and expertise unique in our nation. Making
17 use of the excess plutonium by fabricating it into
18 fuel for commercial reactors to make electricity is
19 the right thing to do. It is not a new science, nor
20 is it unproven. I have full confidence in the Nuclear
21 Regulatory Commission and its oversight and approval
22 role in this project.

23 I fully understand the transportation
24 required to move this material to and from SRS and any
25 risks associated with it. When put into proper

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 perspective these risks are much less than most of us
2 would readily accept in the past, present or future.
3 In fact, the radiation exposure to us is about the
4 same, I'm told, as a dental x-ray.

5 As for the risks associated with the
6 trucks moving this material, I would rather be on the
7 road with one of those trucks than with the gasoline
8 tankers that we see every day on the highways. And
9 this reference is based on historical facts and data.
10 And I challenge anyone to review the Department of
11 Transportation data for themselves and to compare it
12 to the exemplary transportation record of the
13 Department of Energy.

14 Our community knows and understands these
15 risks as well as the missions and programs at SRS and
16 fully supports both the existing work and that
17 associated with the new missions, one of which is the
18 topic of this hearing tonight. You should know that
19 I and others here tonight supporting this work speak
20 from an informed position. SRS shares with us both
21 the good news and the bad news.

22 Finally, let me add a word about the
23 opponents of the MOX fuel mission. They certainly
24 have every right to be heard. However, I would ask
25 the Panel to decide whether they really represent the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 feelings of the people who live and work and raise
2 their families in the community you're visiting
3 tonight. I think you'll find that most of them, while
4 well-meaning, have driven here from areas from far
5 away. I personally, as the Mayor, hope they enjoy
6 their stay in Augusta and choose to come back and
7 spend lots of money while they're here. I find it
8 interesting that to generate opposition one has to go
9 outside of this area and plant a few people here to
10 give the appearance of community. I hope that you
11 will not be fooled by that.

12 I want to thank you for scheduling the
13 hearing here tonight. MOX fuel is the right mission,
14 now is the right time, and Savannah River Site is the
15 right place.

16 I've also been asked by State
17 Representative Sue Burmeister, who was not able to be
18 here tonight -- Sue is from Augusta -- to present a
19 letter. And I won't read the entire letter, but if I
20 may, I'd like to share just a brief portion of it.
21 This is from Representative Sue Burmeister, District
22 114 in Georgia.

23 "As a Georgia state representative and
24 resident of Augusta, Georgia, I would like to express
25 my support for the Savannah River Site and the mixed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 oxide fuel fabrication facility to be located there.
2 I and this community fully support SRS and the MOX
3 fuel mission. We know that plutonium can be safely
4 handled and process and, based on the excellent record
5 of the Department of Energy, can be transported safely
6 and securely. I ask the EIS for this project
7 accurately reflect the support of this community."
8 And it's signed, Representative Sue Burmeister. And
9 if I may, I'd like to present this to the court
10 reporter tonight and ask that the full contents of
11 this be included in the record.

12 MR. CAMERON: We'll put it on the record.
13 And thank you very much for your comments.

14 (Applause.)

15 MR. CAMERON: Next, we're going to here
16 from Mayor Fred Cavanaugh, Mayor of the City of Aiken.
17 Mayor Cavanaugh?

18 MR. CAVANAUGH: Thank you, Mr. Chairman.
19 Mr. Chairman, my name is Fred Cavanaugh, and I'm very
20 fortunate to serve as the Mayor of the City of Aiken,
21 home of over 25,000 citizens located close to the SRS.

22 On behalf of our City Council, I welcome
23 you to our community and thank you for holding this
24 very important meeting to discuss the MOX project. We

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 applaud you for soliciting public comment, be it
2 support, questions or concerns.

3 I'm here tonight to voice my support for
4 the MOX project. My hope and desire is that it will
5 proceed without delay. To my knowledge, it is the
6 best option for disposing of our nation's excess
7 weapons grade plutonium.

8 As I think about the MOX project, I have
9 to ask three questions. First, is it needed? If we
10 want to reduce the tremendous quantity of excess
11 plutonium in the world, create a safer environment for
12 civilization, then the answer is yes. It's my
13 understanding that Russia has agreed to use only the
14 MOX process, and that is predicated on the expectation
15 that the U.S. will also use the same process.

16 Second, does the technology and experience
17 exist such that the MOX project can be constructed and
18 operated safely and cost effectively? I think the
19 answer is yes. For almost 50 years, employees of the
20 Savannah River Site have played a major role in
21 providing the defense materials needed to help win the
22 Cold War. In many ways, they've not been adequately
23 recognized for the contributions they've made. As a
24 citizen of this great nation and Mayor of Aiken, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 appreciate their dedication and commitment to the
2 safekeeping of our country.

3 We're equally proud of their safety
4 record. Just recently, on March 26, the WSRC
5 employees reached a significant safety milestone of
6 ten million hours worked without an injury resulting
7 in time away from work. The safety milestone marks
8 the fifth time the Westinghouse Savannah River Company
9 employees have reached this milestone since 1989.

10 I think that with SR's talented workforce
11 in partnership with Duke COGEMA Stone & Webster they
12 will safely convert the excess materials into energy,
13 making use of the excess plutonium by fabricating it
14 into fuel for commercial reactors to product
15 electricity. In Europe, over 30 reactors are
16 operating with MOX fuel. It is certainly not a new
17 science, nor is it unproven.

18 And third, is there community support for
19 the MOX project? Based on the great community support
20 over the years for SRS in general, I would say yes.
21 In my view, our community support is great because the
22 SRS and the employees have proven that the work at the
23 Site can be accomplished successfully and safely, not
24 only from a physical standpoint but environmentally
25 also.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Our communities know that the Site
2 management and their employees are extremely safety
3 conscious, and that gives us a good feeling about the
4 safety of our citizens and of our community. Real
5 proof lies in their performance over the years.

6 In summary, I'd like to close by saying
7 that I moved to Aiken in 1953, and I know first-hand
8 of the safety, attitude, and performance at the
9 Savannah River Site and the talented pool of
10 employees. I'm very concerned about the disposition
11 of the excess weapons grade plutonium. We need to
12 properly dispose of this material to ensure that it
13 doesn't get into the hands of terrorists. I urge you
14 to support the approval of this process and its
15 location at the Savannah River Site. Again, thank you
16 for providing this opportunity for comments.

17 In addition to that, I do have two letters
18 that I've been asked to read. First by Lindsey
19 Graham. Representative Graham couldn't be here this
20 evening. And secondly, by Senator Greg Ryberg. So if
21 you'll allow me, I would like to read the whole
22 letters for the record.

23 Representative Graham's letter is
24 addressed to the Chairman and Nuclear Regulatory
25 Commission. "I regret that I will be unable to attend

1 either of your public hearings on the Department of
2 Energy's Excess Weapons Material Disposition Program.
3 This program is of critical importance to the nation
4 as a means of eliminating the threat that excess
5 weapons grade material possesses to the region, as an
6 economic driver, and to the Savannah River Site, as a
7 final disposition for its stores of plutonium.

8 I believe that this program represents the
9 ultimate example of turning swords into plowshares and
10 feel that the European model of MOX production proves
11 that this program can be run with minimal impact on
12 the environment.

13 I have strongly advocated for this program
14 since first becoming acquainted with it as a freshman
15 congressman in 1995. It takes billions and billions
16 of dollars in infrastructure to build the facilities
17 capable of manufacturing these materials. But,
18 frankly, it takes only one good thief or one crooked
19 general to steal enough material to build a weapon.

20 With the limited safeguards and security
21 given these materials in Russia and the dismal
22 economic situation there, I believe any reasonable
23 person looking at this issue would agree with the
24 National Academy of Sciences and the Center for
25 Strategic and International Studies, both of whom

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 found these materials in Russia to be a clear and
2 present danger to the United States.

3 The American program is important to bring
4 our Russian counterparts along. But it is also
5 important to the long-term environmental remediation
6 program at the Savannah River Site.

7 The Savannah River Site, as you are aware,
8 is scheduled to begin accepting plutonium-laced
9 materials and plutonium pits from Rocky Flats facility
10 in Colorado beginning this summer. MOX plays in
11 important role in the disposition strategy for those
12 materials. Without MOX, SRS may become a long-term
13 storage facility for plutonium, a scenario that
14 neither the congressional delegation nor the states
15 government supports.

16 We know that MOX can be done safely, as
17 the European record shows. I am confident that you
18 and the Commission will make a full study of the
19 impacts of the Plutonium Disposition Program and its
20 requisite facilities, and in the final analysis you
21 will approve the license and the construction of these
22 important facilities.

23 Again, I apologize for not being available
24 in person and thank you for your time. Sincerely,
25 Lindsey Graham, Member of Congress."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And then from Senator Greg Ryberg, "I
2 appreciate the Nuclear Regulatory Commission holding
3 this hearing in North Augusta on the Mixed Oxide, MOX,
4 Fuel Fabrication Facility Project at the Savannah
5 River Site. I want you to know that this community,
6 as demonstrated at every meeting concerning the
7 Plutonium Disposition Program, fully supports the
8 project and the program.

9 Since SRS produced much of the material
10 which will now be converted to MOX for disposition at
11 the Duke Energy Nuclear Reactors, it is the right
12 decision to have the MOX facility at SRS. This will
13 build upon the excellent safety record established at
14 SRS over the last 50 years and utilize the experience
15 and expertise there. I commend the Department of
16 Energy on this decision.

17 SRS continues to be an excellent community
18 citizen. Those of us who know and understand its
19 mission fully support the Site, its employees, and its
20 programs. The SRS has the most capable staff of
21 employees who are unwavering when it comes to safe
22 handling of nuclear materials. Our daily life
23 involves risk. These risks often expose us to more
24 risks than the operation carried out at the SRS.
25 Those who fight against MOX and the SRS are not from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the community and are unfamiliar with our long-
2 standing operation of a safe nuclear facility.

3 The NRC is new to SRS, and I encourage you
4 to listen to those of us who have lived in this
5 community for quite some time and who will continue to
6 live in this community into the future. As stated
7 earlier, our acceptance and support for SRS and the
8 Plutonium Disposition Program are unwavering.

9 Thank you for this opportunity to provide
10 input. Sincerely, Greg Ryberg, Senate."

11 Mr. Chairman, thank you for the extra time
12 you've given me for this. Appreciate you being here
13 again and giving us the opportunity to make our
14 comments.

15 MR. CAMERON: Thank you.

16 (Applause.)

17 MR. CAMERON: Okay. We're going to go
18 next to Janet Zeller, and then we'll go to David
19 Walker. Janet?

20 MS. ZELLER: Thank you. My name is Janet
21 Zeller. I'm Executive Director of the Regional Blue
22 Ridge Environmental Defense League. We have more than
23 50 members, community-based organizations in our
24 League. We have offices in Charlotte, North Carolina,
25 potentially impacted by this plutonium fuel factory,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and an office here in Aiken, South Carolina, in
2 addition to other offices across the Southeast.

3 First, I would like to present some
4 overviews of the plutonium fuel factory project before
5 I get into some detailed recommendations for the
6 scoping. And these I would like for NRC to view as
7 prerequisites to proceeding with the scoping process.
8 First, our organization is on record asking the United
9 States Department of Energy to do a supplemental
10 Environmental Impact Statement, because the plutonium
11 fuel factory project is a moving target. It's not
12 just a matter of design changes, so the whole need for
13 the plutonium fuel factory project needs to be
14 evaluated in a much more detailed way than the
15 Department of Energy did.

16 So what we are asking is that the NRC
17 support our request for the Department of Energy to do
18 a real look at the need and alternatives, which they
19 did not adequately address. And we've got records
20 which will indicated what we're talking about there.

21 Okay. Second, and I would very much like,
22 Mr. Harris, for this one not to be lumped. I am not,
23 and the organization is not, convinced that the U.S.
24 Nuclear Regulatory Commission is adequately
25 independent to evaluate the plutonium fuel project.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We are aware that NRC has, for its entire history,
2 very close ties with their regulated community, the
3 nuclear utilities, and that they receive their funding
4 from this regulated community.

5 In addition, I was very alarmed by the
6 lack of objectivity and independence in Chairman
7 Richard Meserves February 2001 letter to Vice
8 President Dick Cheney. In that letter, he laid out a
9 role for NRC to be a proponent, an activist, in
10 pushing for elimination of regulations and other
11 barriers to new nuclear reactors in this country.

12 This lack of independence leads me to a
13 second request of NRC. And that is that NRC support
14 an independent review by a special commission. We
15 suggest that this independent review follow that
16 recommended by the National Resource Council in March
17 of 1988 in its advocacy for an independent review and
18 a complete performance audit of the United States
19 Department of Energy's plutonium work. And, again,
20 documents will be attached.

21 I'm also very distressed that so much of
22 what is happening in this incredibly important project
23 is being made up as it goes along. I don't think that
24 there is ever in history before a project like this
25 one, one that would be operated -- constructed and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 operated by a private facility, regulated by the NRC
2 on the publicly owned and DOE operated Savannah River
3 Site.

