

To: Mary Olson, NIRS
From: Dale Nesbitt, and associates from the S. F. Bay area
Statement of be presented on our behalf at the 6-15-99 DOE hearings on MOX fuels.

We the undersigned representing either organizations or ourselves hereby submit the following comments for the June 15, 1999 MOX hearings in Washington D C.

First we believe that holding only one hearing in Washington D C fundamentally violates the public's right to express its views on this vital issue. We demand that the DOE hold several additional hearings, near communities that may be effected. In addition, at least hearing should be held on the west coast. We suggest Oakland CA as a logical location.

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Second, we believe that the U.S.-Russian governmental plan to use MOX fuel from surplus military plutonium in commercial nuclear reactors will prove disastrous. The MOX program poses unreasonable risks to public health and the environment, and seriously undermines U.S. nonproliferation goals. While less important than the above it also appears to be uneconomical.

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Third, we understand that although the EIS process is not yet complete, a consortium including Cogema, Stone & Webster, Duke Power and Virginia Power has already been selected by the DOE to carry out the U.S. MOX program and was recently given a contract to begin design work on a MOX fabrication plant. We feel that this demonstrates a contemptible disregard for due process and also is questionable from a legal standpoint.

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Signed by;

Dale Nesbitt & Elizebeth Brown for East Bay Peace Action, and as individuals.

Jacqueline Cabasso, Executive Director, Western States Legal Foundation, for the the organization & as an individual

Gene Bernardi, for the Committee to minimize Toxic Waste, and as an individual.

The following as individuals:

Frank McDonald

L. A. Wood

Gordon Wright

Nori Neuide

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General SPD EIS and NEPA Process

DOE acknowledges the commentors' request for additional hearings near communities that may be affected by the use of MOX fuel in reactors. After careful consideration of its public involvement opportunities, including information availability and mechanisms to submit comments, DOE decided not to hold additional hearings on the *Supplement to the SPD Draft EIS*. In addition to the public hearing on the *Supplement* held in Washington, D.C., DOE provided other means for the public to express their concerns and provide comments: mail, a toll-free telephone and fax line, and the MD Web site. Further, interested parties would likely have the opportunity to submit additional comments during the NRC reactor license amendment process should the MOX approach be pursued per the SPD EIS ROD. Moreover, at the invitation of South Carolina State Senator Phil Leventis, DOE attended and participated in a public meeting held on June 24, 1999, in Columbia, South Carolina.

The *Supplement* was mailed to those stakeholders who requested it as well as to those specified in the DOE *Communications Plan* (i.e., Congressional representatives, State and local officials and agencies, and public interest groups around the United States) and the utilities' contact lists. The utilities, Duke Power Company and Virginia Power Company, would operate the proposed reactors (located in North Carolina, South Carolina, and Virginia) should the MOX approach be selected. DOE does not believe that a hearing in Oakland, California is necessary in part because all three of the proposed reactors are located in the Eastern United States. Public hearings on this SPD EIS have been held in the Western United States in or near many of the potentially affected communities including hearings in Idaho, Washington, and Oregon.

DCR011-2

MOX Approach

DOE acknowledges the commentors' opposition to the MOX approach. DOE has identified as its preferred alternative the hybrid approach. Pursuing both immobilization and MOX fuel fabrication provides the United States important insurance against potential disadvantages of implementing either approach by itself. The hybrid approach also provides the best opportunity

