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Joan Claybrook, President

Feb. 1, 2005

Chief, Rules Review and Directives Branch
Mail Stop T-6D59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**Re: Comments on the Scope of the Environmental Impact Statement for the Proposed
USEC American Centrifuge Plant (Docket No. 70-7004)**

To Whom It May Concern:

Enclosed you will find the comments of Public Citizen on the scope of the Environmental Impact Statement (EIS) for the proposed USEC American Centrifuge Plant (ACP), presented in response to the "Notice of Intent" solicitation published in the Oct. 15, 2004 issue of the *Federal Register*.

Public Citizen urges a broad and thorough investigation of the potential environmental impacts of this facility, in full compliance with the mandates of the National Environmental Policy Act (NEPA), and above and beyond the analyses, studies, reviews, and evaluations presented in USEC's license application and Environmental Report (ER) for the facility.

Furthermore, it is the opinion of Public Citizen that this public comment period should be extended at least 30 days to account for the absence of the USEC license application and ER from the NRC's Web site, which has adversely affected the public's ability prepare comments on the scope of the related EIS.

Thank you for taking our views into account. Please enter these comments into the official record on this proceeding.

Sincerely,

Joseph P. Malherek
Policy Analyst, Public Citizen's Critical Mass Energy and Environment Program

[Enclosure]

Requirements of NEPA

The National Environmental Policy Act (NEPA) mandates that, for all “major Federal Actions significantly affecting the quality of the human environment,” agencies of the federal government must prepare a “detailed statement” describing:

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. [42 U.S.C. § 4332(2)(c)]

From this statute the Environmental Impact Statement (EIS) was borne, and it has become a standard requirement for major federal actions. The federal regulations at 10 C.F.R. § 51 describe the NRC's procedures for implementing NEPA.

In carrying out the terms of this law for the EIS for the proposed USEC American Centrifuge Plant (ACP), Public Citizen urges that the U.S. Nuclear Regulatory Commission (NRC) not only follow the letter of the law, but also its spirit. In particular, we recommend a thorough consideration of items “iii” through “v,” which usually receive only perfunctory consideration in EISs. Item “iv,” especially, which calls for an evaluation of the long-term maintenance of the environment, is especially relevant to facilities such as the one proposed that are involved in the production of fuel for nuclear reactors, the ultimate waste form of which remains extremely dangerous for hundreds of thousands of years, requiring containment and monitoring for the entire duration of that period.

Rather than a cursory review of such weighty subjects, the NRC should carry out a comprehensive evaluation that honestly takes into account the long-term environmental impacts of the proposed project.

Public Involvement

The EIS presents an opportunity for the public to evaluate the costs and benefits of an industrial development that will significantly affect its surrounding environment. Therefore, to the greatest degree possible, the EIS should frankly and forthrightly examine all expected and potential environmental impacts for the public to review and offer its considered opinion on.

Recently, a draft EIS for a similar facility—the National Enrichment Facility (NEF) proposed by Louisiana Energy Services (LES)—was withdrawn from public access for several weeks for a security review during the public comment period, drastically limiting the public's ability to offer a complete assessment of the NRC's report. A mere two weeks before the deadline for comments submission, the draft EIS was re-posted on the NRC's Web site, albeit in a redacted

form in which important non-security related information, such as the health impacts to workers, was removed. Similarly, the USEC application—which includes an Environmental Report (ER)—was removed from public access during the public comment period on the scoping process, and has only recently been redacted and posted for public perusal. The screened version of the USEC application is missing large portions that have been identified as containing sensitive information.

While Public Citizen respects the NRC's attempt to keep confidential information that could be employed by nefarious saboteurs to cause harm to the facility and the surrounding community, we at the same time wish that this goal does not compromise the democratic involvement of the people in the actions of their government. Restricting the public from non-security related information constitutes such an infringement.

Toward the end of meaningful public involvement in this licensing proceeding, we recommend an open and honest EIS that does not withhold from public scrutiny information that is relevant to a cost-benefit analysis of the proposed facility. The potential for accidents or acts of sabotage and the subsequent release of contaminants into the environment is something that deserves a trenchant review and forthright presentation; it should not be shrouded from the public.

Important Issues to Consider

The areas of impact presented for analysis in Section 4.0 of the "Notice of Intent" published in the Oct. 15, 2004 *Federal Register* constitute a broad range of consideration, and Public Citizen encourages a thorough investigation into each area mentioned.

Waste Management

Of particular interest is the issue of waste management. In the case of LES, one of the most contentious issues that has arisen is the company's strategy—or lack thereof—for the disposition of its depleted uranium (DU) waste. Public Citizen, along with the Nuclear Information and Resource Service (NIRS), has had a contention admitted to the licensing proceeding that alleges that LES has not articulated a "plausible strategy" for the processing and disposal of its waste. The U.S. Department of Energy (DOE), while it is constructing two "deconversion" facilities to convert its depleted uranium hexafluoride stockpiles to a more suitable form for disposal, still has more than 700,000 metric tons sitting in cylinders at several sites, Piketon among them. The DOE estimates that it will take 25 years and \$2.6 billion to convert this waste.¹ Considering this formidable task, it is of the utmost importance that there is a feasible strategy for the disposal of the waste that would be produced by the ACP. This should be the subject of a thorough review in the EIS.

Cumulative Effects

The cumulative impact of another uranium enrichment facility on the site of a retired one should be a subject of intense review in the EIS. It must be considered whether the choice of the Piketon site over other possibilities was due to its ideal conditions, or whether it was merely a case of convenience or political expediency for USEC. Perpetuating the existence a uranium

¹ Audit Report: Depleted Uranium Hexafluoride Conversion, U.S. Department of Energy, Office of Inspector General, Office of Audit Services, DOE/IG-0642, March 2004.

enrichment facility and its satellite operations in the Piketon-Portsmouth region is cause for intense scrutiny of the cumulative and long-term impacts on public health in the region.

Effects on Water Resources

The potential for infiltration of contaminants from the ACP—especially depleted uranium—into groundwater warrants a detailed examination of the geology and hydrology of the site, as well as USEC's plans to impound its waste to avoid this possibility.

Need for the Facility

In its consideration of the need for this facility, the NRC should consider the possibility of developing alternative sources of energy that may have less significant environmental impacts than nuclear power, which creates harmful wastes that remain extremely dangerous for hundreds of thousands of years. The evaluation of need should not be limited to a perspective that assumes the perpetual development of nuclear power reactors.

The EIS should also address whether the operation of the ACP will have a negative impact on the important national security program "Megatons to Megawatts," an agreement by which highly-enriched uranium from dismantled Russian nuclear weapons is down-blended and used as fuel in U.S. nuclear power plants.

Conclusion

The NRC should perform a broad, comprehensive, and exhaustive review of the environmental impacts that are expected from the construction, operation, and decommissioning of the ACP proposed by USEC. This evaluation should be expansive in scope, not limited to a particular region or time frame. In this review, it should be the goal of the NRC—and its contractors—to present a report to stakeholders in this case and members of the public that honestly and fairly considers the costs and benefits of the proposed action.