4 So this really is a brand new project, and
5 this nightmare of regulatory framework suggests to me
6 that there will be gaps in the regulation and that the
7 Department of Energy and the NRC will leave holes
8 where no one is responsible except a private company
9 with a profit motive and proprietary information,
10 which none of us can get our hands on in order to
11 evaluate properly the technical aspects of this
12 facility.

13 Okay. Third, I would like to request that
14 because of the nature of -- unprecedented dual nature
15 and I think unprecedented, I think, danger of
16 importance of this plutonium fuel factory, that the
17 NRC allow and promote the EPA in having a full
18 regulatory role in this project. Chairman Meserve
19 certainly did indicate in his February 2001 letter
20 that he wants NRC and not EPA to be in charge of
21 absolutely everything. And so I think that the one in
22 a million deaths that the EPA holds facility to for
23 their health-based standards is what the people
24 impacted by this facility, whether on transport routes
25 or in the reactor communities or here around the SRS,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 deserve rather than one in ten thousand or one in a
2 hundred that NRC will allow, depending on the details,
3 and we'd like to see those very clearly.

4 Also, finally, I want to say that I'm
5 really pleased that the NRC is coming to Charlotte on
6 May 8 for a reactor scoping meeting or a scoping
7 meeting in a reactor community. And what I would like
8 to have NRC respond to, though, is the -- and before
9 the process is over -- is this our only opportunity
10 for scoping for the reactor environmental impacts for
11 this project? And if that's the case, we'd like to
12 know that up-front so we can address our comments in
13 a more detailed way.

14 What we request is that the off-site
15 impacts and reactor communities be included in the
16 scoping for the plutonium fuel factory in that the
17 full reactor EIS take place and that a separate
18 scoping be done for that near the time of any kind of
19 license should this insane proposal proceed.

20 And then I've got some specific
21 recommendations -- and I might be running out of time
22 -- but I've got some specific recommendations which I
23 want to make for scoping. First, I want the NRC to
24 actually evaluate alternatives where DOD abrogated its
25 responsibility. So if NRC fails to do a supplemental

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 EIS, we want full evaluation, not just build it but of
2 what immobilization, immobilization perhaps of SRS,
3 immobilization at various points in the country could
4 mean, and then perpetual storage as well. And so the
5 full range of alternatives needs to be in this NRC EIS
6 if DOE is not going to do its job.

7 Okay. I would like, number two, NRC to
8 conduct a comprehensive analysis of the immediate and
9 the long-term effects of this unprecedented dual
10 nature of the regulation that I mentioned just a while
11 ago: Exactly how is it going to work with DOE and NRC
12 both having the role at this facility on this Site,
13 especially in terms of waste management and other
14 details, which we will provide later.

15 And number three, I would like to have NRC
16 evaluate in this scoping, or in the EIS, the harm to
17 the public caused by the project's secrecy, including
18 the label for proprietary information. We cannot get
19 even lists of radionuclides or any kind of details of
20 technical processes. And so I don't know how anybody
21 can stand up here and say that this is going to be a
22 safe project, that the fuel factory operation is going
23 to be safe, without anybody except NRC having access
24 to information that would be necessary to do a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 technical evaluation. We simply can't do it without
2 information.

3 Number four, I'd like to have detailed
4 accident scenarios. Again, we didn't get this in an
5 adequate way or a detailed enough way from the DOE.

6 Number five, I'd like a clear and complete
7 assessment of the plutonium fuel factory and foreign
8 and domestic terrorism. If, indeed, this is going to
9 be a reduction in terrorist activities, I'd surely
10 like to know why putting weapons grade material that's
11 the actual bomb-making material on the roads between
12 here and Catawba and between here and McGuire, how
13 that actually limits the access to terrorist who would
14 want to get this material. So an absolute full and
15 detailed terrorist impact.

16 Number six -- and I'm almost through --
17 the NRC must evaluate the off-site impacts for the
18 plutonium fuel factory, including the reactor
19 community impacts and the transportation corridor
20 community impacts, in detail, please, with very clear
21 statements of exactly how much, how many people can
22 die by being in the stalled vehicle, a whole range of
23 accident scenarios, both in transport and at the
24 reactor community -- in the reactor communities.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And then, finally, we'd like to have the
2 effect of the NRC choosing to work with DCS and DCS
3 choosing to work with NRC and the impact on the whole
4 energy economy that yet another taxpayer subsidy for
5 things nuclear will actually result in.

6 And thank you very much.

7 (Applause.)

8 MR. CAMERON: Thank you, Janet. And I'm
9 going to put the one issue of additional scoping up on
10 the board, and perhaps we'll go to that. I'd like Mr.
11 Walker to join us at this point.

12 MR. WALKER: Good evening. My name is
13 David Walker. I am President of the Aiken Branch
14 NAACP. That's the National Association for the
15 Advancement of Colored People. I'm also the regional
16 coordinator in Region 2B, which covers Aiken County,
17 Asheville County, Saluta County. I have technical
18 oversight over those branches, and within my region we
19 have several thousand members of the Association.

20 It might seem strange that the NAACP takes
21 -- is standing before you to take a position on this
22 MOX system. But let me just give you a little
23 background. The NAACP has always been concerned about
24 environmental justice, about plants being built in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 low-income and black neighborhoods that poison our
2 children, that were not safe.

3 Just a few years ago I stood at City
4 Council in support of a battery plant that wanted to
5 come to Mount Morinsey. A few months after that,
6 while pastoring in Waynesboro County, Georgia -- in
7 Burke County, Georgia, rather, in Waynesboro, I stood
8 in opposition to a different battery plant that wanted
9 to come to Burke County because of its safety record.

10 But tonight I stand in support of the MOX
11 system coming to Savannah River Site. I have been in
12 Aiken 20-odd years. I have family and friends working
13 at Savannah River Site. And I feel that the system
14 being proposed, the MOX system, unless another one is
15 proposed, is the best plan on the table. I realize
16 that Savannah River Site is one of the safest
17 facilities in the nuclear complex.

18 I have spent many days out at Savannah
19 River Site. I have seen their work. And while I'm
20 not an engineer or environmental scientist, I do know
21 safety when I see it. I have worked with two other
22 companies that are listed in DCS. I've worked with
23 Duke, and I've worked with Stone & Webster, providing
24 them technical people in the areas of nuclear

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 engineering. So I know the people that work for them
2 are qualified to do the job.

3 I also -- and when I say "I," I speak for
4 the Aiken Branch -- we support the MOX program and
5 welcome the economic benefits that this project will
6 bring to the Aiken area and to SRS. While we stand
7 fully in support of this project, we will put Mr.
8 Johnson -- is that it? Mr. Harris. We will put Mr.
9 Harris on notice that we will be monitoring closely
10 the environmental justice portion of this project to
11 make sure that our neighborhoods are kept as safe as
12 all other neighborhoods. But for this moment the
13 Aiken Branch and the Region 2B of the NAACP stands
14 fully in support of NRC permitting the work to begin
15 on the MOX system. Thank you.

16 (Applause.)

17 MR. CAMERON: Okay. Thank you, Mr.
18 Walker. Next we're going to Don Moniak, and then
19 we'll go to Scott McGregor and then to Mal McKibben.
20 Don, either podium is open for you.

21 MR. MONIAK: Hello. My name is Don
22 Moniak. I work for the Blue Ridge Environmental
23 Defense League, and I'm a resident of Aiken, not the
24 City of but the County. I moved here about seven
25 months ago to work on trying to stop the MOX plant.

1 It really doesn't matter where I live,
2 though, because when it comes to plutonium there are
3 no outsiders. And to say that this some kind of
4 community decision has always been wrong. It was
5 wrong at Pantex, it was wrong at Hanford, it was wrong
6 at Idaho Falls, and it's wrong here. This is public
7 money, and the Department of Energy has wasted enough
8 of my money and everybody else's money over the years
9 that everybody should be concerned whether this can be
10 done as they said it could be.

11 I want to start by saying that the first
12 thing I want the Nuclear Regulatory Commission to do
13 is tell us what plutonium is really all about. And if
14 they can do that, I'll be very impressed, because it
15 is considered the most complex metal, at least, in the
16 periodic table -- something I just learned in the last
17 year or so. And I'll submit this from Los Alamos
18 Science, Number 26, 2000, the 20 unusual properties of
19 plutonium. I'd like to see them explained so that we
20 know that you all understand what you're dealing with.

21 Because, frankly, the NRC doesn't have
22 much experience with plutonium. And I'm quite
23 disappointed that they haven't recruited the experts
24 within the Department of Energy's oversight and
25 especially the Defense Nuclear Facility Safety Board,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 which has been instrumental in trying to approve the
2 way plutonium work has been done in this country.

3 And I'm very surprised the NRC hasn't made
4 a lot of visits to Rocky Flats, Savannah River Site to
5 see what it is really like to process weapons grade
6 plutonium. Instead they're sending their Project
7 Director to France to see how the French regulators
8 keep an eye on COGEMA. Don't care what the French do.
9 The French don't even have a Freedom of Information
10 Act. They have very different laws over there, and
11 I'd like to see the NRC spend a little more time in
12 this country looking at how plutonium work is done
13 correctly and incorrectly.

14 As far as recovering the plutonium too,
15 that's a non-issue, and it should be listed as
16 unimportant in the EIS. This is a \$350 weapons part
17 with join test assembly that was put together and
18 taken apart at Pantex Nuclear Weapons Plant. I got it
19 in a pile of 500 pounds of old parts with some other
20 kind of valuable parts. It was worth \$350 new. A
21 very well-crafted piece of machinery, probably as
22 important to making sure the weapon would work if
23 somebody wanted to use it as the plutonium in it.
24 Because when parts like this don't work and it doesn't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 start to train towards nuclear detonation, there's no
2 "boom."

3 But yet nobody's proposing to try to
4 recycle all these parts into some kind of valuable
5 product because we spent so much money on it.
6 Plutonium has zero fuel value. If it had a positive
7 fuel value, it wouldn't have to be subsidized by the
8 government.

9 One of the governments that heavily
10 subsidizes the plutonium, and one of the reasons we're
11 here, is Russia. I spent three weeks in Russia last
12 year, and I was with Janet and Lou Zeller. And Janet
13 Zeller asked a manager at the BN 600 Fast Reactor,
14 where they want to burn MOX fuel, plutonium fuel,
15 there, a place where they've had 17 sodium fires in 23
16 years and about 28 leaks, and yet they consider it
17 safe and it's working just fine, and we're spending
18 money to make it more dangerous, she asked, "When was
19 the last time you got paid?" And he seemed very
20 surprised that she even wanted to know this. And he
21 asked, "Why do you want to know this?" She said,
22 "Well, because we care that you're being well-paid and
23 that you're going home and not having to worry about
24 paying your bills and all that." They hadn't been
25 paid in two months.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The NRC needs to look at the non-
2 proliferation aspects of this project. This project
3 is not what it's cracked up to be. MINATOM in Russia,
4 the Ministry of Atomic Energy, is clear in its intent
5 to take this money from the U.S. and other Western
6 countries, build a plutonium fuel infrastructure, and
7 export their plutonium fuel. It's clear, there's no
8 hesitation about it: Who will they export this fuel
9 to? Most of the countries that the NRC would not
10 allow us to export one cherry tritium source to
11 because they're considered rogue nations -- Cuba,
12 Libya, Iraq, Iran, India, Pakistan, Burma. We can
13 argue that all those countries deserve nuclear power
14 too; I mean everybody does, right? But as long as
15 U.S. policy says that these are the rogue nations, why
16 are we funding Russia to develop a plutonium fuel
17 economy that's going to put the weapons plutonium into
18 commerce in those countries?

19 And I just read yesterday a report from
20 Los Alamos, the first time I've seen a critical report
21 of the Russian situation in which they wrote, "In this
22 regard, we are dealing with the most conservative
23 element of Russian society, a throwback to the old
24 regime." This month we'll have seven people from
25 Russia coming to visit, and they can testify to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 fact that the old regime's coming back, and people
2 over there are being harassed left and right by the
3 MINATOM, and they're not allowing their oversight
4 agencies to do their work, and it's getting ugly.

5 So the basis for this whole project may
6 have sounded better three years ago, but it's no
7 longer in existence. The world's changed again. You
8 need to evaluate that. You need to evaluate the
9 record of the licensee, the proposed licensee.
10 Savannah River Site, Westinghouse Savannah River Site,
11 is not the licensee. The Licensee is Duke COGEMA
12 Stone & Webster. Half of the money being spent on
13 this design, or about half, half of the design team is
14 working in France. The money isn't even going into
15 this community. The \$63 million next year will go to
16 the Department of Energy Chicago Area Office.

17 If you want jobs and you want to have SRS
18 and their expertise and charge the plutonium, then you
19 ought to support the immobilization project, because
20 Westinghouse Savannah River Site and Livermore are
21 very closely combined on that and it's an open
22 process. You can read everything about it; there's
23 nothing proprietary. But NRC has to review the record
24 of COGEMA in France and not just the Melox Facility,
25 which is brand new, but the Catterash Facility. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Belgo Nuclear is the subcontractor. We want to know
2 about the Decile Facility. We want to know about
3 Stone & Webster's past efforts and how many of their
4 first-of-kind facilities ever got off the ground.

