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Subject: Savannah River Site

Environmentalists, Inc.

Founded 1974

Ruth Thomas, President

Attached is a press release by Environmentalists, Inc. concerning the premature shipment of plutonium by the DOE to Savannah River Site.

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EI response to DOE shipme17.ZIP

CQZZ

Environmentalists, Inc.

FOUNDED 1972
Ruth Thomas, President

FOR IMMEDIATE RELEASE:

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A Department of Energy employee announced in a speech this week that the DOE had already begun top-secret shipments of plutonium from Rocky Flats, CO, to the Savannah River Site. An appeal concerning this agency plan is presently before the 4th US Circuit Court of Appeals.

"A final ruling has not been made on whether the Department of Energy (DOE) is violating the National Environmental Policy Act, yet the agency is proceeding with shipments," said Ruth Thomas, President of Environmentalists, Inc.

She added, "The DOE is bullying the people of South Carolina and the nation. The shipments are premature. Rocky Flats is completing its clean-up ahead of schedule, so the Department of Energy (DOE) is forcing SRS to accept the plutonium before SRS can complete building facilities needed to stabilize and package plutonium for storage there."

Experts agree that plutonium, the material used for nuclear bombs, is highly combustible and needs to be closely monitored in the most technologically safe conditions available. "Those conditions now exist at Rocky Flats, not the Savannah River Site (SRS). The DOE fails to explain how it will insure safety and security in substandard facilities. Safety and security depend on how close the goal of perfect containment is achieved," added Thomas.

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According to Environmentalists, Inc. the Governor, in his appeal to the 4th District Court to on July 10, rightly states that the National Environmental Policy Act requires the DOE to formally assess the safety of the plutonium transfer and storage before any shipments occur. "Unsafe conditions at the SRS are a national concern. Radioactive fallout from a major nuclear accident wouldn't stop at the borders of South Carolina," said Thomas.

"Environmentalists, Inc. has served South Carolina for over 30 years by taking part in research and activities related to the plutonium issue. The need is greater than ever," concluded Thomas. (See attached history)

Environmentalists, Inc.: An Overview of the Observations and Participation in Activities Related to Plutonium Disposals / Projects

In 1969 Congress passed the National Environmental Policy Act (NEPA) which requires that any decision which would have impact on the environment be made only after exhaustive collection of evidence and the consideration of every possible alternative. Decisions pertaining to the handling, storage, or recycling of radioactive materials fall within the purview of this law. The NEPA process offers all levels of governmental agencies, public interest groups, institutions and individuals to have input into the project at hand and may petition for and participate in adjudicatory proceedings.

In 1973 Environmentalists, Inc. (E.I.) filed a petition for hearing on construction licensing of the Barnwell Nuclear Fuel Plant, a facility of the Allied General Nuclear Services (AGNS). It was to be built for the purpose of reclaiming plutonium from spent nuclear fuel to make mixed oxide fuel (MOX) for commercial power plants. E.I. qualified as a party to the proceedings on behalf of itself and two other South Carolina organizations, Piedmont Organic Movement and Environmental Action, Inc

In May 1974 E.I. petitioned for hearings on Allied General's application for operating license and was admitted as a participant in this proceeding. Later that year combined hearings commenced in Barnwell.

During the combined proceedings on construction and operating licenses, Allied General applied for a license to store spent fuel in the Fuel Receiving and Storage Station component of the plant. E.I., their two co-intervenors, 221 PICKENS (a Columbia business), together with the ALCU, petitioned the NRC to hold hearings on this proposal. During the combined hearings, a motion was made by the intervenors to the Atomic Safety and Licensing Safety Board to defer licensing of the Barnwell.

Nuclear Fuel Plant until a Generic Environmental Statement on the use of Mixed Oxides (GESMO) had been prepared and approved. The motion was denied.

However, a month later, the National Regulatory Commission (NRC) issued an order setting plutonium recycle hearings, but allowing for interim licensing of nuclear fuel facilities. (The Barnwell Plant was the only reprocessing facility to which this interim order would apply.)

In response to the NRC order the E.I. joined the National Resources Defense Council, the Sierra Club, West Michigan Environmental Action, Inc., National Intervenors, Inc. and Businessmen for the Public Interest, Inc. in petitioning the 2nd US Court of Appeals for review of the NRC order. The Court ruled against interim licensing until a final decision had been made by GESMO.

The GESMO hearings took place in Washington, DC. Because of its generic nature and because it was the beginning of a process that would culminate in the establishment of a national policy on the use of plutonium, state governments and organizations from all over the country joined with the Barnwell intervenors.

In April 1977, in response to the evidence, President Carter issued a policy statement which banned the recovery process and the use of recycled plutonium. This had the effect of suspending the GESMO hearings and the BNFP hearings, but not the Fuel Receiving and Storage proceedings.

Allied General Nuclear Services never put into operation the Barnwell reprocessing plant that it had prematurely constructed.

Over the intervening years E.I. participated in activities related to observation and calling for SRS accountability.

Now, twenty-five years later, the public must continue to maintain its vigilance. As with previous agencies in charge of matters relating to licensing and monitoring nuclear energy, the Department of Energy (DOE) is slow to adhere to the letter and spirit of the law.

In 1992 President George Bush affirmed that reprocessing be phase out.

In 1996 the General Accounting Office reported that the agency (the DOE) “was highly vulnerable to waste, fraud, abuse and mismanagement as a result of extensive reliance on contracting and its history of inadequate oversight of contractors.”

In September 2000 the United States and Russia agreed to a dual-track approach to disposing of surplus nuclear weapons plutonium. In January 2002 the DOE announced that it had cancelled its dual-track policy and now plans to convert most of the surplus plutonium into MOX. Processing plutonium into MOX creates a commercial market for weapons-grade nuclear materials. As part of this new plan, plutonium pits and plutonium oxide would be shipped to the SRS from Rocky Flats, CO, for recycling and/or storage. It is probable that the SRS is intended to provide repose to most of the country's nuclear waste and perhaps that from other parts of the world.

Although Rocky Flats was ready to ship, the minimal adaptations required by DOE to the facilities at the SRS were at least a year from completion. And, it was also in dispute whether these changes, or any amount of change for that matter, would be adequate to insure safety and security. The buildings are old and have no HEPA ventilation system; the buildings are spread over a large area; technology is antiquated; the management has a long history of safety and security lapses. Governor Jim Hodges issued an injunction to stop the DOE's shipments from Rocky Flats.

On June 13, 2002, there was a hearing in the US District Court in Aiken, SC, concerning Governor Hodges' injunction. In spite of testimony which brought into question the wisdom of the DOE's decision-making, the DOE prevailed.

The Governor, in his official role for the state, appealed the lower court decision to the US Court of Appeals for the Forth Circuit. E.I. filed an Amicus Curiae brief which was accepted by the court in support of the Governor's position.

This struggle to keep the DOE responsive to the welfare of the individual and the environment and accountable to the public is ongoing. When we as a nation began to harness the potential of the atom the risks were far more complex and wide-reaching than anyone could have imagined.