

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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September 30, 2002

Tim Harris, Project Manager
MOX Fuel Fabrication Facility
US Nuclear Regulatory Commission
Mail Stop T-7J8
Washington, DC 20555-0001
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**Re: Mixed Oxide Fuel Fabrication Facility Environmental Report, Revision 1 & 2,
NRC Docket No. 070-03098, prepared by Duke COGEMA Stone & Webster**

Dear Mr. Harris:

On behalf of the Board of Directors of the Blue Ridge Environmental Defense League, I write to provide additional comments to our remarks submitted on September 17 and 19, 2002. Please find attached a report issued by the Safe Energy Communications Council (SECC) entitled *The COGEMA File*. The authors of the report detail sixteen findings regarding the safety lapses, false promises, environmental violations, public health hazards, and illegal activities committed by COGEMA over a twenty-four year period. The record reveals a company which ignores or flouts the law and which is oblivious to the dangers to public health and safety caused by its operations in Europe and North America. A few examples:

- 1) COGEMA's flagship is the giant reprocessing facility at La Hague on the north coast of France. During reprocessing, toxic and radiological chemicals are released into the air and water. A recent report released by the European Parliament found that the combined discharges from the La Hague and the Sellafield (UK) reprocessing sites correspond in contamination to "a large-scale nuclear accident every year."
- 2) COGEMA has consistently ignored international treaties that safeguard the seas from contamination. Furthermore, in defiance of the widely endorsed Precautionary Principle, COGEMA has dismissed two medical studies linking leukemia clusters among children playing on nearby beaches to the effects of its La Hague discharges.
- 3) Among some of the report's key findings were incidents of COGEMA dumping radioactive waste into a community repository, illegally importing such waste in violation of French law and conducting a misleading advertising campaign that equates reprocessing with the simple recycling of household plastics.

The SECC report goes so far as to recommend that, given the company's abysmal record, COGEMA should be barred from doing business in the United States. The report states, "COGEMA has chosen

to disregard findings of extreme contamination and health effects resulting from its own reprocessing activities and has refused to abate its discharges as requested by European governments and mandated by international laws and treaties.”

In previous public forums BREDL has put forth our assessment of the problems inherent in regulating the international consortium which is DCS. COGEMA, a French company, is a lead partner in DCS and the sole provider of experience and techniques regarding reprocessing of commercial plutonium into fuel. However, weapons-grade plutonium has never been reprocessed into commercial nuclear fuel. Therefore, the NRC must ensure that it is able perform its regulatory functions. Also, citizens must have access to information regarding the company’s performance. The regulatory efforts of France, Canada, and the European Union have been unsatisfactory in preventing radioactive contamination by COGEMA.

The Mixed Oxide Fuel Fabrication Facility Environmental Report, Revision 1 & 2, submitted by DCS on 11 July 2002 contains no information which would allow NRC to confirm or refute the findings presented by SECC’s investigation of public documents. The U.S. Nuclear Regulatory Commission cannot repeat the failures of the U.S. Department of Energy: COGEMA’s track record must be considered by the Commission before issuing a license for a plutonium fuel factory in South Carolina.

We hereby request that, as a function of its environmental review of the Mixed Oxide Fuel Fabrication Facility, the Nuclear Regulatory Commission investigate the track records of COGEMA, Stone & Webster, and Duke Energy. This information should and must be made available to the public before awarding DCS a license to construct a plutonium fuel factory at the Savannah River Site.

Respectfully submitted,

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Attachment