5 You need to recognize that the Department
6 of Energy's Environmental Impact Statement is invalid.
7 You said it's outside of your statutory jurisdiction.
8 Well, I worked for the government off and on for 15
9 years, and I know I had to sign a little piece of
10 paper that said, "I swear to uphold the laws of this
11 country." One of the laws of this country is National
12 Environmental Policy Act. As a federal employee, I
13 think you're obligated to say this was done illegally.

14 The aqueous polishing process, liquid acid
15 polishing, that's up on the little table over there,
16 that COGEMA Stone has in very simplistic terms, they
17 decided to go forward with this in 1997 but didn't
18 tell anybody; meaning the Department of Energy
19 submitted false information to Congress and to the
20 public about the size of this facility. Three years
21 ago, this facility was 100,000 square feet, 120,000 of
22 hardened space. Now it's up to 340,000 square feet,
23 and it's being heavily automated. Three years ago,
24 they said less than ten gallons of liquid waste,
25 radioactive waste. Two years ago -- a year and a half

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 ago, it was only 230 gallons. Now it's 300,000
2 gallons. There's something wrong there.

3 The NRC needs to be more open on this.
4 I'd like to announce that anybody who would like a
5 copy of this so-called construction authorization
6 request, I can only provide it to you on disk, on a
7 CD, but the Nuclear Regulatory Commission is offering
8 to sell this for \$44 -- \$44. The thing cost 50 cents
9 for the CD. It cost about -- I can make about five or
10 six per hour, and realize I'm cheaper than government,
11 because I'm an underpaid environmentalist.

12 (Laughter.)

13 But, nonetheless, \$44, that's
14 profiteering. Either it's profiteering or it's
15 inefficiency. We shouldn't have to pay for it. If
16 you'd like a copy of not only the construction
17 authorization request but every other document that's
18 available electronically, sign up, and I will provide
19 it free of charge. Well, it's 59 cents for postage
20 too. I guess that's where the \$44 comes from.

21 (Laughter.)

22 Another thing is I would -- also, I'm
23 going to give DCS a little credit. They will provide
24 the environmental review, a very clean, well -- a good
25 electronic version for free. Now the licensee is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 proposing to do this for free, and I even gave it to
2 the NRC and said, "Put this up on your web site, and
3 the NRC went and scanned in the whole thing. And it's
4 this big bothersome thing that you can't even cut and
5 paste so you can muckrake with it. But they'll give
6 it to you for free. But the NRC wants to charge us 10
7 cents a copy for stuff. They need to get with the
8 times. The Defense Nuclear Facility Safety Board
9 charges four cents a copy, maybe three cents per page
10 -- three cents for the whole document too.

11 MR. CAMERON: Don, are you at the end?

12 MR. MONIAK: I'm just about there, yes.

13 MR. CAMERON: All right.

14 MR. MONIAK: I figure what the heck.

15 Sandia National Laboratory is responsible
16 for making sure nuclear weapons don't go off
17 accidentally, and their Weapons Surety Director, a guy
18 named W. C. Nichols, a few years ago, said, "It is not
19 our job to play God by judging the acceptability of
20 the risk."

21 I have one of these little laser pointers
22 here. It can't go off right now, because I've got an
23 administrative control -- I've got the batteries in
24 backwards. However, if I was to have this ready to go
25 and I was to point it out in this crowd, how many of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you would accept the risk of not being damaged, not
2 having your eye damaged? Because I'll bet you the
3 probability is very low. I could say, "Hey, you know,
4 it's like one in 10,000 I'm going to hurt somebody's
5 eye in here. What's your big concern?" It's not my
6 job to say that. It would be an irresponsible thing
7 to do. It's not NRC's job to say, "That's an
8 acceptable risk." When they start evaluating things
9 like background radiation, you need to realize that
10 it's very low around here. There's very little radon.

11 You need to prove to us that you have a
12 safety culture. In a safety culture, there's no
13 reliance on the fact that nothing bad has happened
14 yet. There's a willingness to learn from the past and
15 from the errors of others. In the absence of a safety
16 culture, there's a reliance on probability assessments
17 alone to prove acceptability. Duke COGEMA Stone
18 failed to submit an emergency management plan for a
19 Category I plutonium facility, because their models,
20 their probabilities showed that the risk was
21 acceptable. That's not safe.

22 Their plan is to use HEPA filters, whereas
23 Savannah River Site prefers sand filters, which are
24 much more efficient, safer, and reliable. Why aren't
25 they using the best technology? If you support

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Savannah River Site, then you should insist that Duke
2 COGEMA Stone use the technologies that Savannah River
3 Site would use because it wants to protect its workers
4 and the public to the best of its ability.

5 There's no doubt in my mind that most of
6 the people who go out to work every day out there go
7 out there not wanting to come home with a big dose of
8 radiation or even an above average dose. That's not
9 the issue. The issue is what kind of money is the
10 government going to provide to do any job right?

11 So I just want to finish and say that this
12 is not a choice between where this gets put. That was
13 two years ago. Pantex isn't in the running anymore.
14 This is not a non-proliferation mission anymore. This
15 is a subsidy to build a fuel infrastructure in this
16 country using non-proliferation funds. That's all
17 there is to it. Just come out and say it and quit
18 hiding. Thank you.

19 (Applause.)

20 MR. CAMERON: Okay. Thank you, Don.
21 We're next going to go to Scott McGregor. Scott, are
22 you going to use that? All right.

23 MR. MCGREGOR: My name is Scott McGregor.
24 I'm here on behalf of the Augusta Metro Chamber of
25 Commerce. The Augusta Metro Chamber of Commerce and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the businesses it represents recognize the Savannah
2 River Site as an outstanding community citizen that
3 continuously demonstrates its commitment to employee,
4 public, and environmental safety. It has an unequalled
5 history in safety and is always a leader in all safety
6 categories.

7 The role of SRS in our national security
8 through the production of materials used in our
9 nuclear weapons cannot be overstated. It is only
10 fitting that the Department of Energy has chosen
11 Savannah River Site as the home of the Plutonium
12 Disposition Program and is preparing to transport this
13 nuclear material back to the Savannah River Site for
14 disposition and the Mixed Oxide Fuel Program.

15 As overseer and approver of the MOX
16 facility design, construction, and operation, we
17 believe the Nuclear Regulatory Commission will
18 continue the great traditions of safety at Savannah
19 River Site. Any risk associated with this facility
20 and program are inherently low and acceptable,
21 especially when compared to those we readily accept in
22 our daily lives.

23 The importance of this mission to our
24 national and international security is tremendous.
25 The Augusta Metro Chamber of Commerce is proud to be

1 a part of the community with the Savannah River Site
2 and fully support the Site and its missions. We
3 appreciate this opportunity for comment. Thank you.

4 (Applause.)

5 MR. CAMERON: Okay. Thanks, Scott. Good.
6 Mal McKibben.

7 MR. MCKIBBEN: Thank you very much. I do
8 appreciate the opportunity to be spokesman for our
9 organization, which is Citizens for Nuclear Technology
10 Awareness, here tonight. And pardon my croaky throat.
11 I hope you can understand me in spite of that.

12 My name is Mal McKibben, and I'm Executive
13 Director of Citizens for Nuclear Technology Awareness,
14 or CNTA. CNTA is a grassroots citizens group and by
15 far the largest such group in the nation that is
16 involved in education on nuclear subjects and the
17 advocacy of beneficial nuclear technologies. About 80
18 percent of our members have worked or do work at the
19 Savannah River Site, and the other remaining 20
20 percent are leaders of our community or just public
21 citizens. About 2,000 members all together. Now, I
22 think it's closer to 2,500 and reside in the
23 Aiken/Augusta area.

24 Our organization and these communities we
25 often represent do fully support the MOX program as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 being the very best option for disposing of our
2 surplus weapons plutonium. We also believe that the
3 NRC's identified plan and program for conducting its
4 licensing process is appropriate, and it will be done
5 efficiently and with expertise.

6 NRC, it has been a long time since they
7 did regulate a plutonium facility, but the expertise
8 to do that is readily available. So we feel very
9 confident that the effects on safety and the
10 environment of construction and operation of that
11 facility can be done very acceptably.

12 The citizens of our area -- and you heard
13 this tonight over and over again -- recognize that the
14 technologies that are to be used in this facility are
15 decades old and proven over and over again to be safe.
16 In the United States, tons, literally tons of MOX fuel
17 was manufactured. It was irradiated in the six
18 reactors that you heard about. And those irradiated
19 fuel elements were examined to see if there was damage
20 or if there was a problem. There was not. And you've
21 heard also tonight that there are over 30 reactors in
22 Europe alone, plus some others in Asia, that are using
23 MOX fuel, and there have been no significant incidents
24 associated with that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So based on all of this very successful
2 experience and the combined experience and expertise
3 that I personally am aware of that exists within the
4 Duke COGEMA Stone & Webster family and the decades of
5 safe handling of these materials, we believe that this
6 facility should have an outstanding safety record and
7 an outstanding environmental record. There's no
8 reason why it shouldn't.

9 Now, the final assurance of that for us is
10 the confidence that the Nuclear Regulatory Commission
11 will conduct a thorough and rigorous and open
12 investigation as we go forward. The absence of
13 details to date does not mean that there will be an
14 absence of details as the design goes forward.

15 We have observed that most of the issues
16 raised by the anti-nuclear community are simply not
17 relevant to the existing NRC task, and we commend
18 NRC's balanced approach. And I want to assure you
19 that our organization, which is ripe with experts on
20 this subject, will continue to watch this very
21 carefully, and we will provide you with factual,
22 objective input and assessment as we go forward. And
23 I thank you very much.

24 (Applause.)

1 MR. CAMERON: Thank you, Mal. We're going
2 to go to Glenn Carroll now and then to Lee Poe and
3 then to Jen.

4 MS. CARROLL: My name is Glenn Carroll,
5 and I'm Coordinator of GANE, Georgians Against Nuclear
6 Energy. I've heard a lot of comments that it's very
7 tempting to respond to tonight, but it's getting late,
8 and we haven't heard from most of us.

9 The thing about what's on the table, as
10 Mr. Walker referred to, needs to be we're in a
11 democracy, so we need to come up and put up on the
12 table what needs to be there. We need to walk away
13 from nuclear weapons; we need to deal with plutonium.
14 Savannah River Site is a talented, experienced
15 workforce. Immobilization may have been struck from
16 the budget, but it's a worthy mission, it's worthy
17 jobs, and it's effective in disposing of plutonium --
18 a mission that the world needs to have happen.

19 We support SRS. It has a lot of work to
20 do. We don't see closure in our lifetime, I don't
21 believe. We have environmental cleanup to do, we have
22 nuclear waste technology to develop, and we have
23 plutonium to handle. The funny thing about MOX is
24 when you use it in a reactor it makes more plutonium.
25 It makes a waste that's three times as hot as regular

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 waste and takes three times as long to cool down.
2 That is a topic for the Environmental Impact
3 Statement, by the way, looking at that waste stream.
4 So after you manufacture it, at great risk to the
5 workers, to the environment, adding to the already
6 heavy waste burden at SRS, a lot of jobs to deal with
7 that, you've made more plutonium.

8 My comments to the Environmental Impact
9 Statement, including the look at the waste stream from
10 reactor use, the spent fuel, we need to look at the
11 safety compliance records of the entities, the past
12 history of Duke COGEMA and Stone & Webster. We need
13 to look at COGEMA's history in Canada where they've
14 come under fire for worker -- higher than acceptable
15 worker contaminations. We need to look at Catterash,
16 the older MOX facility in France, as well as the new
17 one, Melox.

18 We note that over four years of the MOX
19 design being out, being talked about, that the
20 estimated cost has almost doubled. In a history where
21 we have a risk/benefit culture and the environment
22 often absorbs the expense of higher costs, I feel like
23 the EIS has to analyze and create a framework for
24 dealing with realities of higher costs as they come
25 up, as we realize this, and analyze that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 environment will not take the hit of these higher
2 costs.

3 There's tritium in Georgia wells from past
4 activity. There's been tritium in the Savannah River,
5 there's been tritium in our oysters, and there's
6 tritium in the triggers. So the EIS has to reflect
7 how that tritium is going to be contained.

8 Plutonium is an inherent security risk,
9 because it can make a nuclear weapon, which is as
10 devastating to the environment as is conceivable. So
11 security and terrorism are very, very huge topics that
12 the EIS has to address.

13 We talk about using an aqueous process,
14 because removing the gallium from the triggers is so
15 important. This has a waste stream -- this is a very
16 multi-layered concept. By the way, ya'll, I'm an
17 artist, and I just want you to know how hard I've
18 worked to understand these issues. And I'm sorry I
19 don't speak more technically about them.

20 What I'm trying to drive at is what you
21 need to look at is if a dry process is not the
22 obvious, easiest way to get the gallium out, it has
23 less environmental impact. So what I would like to
24 see this EIS do is analyze, realistically, the impact
25 of wet and dry, and we have to face the costs. If

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we're going to do this, we need to do it dry, because
2 it is clear that the aqueous process is
3 environmentally destructive.

4 Right now, we've seen an escalation from
5 ten gallons to 300,000 gallons of waste at a site
6 where of 50 tanks one tank has been emptied, and it's
7 now being employed to transfer the waste from a leaker
8 into it. You have no tanks, we have no tanks. We
9 need to deal with these tanks. And I wish Duke COGEMA
10 Stone & Webster would embrace this project. These
11 tanks need to be vitrified. They could be used to
12 provide a high radiation barrier for immobilization,
13 and this deserves analysis in the EIS.

14 As a plutonium disposition track, it needs
15 to be compared to MOX. If our goal is to dispose --
16 and this is what I have heard in the most lovely
17 terms, and we agree it is so important to deal with
18 the plutonium. It is so marvelous the Savannah River
19 Site embraces this mission, that industries want to
20 work on this mission. But to accomplish the mission
21 of disarmament, to employ this community to save this
22 environment here, to remedy it, you need to
23 immobilize. And we can use the tanks, they can take
24 that waste, and we can protect the plutonium from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 theft so we don't have our security in terrorism and
2 environmental destruction from that.

3 We need to -- funny catch-22, your aqueous
4 process is environmentally destructive, and your dry
5 process for removing gallium is not real perfect, but
6 we need to, nevertheless, identify what our tolerance
7 level for gallium will be in the fuel. We need to
8 find out, we need to analyze what our tolerance level
9 for gallium is. We need to deal with, in EIS, with
10 the potential for imperfect gallium removal and fuel
11 falling apart in a reactor and what the impact on the
12 environment from that would be.

13 We need to look at if we make MOX fuel and
14 we have fuel with weapons grade plutonium in it and
15 the reactor side doesn't get off the ground and we
16 have to deal with this fuel refabricated, because the
17 reactor side didn't pan out and it doesn't actually
18 get used.

19 Transport. It needs to encompass the
20 transport of weapons grade plutonium to Savannah River
21 Site. As it currently stands, it wouldn't even be
22 safe, secure transport, and this needs to be looked
23 at, the environmental impact of diversion of plutonium
24 and its use as a weapon. We need an emergency

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 management plan, and we need to analyze whether doing
2 MOX without one and compare it to doing MOX with one.

3 As to the reactors, since every reactor in
4 this country is unique in its site and in its design,
5 it's irresponsible, it would seem, to try and do a
6 generic EIS about that. And so, first, I put forth
7 that it needs its own EIS process. For instance, the
8 reactors talked about being used now -- Catawba and
9 McGuire -- are a very peculiar design of which there's
10 a small handful, and they have what we're calling an
11 eggshell containment. They are the worst possible
12 reactor, it looks like, because they're already
13 suffering from embrittlement, and we know that this
14 fuel causes a higher rate of embrittlement because of
15 its fierce temperature. So it certainly needs to be
16 analyzed in this EIS, but in the future, if you get
17 that far, you're going to need to analyze that
18 separately and in every future case, because they're
19 all different -- different populations, different
20 bodies of water, different wind currents. It's pretty
21 obvious, even to me as an artist.

22 The filters, you need to compare, I
23 suppose, all different kinds. It's mind-blowing that
24 you'd consider using HEPA filters. And certainly the
25 Rocky Flats scenario where there was a potential

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 accidental critical mass in the air ducts is not a
2 scenario that should go unanalyzed.

3 You have two tracks of alternatives that
4 we propose that you look at. On the disposition side,
5 you need to look at immobilization. You need to look
6 at the environmental impact of theft and the uses of
7 bomb. Security and terrorism deserve your highest
8 attention. On the energy use side, you should compare
9 MOX use to conventional uranium use as a fuel, and
10 compare it also to the use of wind power and the use
11 of solar power.

12 In the European model that's been cited so
13 often tonight, the 30 reactors that have used it, just
14 for your information, that's out of over 400 reactors,
15 so it's still not used that often in Europe. And we
16 had an accident in France where the cladding failed,
17 and it partially melted in the reactor, the fuel.
18 Also, historically, MOX production has exceeded the
19 use. The plutonium content in the fuel -- plutonium
20 converts to americium, which ruins the reactivity. So
21 we need to analyze the impact of unusable fuel that
22 gets made and isn't used during its shelf life and how
23 that will be dealt with.

24 And, finally, I'd like you to consider
25 that I live a half a block from the rail that might be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 bringing this plutonium to Savannah River Site. And
2 if there was an accident, and there's been many in my
3 town, and there hasn't been a derailment, but buses
4 get stopped on the tracks and the train hits it, and
5 if there was a derailment near my house, it would
6 impact a middle school and a high school and a college
7 and several churches and a hospital and an old folks
8 home and my neighborhood. And so that needs to be
9 included in your EIS.

10 Finally, I have endeared myself to
11 everybody I can identify at the NRC and DCS, because
12 I want ya'll to buy GANE a CAR -- that's a euphemism
13 for construction authorization request. We're a very
14 poor, all-volunteer group, and this is an 1,800-page
15 document that, yes, it can be downloaded on the web if
16 you have a fancy computer, and you can print it out if
17 you've got a couple of days.

18 So a generous group offered to buy GANE a
19 CAR. And, you know, like the Publisher's
20 Clearinghouse, we've got the big invoice. And it says
21 it's from the American public, coast to coast -- North
22 Augusta, Savannah, Atlanta, and more, South Carolina,
23 Georgia, North Carolina, and more. Invoice number,
24 first of many. Customer -- and our suggestion is that
25 the NRC give us a CAR and pass the cost through to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 licensee wannabe. So we've got our customer listed,
2 Duke COGEMA Stone & Webster; address, the pocketbook
3 of the U.S. public, Aiken, South Carolina. And it's
4 for the MOX facility construction authorization
5 request, 680 pages. See, one hand doesn't always know
6 what the other's doing, but God bless the NRC. It's
7 the best regulatory party in the world. And we're
8 going to be better, right; always better. Let's see,
9 and we thank you for doing business with the American
10 public. We hope you'll be significantly increasing
11 your dedication to the public process in the very near
12 future. We'll be back.

13 (Applause.)

14 MR. CAMERON: Thank you, Glenn. Let's go
15 to Lee Poe.

16 MR. POE: Thank you. My name is Lee Poe,
17 and I'm here as a resident of Aiken, South Carolina
18 for 50 years. I want to thank you for coming to North
19 Augusta to receive our stakeholders' comments on this
20 task that we're undertaking -- the MOX fuel
21 fabrication facility. I'm glad to see this process
22 begin. There has been total silence between DOE and
23 DCS and the stakeholders on this subject since it was
24 announced in January of 2000. I hope communications
25 between the stakeholders and NRC is open, as it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 appears to be at this time, so we, the stakeholders,
2 will understand what is planned for the MOX facility.

3 I have had good relations with SRS, both
4 DOE and the contractor, over the years on many other
5 SRS issues. Plutonium disposition has been the
6 exception. I hope that it will cease to be the
7 exception and become the norm that we're all looking
8 for. I plan to spend the rest of my time and not tell
9 you how much I support the activity, but to tell you
10 where I think scoping comments in the EIS ought to be
11 modified.

12 I originally started out by saying that
13 there are two reports very important in terms of
14 communication: The construction authorization request
15 and the DCS environmental report. And I said they
16 should be made available to the public. Thanks to the
17 open house, I've gotten part of that accomplished
18 tonight by good ol' boy type discussions with the
19 ladies and the fellas here at the meeting and have a
20 copy. But I do think that these need to be made
21 available so that the stakeholders will be informed
22 and can come to the meetings and can understand much
23 of the discussion that takes place.

24 The supplemental information provided by
25 the NRC states that the EIS will address only site-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 specific impacts. It goes on to say that DOE has
2 already discussed the generic issues in their EIS.
3 The "no action" alternative that will be discussed in
4 the NRC EIS certainly must discuss the generic issues
5 as well. You cannot have a viable "no action" and not
6 talk about things like proliferation, not talk about
7 other things, as you all know that we're talking
8 about.

9 Now, the first paragraph of the background
10 that was given to all of us describes immobilization
11 of 8.4 metric tons of plutonium incorporated in
12 vitrified high level waste. From reading the
13 newspapers, I understand that project has been
14 canceled. If it's been canceled, then we are reducing
15 our understanding of the NRC, because here they're
16 telling us one thing and something else has been the
17 case. Again, the open house allowed me to talk to
18 Dave Nulton from DOE, and he tells me it has not been
19 canceled but significantly delayed.

20 So I'm a little bit concerned about that,
21 and what impact the lack of vitrification of the
22 surplus plutonium might have on the overall safety of
23 the Plutonium Disposition Program and the in
24 particular on the MOX EIS. Will it increase the
25 quantity of plutonium that will need to be fabricated in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the MOX fuel or whatever. That needs to be discussed
2 in the Environmental Impact Statement.

3 The supplemental information states that
4 there will be a single alternative for MOX operation.
5 I think that there needs to be several alternatives
6 for MOX operation that we've already heard that look
7 at different processing technologies, but that's not
8 my point. My point is that we don't know how much
9 plutonium is going to be processed through the MOX
10 plant. We need to look at not only the 25.6 metric
11 tons in the NRC document but at some amount less than
12 that and some amount greater than that to give you a
13 range and to allow the EIS to cover whatever might
14 take place in terms of the quantity of plutonium to be
15 processed through this facility.

16 The supplemental information sheet listed
17 17 areas to be discussed in the EIS. I couldn't look
18 at all of those things and make the same urgency that
19 needed to be discussed. And so I did look at them.
20 I numbered them consecutively from the top of the page
21 down to the bottom. Tim, you talked about it in your
22 discussions. There are some that are much more
23 important than others. In the list that I gave to Mr.
24 Cameron just a moment ago, I listed those that I think
25 are the more important ones. To shorten this list, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 won't talk about that here, but there are a number of
2 them.

3 And I think that the list should be
4 expanded to include the interactions between the DOE,
5 DCS, and the NRC throughout the system and the
6 interactions that exist on support characteristics
7 between DCS and the Westinghouse organization that are
8 supporting the remainder of SRS. There will be waste
9 generated, and they need to be managed, and they need
10 to be taken care of. Those kinds of things should be
11 included also in the impact area.

12 I think that you should look at these
13 things, both on the technical and the political
14 issues. The construction -- they should be predicated
15 on the construction, the operation, and the closure
16 and removal impacts should all be identified in such
17 a way that one can look at them and see what, for
18 example, is the impact of D&D or closure of that
19 facility after -- and the timing should be given.

20 The EIS should contain a commitment
21 showing how closure and removal will be affected and
22 how they will be funded and what's the terminal
23 facility site condition. And those facility sites
24 should be compared to the present condition for the
25 same location.

1 Now, I'm going to ad lib and add one in my
2 thought, looking at the view graph that showed the
3 facility due north of F Area. And I asked the
4 question earlier what were the criteria that settled
5 you on that particular area. From my knowledge of
6 that area, that would not have been the one I would
7 have picked. It's probably one that hastens whatever
8 impacts that may be from this facility to Upper Three
9 Runs Creek, and I think that ought to be minimized.

10 I believe that the location should be near
11 the water table divide, and perhaps considered at
12 least and evaluated as to whether maybe it ought to be
13 on the site of the previous mixed waste management
14 facility, depending on the construction of the
15 facility and the depth that need to be taken. You may
16 find that using an old site that had already been
17 contaminated might be the right thing to do for this.
18 I think that the siting of this facility needs to be
19 clearly looked at.

20 There needs to be a clear definition of
21 the various parts of the MOX facility. They need to
22 be defined in the EIS, and they need to say what the
23 support requirements for those individual components
24 of the thing are and what will the waste generated by
25 them be and that sort of thing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Now, I recommend, and, you know, I started
2 off by saying there hasn't been much communication,
3 and I'm trying to improve the communication between
4 all parties and the stakeholders, and I think that's
5 a very important thing. And I would like to suggest
6 that the NRC stakeholder meetings there be several
7 scheduled between now and February of '02 when the
8 draft EIS is supposed to come out to bring us along so
9 that we understand what it is that we're talking about
10 in the EIS, and we don't get caught by a fairly
11 significant EIS that we don't understand the language
12 and that sort of thing. I would certainly hope that
13 there's a way to bring that to fruition where the NRC,
14 Duke COGEMA, and DOE can get together and communicate
15 these kinds of situations with the stakeholders that
16 are going to be around here and are going to be living
17 with this facility throughout its lifetime and
18 whatever it leaves at the completion of that lifetime.

19 The MOX web page is a nice web page, but
20 it's daggone difficult to use, and I think Don talked
21 about how difficult it was to see these documents. I
22 went in there today and was trying to download -- I
23 downloaded the schedule. The schedule appears well on
24 the screen, and it prints the header and footer only,
25 so there are problems with it. I went in to open up

1 and look at the various parts of the environmental
2 report that DCS provided to NRC, and my computer tried
3 to download for 30 minutes until finally my server cut
4 me off and says, "Hey, something's wrong; you're not
5 getting anywhere." I agreed with him that that wasn't
6 right. And I see that the NRC has an ADAM system
7 that's supposed to help improve all this kind of
8 stuff. I'm not sure that I want to put that on my
9 computer, gentlemen and ladies.

10 (Laughter.)

11 I've got enough stuff now on there. But
12 I do think that there is a reading center in Aiken.
13 I think that NRC should provide a computer with the
14 ADAM software on it so that we can look and we can go
15 to the library and look at those kinds of things and
16 download as we decide it necessary to do so. I was
17 not aware of the severe cost that we're talking about
18 for copies of the thing, but I think that you need to
19 communicate with the stakeholders, and the
20 stakeholders need to communicate with you to
21 understand this thing and to make it come to fruition
22 in the best way possible.

23 Now, I have one that I did not add. I had
24 hoped that I would be able to get an answer on it
25 today. And that is the chemical processing or the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 polishing as shown in the statement there. And in the
2 front page of the Aiken paper today, Don Moniak's
3 letter to the Secretary, or to whoever it was to,
4 talked about it. And that is the difference between
5 the processes and the process to be used. I sense,
6 like I've heard stated here so many times before, that
7 we've not gotten a fair shake because the process that
8 is being scheduled for this facility is different than
9 what was talked about in EI. So be it, okay? But I
10 think that we need to clearly understand what it is
11 being scheduled in this process and the impacts that
12 that will have on the overall system.

13 MR. CAMERON: Lee, are you --

14 MR. POE: I'm through with one -- I was
15 going to say that last comment is not on my written
16 comments that I gave you. Thank you.

17 MR. CAMERON: All right.

18 (Applause.)

19 MR. CAMERON: Okay. We have several other
20 speakers, and I would just ask them to try to use a
21 certain economy --

22 MR. HARRIS: Can I economize real quick,
23 Chip?

1 MR. CAMERON: -- so that we can get
2 through. But I don't think that we need another
3 speaker, but go ahead, Tim.

4 MR. HARRIS: I just wanted to let you know
5 that we are providing copies to several local
6 libraries, hard copies of the CAR and environmental
7 report. So that will be coming. I'd also put a plug
8 in to submit your feedback forms and things like hard-
9 to-use web site and other difficulties are certainly
10 welcome to be submitted with that. Thank you.

11 MR. CAMERON: Okay. Thanks, Tim. I'm
12 going to add Mr. Poe's suggestion about additional
13 educational meetings up here on this list.

14 MR. POE: The computer and the library
15 too.

16 MR. CAMERON: Pardon me?

17 MR. MONIAK: The computer and the library
18 too. That would just be like 0.05 percent of the DCS '
19 --

20 (Laughter)

21 MR. CAMERON: Great. Well, I'll put that
22 up. All right.

23 We're going to go to Lou Zeller, Ed Lyman,
24 and to Ernie Chaput. Okay.

1 MR. ZELLER: I want to begin by
2 apologizing for what I perceive to be the rude remarks
3 of the Mayor of Augusta. I think Mayor Young's
4 remarks were not intended to offend visitors from
5 outside. And we know that you can't help where you
6 were born. But I want to apologize to Mr. Harris and
7 Mr. Johnson and Mr. Essig and Mr. Cameron for coming
8 for such a long distance. We know you can't help
9 where you were born, but we don't hold it against you,
10 the fact that you have come such a long distance to
11 provide information, that we don't feel the way Mayor
12 Young does.

13 My name is Lou Zeller, and I am the
14 Coordinator of the Blue Ridge Environmental Defense
15 League Southern Anti-Plutonium Campaign. I do
16 appreciate this opportunity to provide information.
17 To be perfectly clear, Blue Ridge Environmental
18 Defense League opposes the use of plutonium fuel in
19 commercial nuclear power reactors. While we do
20 support the goal of putting plutonium into non-weapons
21 usable form, we believe that the use of plutonium as
22 a reactor fuel is wrong for environmental, economic
23 health, and national security reasons.

24 However, we do recommend that the Nuclear
25 Regulatory Commission consider the following points.

1 The Nuclear Regulatory Commission must evaluate the
2 international implications of a plutonium fuel
3 factory. We do not believe that the new facilities
4 proposed for SRS serve only disarmament and non-
5 proliferation goals. Some could be used for either
6 civilian or military purposes.

7 For example, chemical processing
8 facilities for plutonium fuel can also be used to make
9 plutonium pits for nuclear weapons. The surplus
10 plutonium fuel project is a joint venture of the
11 United States and Russia. Statements by both
12 governments indicate they have plans to build new
13 weapons facilities even as they speak of disarmament.
14 By encouraging a plutonium economy in Russia and in
15 the United States, the plutonium fuel program
16 undermines international agreements for nuclear non-
17 proliferation.

18 Plutonium fuel facility licensing should
19 not be combined to technical issues alone. Any
20 decision by the Nuclear Regulatory Commission to
21 approve the project would have profound impacts on the
22 environment, on nuclear non-proliferation and
23 disarmament, and on energy policy for many decades.
24 Also, whether this project flies or fails depends on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the cooperation of the Russian people and their
2 government.

3 Therefore, before making any decision we
4 request that the NRC conduct a thorough investigation
5 into the global impacts of the entire project. As the
6 decision will have far-reaching effects on the nations
7 of the world, this investigation should include many
8 opportunities for public hearings and other types of
9 public input, both here and abroad.

10 The Duke COGEMA Stone & Webster plutonium
11 factory license application is fatally flawed. It
12 should be rejected. We call upon the NRC to halt the
13 plutonium fuel factory project because of the massive
14 increased estimates in liquid radioactive waste
15 generation during plutonium purification operations
16 and the failure of Duke COGEMA Stone & Webster to
17 formulate a plan for treating and disposing this
18 waste.

19 DOE officials have reported that HC
20 anticipates a number of changes of this magnitude
21 during the design phase of the project. This
22 explanation is insufficient. DOE has overlooked the
23 contractual obligations under which Duke COGEMA Stone
24 & Webster have to manage all radioactive waste. NRC
25 simply cannot look the other way. At a minimum, NRC

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 should require DOE to complete a supplemental EIS
2 before proceeding with the project.

3 We hereby request that NRC reject the
4 construction authorization request, because, one, DCS
5 is attempting to evade NRC oversight of the
6 radioactive waste management; two, DCS justified its
7 failure to submit an emergency management plan by
8 claiming that the public radiation dose during a major
9 accident would be within regulatory limits, even
10 though the regulatory limit is five to six times
11 greater than the average annual background radiation
12 dose; three, DCS based its application on
13 environmental compliance history of the Savannah River
14 Site, not on its own environmental record; four,
15 plutonium fuel factory has no licensed customers for
16 its product; and, five, DCS submitted a financial
17 report to NRC for fiscal year 1999 but has yet to
18 submit a financial report for fiscal year 2000.

19 Also, NRC should evaluate the impact of
20 existing radioactive contamination at SRS on the
21 plutonium fuel project. Millions of gallons of high
22 level radioactive waste are stored at SRS awaiting
23 solidification. The 50 to 100 million tritium, which
24 were released through the air pollution stacks over
25 the decades continue to fall back to Earth as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 radioactive tritiated water, contaminating the
2 region's well water and agricultural products. The
3 Defense Nuclear Facility Safety Board has identified
4 several technical problems at SRS, and these are in my
5 written remarks.

6 NRC should investigate Department of
7 Energy's inaccuracies about plutonium purification
8 plant. According to a report by our SRS Project
9 Coordinator Don Moniak, the major issues raised was a
10 massive increase in radioactive liquid waste to be
11 generated during plutonium polishing operations at the
12 plutonium fuel factory.

13 Plutonium oxide polishing is a public
14 relations term for the chemical purification of
15 plutonium powder using silver nitrate and nitric and
16 oxylic acid in order to strip unwanted impurities like
17 gallium, highly enriched uranium, and highly active
18 americium. Much of the high alpha activity waste
19 would be laced with dangerous amounts of intensive
20 radioactive americium, and all of it considered a new
21 waste form never handled before at SRS.

22 The Nuclear Regulatory Commission must
23 consider the full impact of these changes. NRC cannot
24 allow Duke COGEMA Stone & Webster to attempt to use a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 shell game to evade oversight by shifting the waste
2 problem to another SRS facility.

3 And, lastly, NRC should complete a full
4 financial review of the plutonium fuel program. A
5 full financial account of the plutonium fuel project
6 must be completed and submitted to public review. The
7 July 28, 2000 letter from the Director of Nuclear
8 Regulatory Research at the Nuclear Regulatory
9 Commission to the President of the American Nuclear
10 Society described a \$280 billion advance transmutation
11 waste project. NRC's review should include the
12 billions of dollars for plutonium fuel facilities and
13 the long-term plans for a \$280 billion waste
14 transmutation project, which looms as the nuclear
15 phoenix rising from the radioactive ashes of SRS.

16 Finally, I would add an action item here.
17 Even after listening to the presentation tonight, it
18 is not clear to me how environmental justice matters
19 and issues will be factored into this decisionmaking.
20 I would add that as an action item to be considered by
21 the NRC for public input. Thank you.

22 (Applause.)

23 MR. CAMERON: Thank you, Lou. And we'll
24 put that up there. Ed Lyman, and then we're going to
25 go to Ernie.

1 MR. LYMAN: Thanks, Chip. It's already
2 after ten. I haven't eaten all day; I may faint.
3 It's late, so I'm going to be pretty brief. And a
4 number of comments have already been addressed, so in
5 the interest of brevity I won't repeat them.

6 I am pretty disappointed to come to this
7 community and hear the MOX option discussed as if it
8 were the only one that was available and the only one
9 that would have brought benefits and advantages to the
10 Site, a long-term mission and new facilities, and a
11 new source of prestige for the workforce. The fact is
12 that the immobilization option, which I am thoroughly
13 convinced is superior from environmental non-
14 proliferation and safety standpoint, has fallen by the
15 wayside, and I haven't heard really much protest
16 tonight about that issue.

17 Mal McKibben, who I respect greatly, was
18 one of the leads on actually developing the technical
19 basis for plutonium immobilization, and I'd like to
20 see him advocate its restoration as vigorously as he's
21 defending the MOX plan.

22 The first scoping comment I would have,
23 therefore, is related to what is needed is a
24 restoration of consideration of an all mobilization
25 option and a full evaluation life cycle of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 immobilization option to the MOX option. This was
2 something that was not done in a credible way during
3 the DOE process, and it's something which the NRC
4 really needs to take up now to restore credibility to
5 the original decision for using a MOX process for the
6 bulk of plutonium disposition.

7 In that regard, the program does seem to
8 be unstable, budgetary changes that are leading to
9 sudden decisions that may change the whole way the
10 project looks. And Mr. Poe's comments, I think, are
11 well taken. One alternative that I would suggest has
12 to be evaluated is taking the entire amount of excess
13 plutonium that was looked at in the DOE EIS, which is
14 50 tons, and evaluating the impacts of that in an all-
15 MOX option. That was not done in the DOE
16 Environmental Impact Statement. They only looked at
17 hybrid, which was 33 tons MOX and 17 tons
18 immobilization, or an all-mobilization option. But
19 they didn't consider the all-MOX option, because most
20 of the material for immobilization is going to require
21 considerable processing to make it acceptable for MOX
22 fabrication.

23 So the issues associated with how that
24 material is going to be dispositioned I think now is
25 the burden of the NRC. And that is going to have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 impacts on the rest of the Site, which are going to
2 make it a little difficult for the NRC to evaluate,
3 but I still think are unavoidable.

4 For instance, there's been some discussion
5 of the pit assembly conversion facility, which would
6 convert plutonium pits to oxide as a feed for the MOX
7 plan. Some discussion that this plan, in addition,
8 may be canceled in favor of using existing
9 infrastructure, which means canyon facilities at
10 Savannah River Site. The NRC really is going to have
11 evaluate, once these plans become more settled, some
12 of these options and the impacts, for instance, of
13 using F Canyon facilities for an additional 20 years
14 to substitute for a PDCF that was canceled and the
15 impacts associated with operating that facility for
16 more than 20 years beyond its now scheduled end of
17 life.

18 A second scoping comment that I think is
19 important is the issue of the relationship between the
20 U.S. and the Russian program. These two programs are
21 very closely linked. As a matter of fact, by the
22 agreement that was signed, without the U.S. program
23 there would be no Russian MOX program and vice versa.
24 This linkage is so clearly defined that I think under
25 NEPA the U.S. is going to be obligated to consider the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 environmental impacts of the MOX program in Russia as
2 well as the United States, and we're going to be
3 examining the case law to try to strengthen that
4 argument.

5 That would mean that the U.S., when an
6 Environmental Impact Statement is done, if a major
7 federal action has significant impacts in a foreign
8 country, those impacts have to be evaluated, and
9 there's precedent for that. And I think that the case
10 can be made that that is the case here, which means
11 the NRC EIS is going to have to look at the full suite
12 of environmental impacts associated with the Russian
13 MOX program, including MOX fabrication transport
14 reactor radiation.

15 A third point is the incorporation of
16 reactor safety impacts into this document. I
17 understand that there is a problem. If the NRC does
18 not consider things like the reactor impacts, they may
19 be accused of what's called segmentation, or not
20 looking at the full consequences of the action they're
21 considering. On the other hand, I think it's
22 premature for them to do a credible reactor impact
23 analysis in the time frame this EIS is going to be
24 carried out on. And so in that sense, I would caution
25 them against -- if a reactor analysis is included,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that it's not going to have that much weight in the
2 eventual license amendments for the reactor facility.

3 One reason for that is simply the
4 information that's going to be available that was
5 relevant to the reactor safety of using MOX is not
6 going to be available until lead test assemblies are
7 irradiated, characterized, undergone non-destructive
8 and hopefully destructive analysis, perhaps fission
9 product release testing, and other severe acts of
10 testing. That information could give new safety
11 information into the process involved in NRC's
12 regulation of U.S. weapons grade MOX fuel, as
13 manufactured by Duke COGEMA Stone & Webster. That
14 information is not going to be available at the time
15 the EIS is completed. So I'm a bit concerned whether
16 what's done in the next couple of years in reactor
17 safety is really going to be relevant to the actual
18 facility license amendment.

19 I'm quite concerned about the reactor
20 safety aspect, as I think this community should be.
21 My own studies, and in fact a paper which I've just
22 published in the "Journal of Science and Global
23 Securities," show quite clearly that there are going
24 to be increased consequences in the event of a severe
25 reactor accident with MOX fuel in the core, with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 plutonium polishing removal americium. If there's a
2 severe accident at the Catawba Reactor, the number of
3 latent cancer fatalities downwind of that accident
4 will increase by about 25 percent. This could be
5 anywhere from hundreds to thousands of additional
6 cancer deaths. And I would caution that a plume like
7 that would spread most of the -- would cover most of
8 the Southeast, so the people in this community are not
9 insulated from that consequence. In fact, I don't
10 think it would reflect very well on the Site if their
11 program were associated with this kind of accident.

12 That's related also to Don's comment,
13 which I think shouldn't be -- can't be overstressed,
14 that DCS is not going to be -- is not a Savannah River
15 Site employee. And the fact is they have to be
16 watched like hawks. Already they've tried to cut
17 corners in a number of significant areas. I think the
18 integration of DOE standards with NRC requirements,
19 with regard to this plant, is going to be very
20 difficult.

21 And correct me if I'm wrong, but I
22 understand things that have been suggested are the use
23 of a design basis earthquake for the MOX plant that is
24 not equivalent to that which is used now for DOE
25 facilities at Savannah River Site; perhaps the same

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 thing with high winds or tornado design basis. And
2 also other aspects like fuel qualification parameters,
3 I think, corners are being cut. In some cases, the
4 standards are apparently less strict than are now
5 being employed in Europe. And I think all these are
6 ways of cutting costs, which mean that they may not be
7 a completely trustworthy actor.

8 And I think I will end there. Thanks.

9 (Applause.)

10 MR. CAMERON: Okay. Thank you, Ed.
11 Ernie, would you please join us. And then we're going
12 to go to Mary Olsen.

13 MR. CHAPUT: My name's Ernie Chaput, and
14 I represent the Economic Development Partnership of
15 Aiken and Edgefield Counties in South Carolina. The
16 Aiken community has a long and rich history in
17 supporting nuclear programs at the Savannah River
18 Site, and my organization has often provided comments
19 on nuclear activities proposed for our area. We've
20 long supported the Department of Energy's surplus
21 plutonium disposition and the MOX facility in
22 particular. While we've been frustrated with the slow
23 progress of this program, we are pleased that the
24 facility has now entered the licensing phase.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 As has been noted by several others, the
2 Aiken County is proud of our role in winning the Cold
3 War by producing plutonium and tritium for defense.
4 However, the job is half done. Now that we no longer
5 need the large number of nuclear weapons to assure
6 peace, it's equally important that excess fissile
7 materials be rendered, to the maximum extent possible,
8 unusable for use in weapons of mass destruction.

9 Using excess plutonium as fissile fuel on
10 a nuclear reactor is the only practical way of
11 significantly reducing plutonium's effectiveness in a
12 nuclear explosive device. Compared to other options,
13 such as immobilization, plutonium that's in spent
14 nuclear fuel is harder to recover. Plutonium that
15 comes from spent nuclear fuel is more difficult to
16 fabricate into a device. And plutonium from spent
17 nuclear fuel is much less effective in powering a
18 device that could be used by a terrorist nation, a
19 terrorist group, whatever.

20 Burning excess plutonium in a once-through
21 fuel cycle and disposing of that fuel in a national
22 repository is the most effective way to render that
23 plutonium as useless as possible for use in a nuclear
24 weapon or device.

1 It is our responsibility to make sure that
2 excess plutonium will not reappear as a headline in
3 tomorrow's newspaper, announcing an act of nuclear
4 terrorism or nuclear blackmail. And it's our
5 responsibility to future generations to help achieve
6 that goal.

7 Our government and the government of
8 Russia have wisely chosen mixed oxide fuel to render
9 excess plutonium unusable for weapons of mass
10 destruction. The government has also wisely selected
11 Savannah River Site for the conversion of excess
12 plutonium and for MOX assemblies to be used in fuel
13 nuclear reactors. The Savannah River Site has modern
14 and complete nuclear infrastructure, whether it's used
15 by Westinghouse or Duke COGEMA.

16 It has a large limited access land area,
17 best in class security to provide the highest level of
18 protection to these sensitive materials. Locating the
19 MOX fabricating facility on SRS closely couples
20 recovery of plutonium from dismantled weapons and the
21 storage of excess plutonium to the fuel fabrication
22 process, further enhancing security and safety.

23 NRC, as you prepare the scope of the EIS
24 for construction and operation of this facility, we
25 recommend the following be included: First, the

1 benefits of the MOX fabrication facility have
2 worldwide importance. A "no action" alternative is
3 unacceptable, yet we understand it must be considered.
4 As you consider the "no action" alternative, we
5 recommend that it include the environmental and human
6 impacts resulting from an act of nuclear terrorism.
7 That is the benefit we're trying to achieve -- prevent
8 those impacts.

9 Secondly, that maximum credit be given to
10 DOE's process for retaining a competent, world-class
11 industrial team for building and operating this
12 project. And third, we recommend that appropriate
13 consideration be given to the extensive and modern
14 nuclear infrastructure within which that MOX facility
15 would be placed. The safety, environmental, and
16 security programs at SRS set the standard for
17 excellence.

18 Thank you for the opportunity to provide
19 these comments.

20 (Applause.)

21 MR. CAMERON: Thank you, Ernie. Now we'll
22 have Mary Olsen.

23 MS. OLSEN: My name is Mary Olsen, and I
24 have two personal comments. The first is that I'm
25 very proud that Augusta area is one of my homes. I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 met my husband here, I got married here, I'm now
2 located in Asheville, North Carolina. Before I
3 proceed to my organizational comments, I want to add
4 a ditto in the words of a famous radio man, but a
5 heartfelt ditto to the comments of Mr. Lyman, Ms.
6 Zeller, Mr. Moniak, Ms. Carroll, and Mr. Zeller.
7 That's a personal "add me to that pile."

8 Now, speaking for Nuclear Information and
9 Resource Service, I am the Director of the
10 Southeastern Office based in Asheville, North
11 Carolina, not far from the four Duke reactors that are
12 under consideration as part of this program. Nuclear
13 Information and Resource Service is based in
14 Washington, D.C. We have a membership of over 1,000
15 grassroots organizations in the United States of
16 citizens and folks of all ages who are concerned about
17 nuclear issues.

18 Further, because these days consortiums
19 are international, in 2000, we decided to merge with
20 the World Information Service on Energy, and we have
21 12 offices on four continents. And I honestly don't
22 know the size of the membership, because we're just
23 going to get together the first time this summer.

24 So with that in mind, I speak for a great
25 number of people to say that we are adding our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 strength to the nix MOX movement, which is global and
2 opposes the use of plutonium fuel in any reactor
3 anywhere.

4 Okay. Having said that, I'm now going to
5 go directly to specific scoping comments, which is the
6 reason I'm here tonight. When we had our meetings in
7 Columbia and in North Augusta, Mr. Persenko confirmed
8 that weapons grade plutonium has never been fabricated
9 into fuel before and has never been used in a
10 commercial reactor before. So the first thing I'd
11 like to say about the Environmental Impact Statement
12 is I want to know when you're basing your comments and
13 your projections and your evaluations on data, where
14 you got that data, what that data is. And when it is
15 not weapons grade plutonium, I want you to report the
16 plus or minus of uncertainty associated with your
17 calculations. Because as far as I can tell, we're
18 going to be dealing with calculational information,
19 and we have a right to know your considered opinion of
20 your uncertainty with full revelation of those
21 calculations so we can evaluate that.

22 Okay. The second comment that's generic
23 to this whole process is I don't want to see any risk
24 modification of any projected dose figures on
25 anything. This business about volcanic eruption at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Yucca Mountain resulting in less than a hundred
2 milligrams a year exposure to people, forget it,
3 forget it. That is a risk modification of a dose
4 projection, and it's completely unacceptable and holds
5 no water. So we want to see basic information here.

6 Okay. The next thing I want to know is
7 what is the scope in terms of the plutonium that is
8 being considered? We were told by the Department of
9 Energy in the programmatic EIS and subsequent
10 plutonium disposition EIS that we're talking about 50
11 metric tons of surplus plutonium, no uncertain terms
12 about it, one time only, this is it kind of program to
13 deal with this one problem. And then we're talking
14 about MOX as a subset of that. I don't believe the
15 Immobilization Program has been canceled, so is that
16 what NRC is considering or in fact is NRC, like the
17 standard review plan and the revisions to Part 70,
18 which have already occurred, considering any plutonium
19 from any source, anytime, anywhere? And if that's the
20 game here, then you've got to be totally clear that
21 that's what we're talking about.

22 We oppose that. We think that you should
23 play by the same game as the process that you've been
24 hooked into, which is we're talking about 50 tons of
25 weapons grade plutonium and that's it. So every time

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you've got to be clear as to what you're talking
2 about. Otherwise, if we are not being clear or if you
3 take the generic route, then we're talking about
4 civilian plutonium as well as weapons grade, aren't
5 we?

6 And doesn't it become the occasion to
7 revise Part 50 based on this type of an EIS, like
8 you've revised Part 70? And then we have all U.S.
9 reactors being considered. So why are we only scoping
10 in the Southeast? Don't we need to go nationwide with
11 this? And if you get into that picture, then you have
12 to talk about full scale transportation of fresh
13 weapons grade fuel nationwide. Talk about a terrorist
14 reduction program? I mean the corridor between here
15 and Rock Hill and here and Charlotte is pretty scary,
16 but now let's talk nationwide.

17 Okay. And what about a return to
18 reprocessing? Are we only talking 50 tons of fuel
19 here? I mean don't we need more plutonium to feed
20 this process? So if that's the case, where would that
21 happen? Would it happen here in South Carolina?
22 Would it happen right here on the Savannah River where
23 there's already canyons in the F Area, where there's
24 already high level waste facilities in the F Area? Is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that what we're talking about? I mean this is the
2 generic picture I'm outlining, and we oppose it.

3 But if we're going to reprocessing, then
4 let's talk about transportation of high level waste
5 from the entire United States heading for South
6 Carolina, heading for Georgia and the Savannah River.
7 Let's talk about Yucca Mountain being canceled and
8 putting all the waste right here.

9 Okay. And then we have to talk about the
10 impacts to all the auxiliary facilities, and we have
11 to do this whether we're doing generic or site-
12 specific. But, for instance, the Ward Balley fight,
13 you remember that? One of the big issues was the
14 cumulative total of plutonium that was going to go
15 into that dump and whether it would contaminate the
16 Colorado River or not. Well, now we're talking about
17 MOX fuel use, so we have to look at the cumulative
18 total of plutonium from so-called low-level waste.

19 Okay. I'm at five minutes. I'm going to
20 go on for about two more.

21 On the generic front, if you use the Duke
22 reactors, forget it. Ice condensers are not your
23 reference reactors. And furthermore, we agree with
24 the Advisory Committee on Reactor Safety that MOX fuel
25 would be a total complete departure from usual uranium

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 use, that it deserves a complete evaluation and
2 analysis and why the hell would you ever pick ice
3 condenser reactors to put it in? If you want to
4 fight, just bring it to us in North Carolina, and
5 we're going to give you a fight on that one, because
6 there's no way that ice condensers are the right place
7 to try this experimental program. Okay. That's the
8 generic picture.

9 I want to remind you that it's tax dollars
10 this time. It's not an entrepreneurial effort. Is it
11 appropriate to build a facility you might not use with
12 tax dollars? As a taxpayer, I don't think so. Thank
13 God I have a big donation so I don't have to pay for
14 the next few years.

15 Okay. Cutting to the specific, we think
16 this EIS should be very specific. We have a contract.
17 It tells us already who the players are. We know
18 everything about these players. Why should this be
19 generic in any sense of the word? We should be
20 specific about what plutonium we're talking about,
21 what facilities we're using, and who they contract for
22 their ancillary activities. Because it's not just the
23 selected reactors; it's also every single facility
24 they use -- the nuclear laundries, the so-called low-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 level waste dumps, the on-site high-level waste
2 storage, all the transport.

3 And I agree with what Dr. Lyman said that
4 we are way too premature for this EIS to adequately
5 cover this. But it should cover it for any reactor
6 that's going to be used. So if later, heaven forbid
7 we're implementing this program, other reactors are
8 selected because the ice condensers, low and behold,
9 don't cut the mustard, well, there should be site-
10 specific EIS evaluations triggered by those license
11 amendments.

12 Okay. Let me just figure out what this
13 note said. Okay. I think I said it.

14 Finally, I just want to say a couple
15 things about the "no action" alternative. This
16 program is part of a record of decision that DOE has
17 not canceled, that has the weapons grade plutonium
18 either immobilized or put into fuel. If NRC does not
19 license MOX, the obvious answer to the "no action"
20 alternative is 100 percent immobilization proceeding
21 with plutonium disposition. There is absolutely no
22 way that the "no action" alternative should be
23 interpreted as doing nothing under this program.

24 Okay. I'm really uncomfortable to hear
25 about meetings with NRC, DOE, DCS. Maybe you start

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 mixing those acronyms, and the only left out is the R,
2 which is regulation. That's your job.

3 Okay. Two other comments really fast
4 here. Financial. Price Anderson, we're up for
5 renewal, aren't we? All the utilities are joined at
6 the neck. If any one of them has an accident, they
7 all pay. If one of them does something like double
8 the number of deaths -- we just heard Dr. Lyman say it
9 could be that bad if it's full MOX core -- if one
10 utility does that and has such an accident, why should
11 everybody else pay for that, especially when it could
12 be a more likely accident? So how is this going to be
13 handled in terms of Price Anderson? I think NRC needs
14 to look at that. I think they need to really do an
15 honest comparison in terms of the amount and power
16 generated by uranium versus plutonium because of the
17 amount of downtime that's going to be involved with
18 MOX fuel. I think it's going to be less power, not
19 more.

20 And, finally, DCS has only the word
21 "deactivate" in their contract. Deactivate is not the
22 same thing as decommissioning, and it supports my
23 point of view that even if this time period is not
24 where generic plutonium economy is the plan, then it's
25 after the 50 tons is taken care of. And deactivate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 simply means, you know, make it so that it can
2 continue being used by someone else to keep this whole
3 thing going. So I would really like a full scale
4 discussion and clarification on the difference between
5 deactivation and decommissioning. And since there is
6 no money in the contract for decommissioning, how that
7 is or is not going to be handled, and does it become
8 the burden of South Carolina, the state of, I mean.

9 Okay. Having said all of that, I will be
10 filing written comments. You will get a few more
11 verbal comments from me along the way. But I hope
12 that it's not too often said -- I'm going to say it
13 again -- that there's a difference between vested
14 economic interest and true public health and safety,
15 which is stated on your first slide as your mission.

16 And the last thing I want to do is to pass
17 around to NRC members and to the transcript a brief
18 article on a new report from France questioning the
19 economic basis for both reprocessing and MOX fuel and
20 showing that France would have saved money if they had
21 never reprocessed any fuel.

22 (Applause.)

23 MR. CAMERON: Thank you, Mary. We're
24 going to go Peter Sipp and then Jen Kato. And I thank
25 all of you for your patience tonight. We've heard a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 lot of good information. I probably should have had
2 more sense than to start with politicians.

3 (Laughter.)

4 At any rate, thank you for your patience.
5 Peter?

6 MR. SIPP: Well, thank you. Thank you
7 everyone for coming. I wonder on the EIS will it talk
8 about what's going to be released while the factory is
9 in operation? And I find it -- it's really amazing
10 that the politicians that talked about how wonderful
11 it was, did anyone say that they wanted clean water or
12 clean air? They didn't stress that. Without clean
13 water, we're in trouble. And there's already tritium
14 in the groundwater now. They didn't even talk about
15 that.

16 And in 1992, I worked for a contractor
17 over in the K Area on the Plant, and our mission there
18 was to put in pumps and filters, because they had
19 polluted the groundwater so severely there that they
20 had to have a new well, and they had to put up a new
21 250,000 gallon water tank. It was so bad. So now if
22 the same attitude is continued with the fuel factory,
23 there's going to be plutonium and gallium and whatever
24 else that's going to be excess, and so that's a
25 danger. We can't do that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Because I don't know about you all, but
2 when I take a drink of water, I like to know that it's
3 all right. When I brush my teeth, I like to know I'm
4 all right. And what about my kids, and what about
5 your kids?

6 I lived in Georgia from 1979 to August of
7 last year. And so I have experience with living here.
8 And now I live in North Carolina, so it's really
9 something the politicians didn't think enough of us to
10 stay and hear what we have to say, no. And so I
11 really look forward to seeing the EIS, I do. And I
12 think that we've only got one planet, and if we keep
13 on messing it up, there's not going to be anything
14 left for anybody.

15 And so thank you, everyone in the NRC, for
16 all you're doing, because I know you're working hard.
17 I know you are. Here it is 10:30 and you're still
18 working. And I personally appreciate it. Just thank
19 you.

20 (Applause.)

21 MR. CAMERON: Thank you very much, Peter.
22 Jen, would you like to join us. And then we have two
23 more speakers and possibly a question.

24 MS. KATO: I want to give you guys
25 something to look at me besides me, because I'm so

1 nervous. So you get to look at the nice picture over
2 there.

3 I want to offer a gigantic ditto for Lou
4 and Janet Zeller, Don Moniak, Peter Sipp, Mary Olsen,
5 and if I've left anybody out, I hate that. But I very
6 much agree with what these people say. I would like
7 to point out that they're all local -- excuse me, not
8 Mr. Lyman, sorry. But, anyway, they're all local. I
9 heard a politician say, "These people are not local.
10 They're swishing in and trying to influence you." And
11 we're all here.

12 I have to say also that I heard the first
13 reason -- I mean it finally registered with me why
14 these politicians are so supportive of this stuff; it
15 finally registered. They get to send all of their
16 waste to Whip, they think. That's why the people here
17 in Augusta and Aiken, all these people, don't want
18 anything but MOX. Goodness gracious, it's all gone.
19 We get to get rid of it. Savannah River Site doesn't
20 have to keep it.

21
22 All right. Now on to my points. We
23 support disarmament. That's a big point. All of the
24 groups here support disarmament. But we want you to
25 disarm harm. And what that means to us is disarm in

1 such a way that our children could play in it, my
2 children can play in it. And that is why I'm so
3 interested in all the comments that have preceded me
4 with these technical comments. I can't speak in a
5 technical way.

6 I do want to be real specific about one
7 thing. This is happening in South Carolina, and I
8 know that this has not been specifically addressed,
9 but let's consider Georgia in every avenue here. We
10 need you to consider Georgia and Georgia residents
11 across the River in Augusta and throughout all of
12 Georgia as far as the transport routes are concerned,
13 as far as air quality, cultural, ecology, socio-
14 economic, surface and groundwater, health, waste
15 management, decommissioning, and transportation. Just
16 consider Georgia along with the other states. That
17 have never been specifically stated, but I want to
18 make sure that you know that that's a very, very, very
19 clear intention that needs to be addressed.

20 I am also very much aware of the categoric
21 and significant reduction of property values along
22 routes that are used for high-level waste transport.
23 And I think that an EIS should consider the socio-
24 economic repercussions of what will happen along
25 transport routes for plutonium and for the waste,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 because we're talking about our property values, we're
2 talking about some unhappy people all along these
3 routes. And so property values drop, and the
4 politicians are going to hear about it; everybody's
5 going to hear about it. Let's do an EIS on that.

6 Along with Janet's comments about the
7 culture of secrecy, we need to do an EIS on that; I
8 agree with that. But it also needs to include the NRC
9 and the NRC's collusion in this culture of secrecy,
10 the impossibility and the difficulty with what you
11 call public access. I mean I don't exactly drool when
12 I think about trying to recover any kind of
13 information from the NRC or pay for it or go through
14 your web site or download your software. Include
15 yourselves in that EIS. Be honest, guys.

16 I'm aware that there is a plume in the
17 groundwater aquifer underneath Georgia that contains
18 tritium from the tanks on-site at SRS. And since I'm
19 aware that the plutonium is going to be managed
20 through the central waste facility at SRS and will go
21 into these tanks, it looks like there's a very real
22 possibility that this plume underneath Georgia may
23 contain plutonium as well as the tritium that it
24 already contains. This is of great concern to me,
25 great concern to me.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Let's see, okay. Now, I'm unsure if this
2 is in the scope of an EIS, but I would like it to be
3 if it could possibly be. I'd like there to be an EIS
4 on what it would take to have complete training and
5 complete equipment available to all emergency
6 responders everywhere that might need to deal with any
7 kind of an accident whatsoever. This is a very
8 specific addition to what you said already about
9 emergency response.

10 I would like to also say that -- let's
11 see. There's one more. You know, my notes get so
12 disorganized this time of night. Oh, monitoring. We
13 are all looking forward to what the computer models
14 proposes will actually occur there at SRS if we build
15 this new MOX fuel fabrication facility. And I would
16 like for the EIS to include tremendous amounts of
17 monitoring equipment on-site, off-site, in all the
18 various ranges, all the way out to 40 miles, because
19 an accident on-site could completely demolish 40
20 square miles of this area. Hey, that includes a lot
21 of towns. So I think the monitoring equipment needs
22 to be that far out, and the EIS should include what
23 would properly implement all monitoring equipment --
24 air, ground, and water -- for that amount of mileage.

1 Let's see. And, you know, we did all
2 assume a once-through for this MOX FFF. We did all
3 assume a once-through. I hear everybody saying,
4 "Well, guys, if all this legislation that's in the
5 wings, if all of the things that are happening really
6 do point to something other than that, maybe we need
7 to consider an infinite amount of plutonium going
8 through that place in the EIS." I mean not that we
9 want that. We do not want that.

10 I want to state very clearly that my
11 organization, WAND Atlanta -- my name is Jen Kato,
12 with WAND Atlanta -- I want to state very clearly that
13 we support the "no action" initiative here for MOX,
14 which for us implies that the action will be
15 immobilization. Thank you.

16 (Applause.)

17 MR. CAMERON: Could you tell us what WAND
18 stands for?

19 MS. KATO: Women's Action for New
20 Directions.

21 MR. CAMERON: All right. Thank you. We
22 have two more speakers and then we have a couple of
23 questions that at least we'll put on the record. And
24 I'm going to ask Mr. Sutton to come up now, and then
25 we'll go to Mr. Ferguson.

1 MR. E. SUTTON: Ladies and gentlemen, I am
2 E. Sutton, speaking as a private citizen and one who's
3 working with a group of individuals who is forming a
4 new organization called FFAST, Friends for a Safe
5 Tomorrow. That particular group looks at the idea of
6 looking at the minority population and looking at the
7 minority population as it looks at environmental
8 justice and whether or not those of us who are your
9 dark-skinned brothers and sisters are truly being
10 informed about all of the action that transpires.

11 Listen to those of you who are
12 professionals in the field and have been doing this
13 for a very, very long time, and you speak the language
14 quite clear. For those of us who are truly laymans,
15 who are not those who may not -- we may not work at
16 the Site itself, and we may not work in the particular
17 field, but yet recognize at the same time that at
18 times there are wars that are created within our
19 population. And one of the wars that I've seen in
20 over a year now is looking at the idea of licensing,
21 that that process was coming forth.

22 And one of the efforts that I've seen in
23 my own community and up and down the River is the idea
24 to make sure that African-Americans know that there is
25 some great danger that is coming their way, and that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 they now must get ready to help stop the process in
2 the format of licensing, and I think that's quite
3 unfair. I think it's unfair because there are those
4 who knew of the situation who did not inform the
5 individuals on the other end. And so there are those
6 of us who support the process that MOX is actually
7 already here. When there are contracts being signed,
8 it is actually here.

9 Now we look at what would make it safer,
10 and if we're at the safest facility, if SRS is the
11 safest facility and has the best technology. And then
12 those of us and those of you who are debating the
13 issue to make it even better, those who are opposed
14 to, those who are for who is actually making the
15 process a whole lot better, because in the end result
16 we ought to have a better product. So we've got the
17 safest facility; it's holding one of the best records
18 in the nation, It is the place that has been chosen
19 for the MOX project. It has the greatest technology
20 and has already signed a contract with someone to come
21 in, build the facility.

22 Then I would suggest that the next idea is
23 that if it's the best facility with the best
24 technology, that that best facility and that best
25 technology ought to be talking very clear to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 builders. And listening to some of the comments, if
2 you're saying that even the best build system is
3 already at SRS and some of the best technology is
4 there, then certainly I would encourage EIS to
5 encourage DOE and all the partners who are working
6 under DOE to make sure that that best facility and
7 that best technology -- that many of you have stated
8 and even those of you in the opposition have clearly
9 stated -- that the builder brings nothing into the
10 facility that's less than the power of the technology
11 that already exists in the facility itself.

12 Then I would also encourage -- that with
13 the EIS, when you look at ecology, we know that
14 Georgia is doing a great study and the University does
15 a great study on the Site and has been doing it for a
16 number of years. I would ask you to look at making a
17 comparison upstream to a little place called Lee
18 County, three miles out of Micheville, South Carolina,
19 on five acres of land, where there's a moat built
20 around a house, five different species of frogs and
21 maybe even more, deer, rabbit, all running freely,
22 huge turtles in the water, big mouth bass and a moat
23 that's filled by a spring.

24 And on that particular line up 15, and
25 when you're looking at transportation as well, because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you're looking at those particular areas where trucks
2 are rolling, trains are rolling -- 15, 20, and 95. In
3 those particular areas, when we end up talking about
4 transportation in a more global sense, then certainly
5 we'll look at those particular areas as well. But in
6 the ecology to look at making a comparison with the
7 study that goes on on the site with that particular
8 site which is almost two hours away, going upstream on
9 20, turn off at 21 to hit Micheville, ride down the
10 truckers' route going through Micheville, South
11 Carolina on 15, leave three miles outside the city,
12 come to that little place, Lynch's River is at the
13 other end. About 350 acres of land is sitting around
14 it, and study the ecology in comparison with what is
15 on the site and what is in that area.

16 And based on what we've learned and seen
17 in that particular site, then there ought to be a kind
18 of balance with what's happening on the site and
19 what's happening in that particular area. So we're
20 encouraging individuals to actually come and support,
21 from the African-American community and other
22 minorities, to support the effort, because we simply
23 believe that it's already there.

24 And we're simply saying let's bring both
25 parts of the debates to the table constantly and

1 always, but make sure that we are a part of it. I
2 know there are some groups that are doing that. I
3 know that Westinghouse is doing that. I know that DOE
4 has given lectures, because I've sat in those
5 particular lectures and heard those particular
6 lectures for almost two years.

7 So we would encourage that while you're
8 looking at the process, MOX is here. Contract is
9 signed. Yes, we can work very hard to broaden the
10 licensing system that says, okay, if we block this
11 particular system, then that's the end of the program.
12 Then all this other taxpayers' money that everybody's
13 talking about, that's already been spent on a
14 particular project and thrown away.

15 Something has to be done with the
16 plutonium. What's going to be done with it? Well, if
17 there's an alternative to say that there are other
18 facilities that will take part of the plutonium here,
19 part of the plutonium here, that probably will be an
20 alternative. But if not and if it's already here,
21 then all of us who are working together to make the
22 point, listening for these hours, sound like attorneys
23 babbling. And you know how attorneys are. Everybody
24 looks at the same issue -- did he kill him or did he
25 not? Same issues, but the attorneys are babbling.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 When the attorneys are at the end of the line, both
2 still have their position, and then someone else is
3 going to make the decision. And normally it's the
4 people.

5 So in this particular issue, in the end
6 result it's the people. How do you deal with the
7 people, and then how do you deal with the minority
8 part of the people, and how do you deal with
9 environmental justice making sure that all of us are
10 in the game and all of us are playing the game, and
11 the game is played very fairly? We are talking about
12 a very dangerous material; we recognize that.

13 We're talking about danger. When we talk
14 SRS, we're talking danger; we know that. But we also
15 know that its record is quite well in safety. Are
16 there accidents? We know there are. Are there leaks?
17 We know there are. Will there be more? Probably so.
18 We live in that kind of world.

19 But how do we make this whole process
20 safer, and how do we avoid as much as we possibly can
21 avoid in the process of making sure that lives are
22 safe and that the entire public, the entire public has
23 the data and information? So in our little group that
24 we are developing and putting together looking at how
25 to be friends to the environment and how to look at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 issues that others may not tell us. And how do we
2 learn these particular processes so that when you talk
3 about the Federal Register and the National Register,
4 we know what in the world you're talking about?

5 Because in my culture, we don't always
6 function that way. It would be easier to come to our
7 churches and tell us directly through our churches
8 what is going on, or through those national
9 organizations, like the NAACP or the National Council
10 of Negro Women, those kinds of things that are
11 directly in our neighborhood that we actually listen
12 to and we hear. There's always circumspect when all
13 our bright-skinned cousins are coming in and they're
14 talking to all of us and we're wondering where the
15 rest of the bright-skinned cousins who ought to come
16 and share this particular data and information with
17 us. We can do this thing as a team; we can do it
18 working together.

19 And I think Don brings out some very, very
20 good points as well. I've sat and listened to him a
21 couple times and heard some of the comments there.
22 I've heard a couple of you on several occasions in
23 listening to you. But I think the comments on both
24 ends, help us come to a middle ground to make the
25 whole process safer. And if we can do that and if we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 can find some kind of way to take plutonium and all
2 the other elements that we're looking at, and then
3 what do we do in the end with all of this waste?

4 So I think it's very important, very
5 important that that second picture be seen, because I
6 believe the MOX is here. I believe it's going to be
7 here based on everything that we read, everything that
8 we hear. No matter what arguments we end up with, the
9 end result, it is here. So how in the end result do
10 we get the best safety for all of us? And when it's
11 all said and done that we can avoid the many problems
12 that we've seen in our past. So I think we grow from
13 our past, we look at our present, and wonder how we
14 get to tomorrow.

15 (Applause.)

16 MR. CAMERON: Thank you, Mr. Sutton.

17 MR. FERGUSON: My name is Tom Ferguson,
18 from Physicians for Social Responsibility. I brought
19 a few comments.

20 I submitted some written comments for the
21 record, and they consist of an article called, "More
22 Nuclear Folly," and a lighter rendition of our
23 position. You'll find it on the table back here if
24 you're interested.

1 Physicians for Social Responsibility-
2 Atlanta is concerned for the health effects of the MOX
3 project. We consider this project a threat to health
4 and environment and that there will be unnecessary
5 pollution created in the form of liquid radioactive
6 and other toxic waste. As in the past, there will be
7 inevitable releases into the environment, unnecessary
8 risks in the form of an experimental burning of
9 plutonium in commercial reactors with the, again,
10 unnecessary reactor embrittlement and increased
11 negative effects of any accidents, unnecessary
12 transportation of plutonium with its attendant
13 proliferation and accident risks, unnecessary expense
14 to the taxpayer since less costly and less dangerous
15 alternatives to MOX exist, i.e. immobilization, which
16 would be a more complete solution to plutonium
17 disposition since not all excess plutonium is suitable
18 to the MOX process.

19 We call upon the Nuclear Regulatory
20 Commission to take seriously its responsibility to
21 protect the public and the environment and stop this
22 project in its tracks.

23 (Applause.)

24 MR. CAMERON: Thank you, Tom. We have one
25 more speaker who actually has a few questions. This

1 is Peter James Atherton. And, Peter, could you put
2 your questions at least in front of the NRC? We'll
3 see if we can provide some information to you now, but
4 at least the questions will be there for all to hear.
5 And then we're going to close. Peter?

6 MR. ATHERTON: My name is Peter James
7 Atherton. I'm a nuclear and electrical engineer. I
8 work as a nuclear safety consultant, primarily
9 donating my time to members of the public. Most of my
10 effort is representing public interests in and around
11 various nuclear power plants and trying to evaluate
12 and analyze technical issues about the local plants to
13 the local people and relate this to the NRC.

14 I find myself involved with MOX right now.
15 I'm what I guess some of your elected officials might
16 consider an outsider, and I'm beginning to feel like
17 I'm a man without a country. But I actually live in
18 Washington, D.C., and I have represented interests
19 from Maine to Florida. I have -- in my talks and
20 actions, I've had to evaluate technical aspects,
21 mainly about accidents that have occurred in and
22 around nuclear power plants. And I have -- as a
23 result of that experience, and experience from being
24 employed with the Atomic Energy Commission and the
25 Nuclear Regulatory Commission during the days when

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 nuclear power plants were being brought into the
2 licensing process in great numbers, I have a number of
3 concerns that I'd like to address from the perspective
4 of nuclear safety.

5 I'm not going to take a political
6 position. I work independently, and I have no active
7 affiliation with any group. However, I am concerned,
8 generally, about nuclear safety. I'm human being
9 concerned about other human beings. And having been
10 within the Nuclear Regulatory Commission, sometimes
11 there's a tendency for a bureaucracy to lose its
12 perspective while it's doing business.

13 With regard to what's happening at the
14 Savannah River Site, one of the basic questions that
15 I had in my preliminary discussions with a number of
16 people when I first arrived at this meeting tonight
17 centered around whether or not the MOX facility was
18 going to be something similar to a dedicated site,
19 self-sufficient; that is, the storage tanks for
20 nuclear waste, were they going to be dedicated to the
21 MOX facility or were there plans to actually use the
22 existing storage tanks and contribute to the
23 contamination that already exists in the tanks and
24 that may ultimately leak into the environment if
25 they're not properly tended to?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So the suggestion I have is, since this is
2 a scoping suggestion, it relates to my experience in
3 the nuclear industry where I had suggested a dedicated
4 safe shutdown system for a nuclear power plant to be
5 totally independent from anything else that exists in
6 the event of a catastrophic accident. The suggestion
7 would be that is NRC or is DCS or is DOE, for that
8 matter, considering a design that would be separate
9 from the remaining facilities at the Savannah River
10 Site should the MOX program go forward? And that
11 would be a question that I would ask that you put on
12 the active agenda.

13 I then get into other areas that I've been
14 involved with. When a nuclear power plant -- should
15 the MOX program go forward, when a nuclear power plant
16 burns its fuels, who owns it afterwards? Where is it
17 going and how is it going to be tended to?

18 A question that arose at a nuclear power
19 plant site several years ago that bothered me is the
20 utility was suing the Department of Energy for space
21 to put their spent fuel, because DOE said they'd have
22 a repository in place a long time ago, and they
23 haven't come forth with it. And NRC was reviewing the
24 expansion of their spent fuel pool to store the
25 additional fuel rods that they didn't have room to put

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in their normal spent fuel pool so that they could
2 keep operating for several more years. It occurred to
3 me that there's possibly a conflict of interest
4 between NRC and DOE in that particular situation. And
5 I'm wondering if there is a conflict of interest in
6 this situation between NRC and DOE. And if there
7 isn't, there appears to be something similar to that,
8 and I would ask that that be addressed in some
9 capacity since NRC is supposed to be independent from
10 DOE yet they're both government agencies from a
11 practical perspective.

12 I've had my experiences, as others have
13 had, trying to get information from the NRC web site
14 and from ADAMS. And we have done away when they went
15 with ADAMS with the local public document rooms at
16 nuclear power plant sites. And those were primarily
17 the sources of information that I used to try to
18 understand what the design of various nuclear power
19 plants that I was involved with looked like. They're
20 not available to me anymore, and I'm having a heck of
21 a time with the computer system trying to get
22 information from the existing computerized site that
23 NRC has established.

24 In this one instance, I was wondering --
25 I would support the equivalent of a public document

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 room, located locally, so that people would have
2 access to NRC documents, which would include not just
3 the EIS, not just the CAR, but all the letters and
4 correspondence that resulted as a consequence of
5 interactions that took place.

6 And the financial issues have been brought
7 up and spoken to by Ms. Olsen of NIRS, Nuclear
8 Information Resource Services. I've been asked to
9 address one additional concern by Juan. And I'm going
10 to quote from this: "The EIS must consider total
11 financial cost and feasibility of financial
12 responsibility for full recovery from possible
13 accident scenario." They're requesting full
14 disclosure of who will pay and to what extent they
15 will pay. What percent of the damage would be
16 covered, or what dollar amount? And the last part of
17 this would be, is it adequate? And I don't know
18 whether this would come within EIS purview or some
19 other financial responsibility review.

20 One last issue. One of the problems that
21 I've encountered at nuclear power plant sites, when I
22 respond it is usually been as a result of an accident
23 or an incident that has occurred at a nuclear power
24 plant. And one of the deficiencies that's always
25 available, except at one site, is there's a lack of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 hard core radiation dose information, because the
2 monitors that are used by the utility are either not
3 functional or they're not there. There's no active
4 detector that's either qualified or required to be
5 made and kept functional surrounding a nuclear power
6 plant, both within the site and off-site, so as to
7 determine exactly how much measured dose could have
8 been released in the event of this incident or
9 accident, which they claim did result in a measured
10 dose.

11 I realize there are possible legal
12 consequences nobody wants to face, but in point in
13 fact, representing the public's interests, the public
14 would like to know what a measured amount of radiation
15 is being released. And to do that you have to have
16 some sort of instrumentation.

17 That instrumentation should cover every
18 aspect, which would include the hard-to-detect alpha
19 radiation, to some extent. And so I would ask that
20 any review include the potential for monitoring
21 instead of calculating possible radiation releases to
22 the environment.

23 MR. CAMERON: Thank you.

24 (Applause.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CAMERON: Good questions and good comments. I would like to thank all of you for joining us tonight and for all of your comments and information. I think that you've given the NRC what it needs to get out of a scoping meeting. And we will adjourn and have a safe journey home. We'll hope Ed Lyman gets something to eat, and thank you all.

(Whereupon, at 11:02 p.m., the NRC Public Hearing was concluded.)

1
2
3
4

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433