

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:  
Thomas S. Moore, Chairman  
Charles N. Kelber  
Peter S. Lam

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

In the Matter of

DUKE COGEMA STONE & WEBSTER  
(Savannah River Mixed Oxide Fuel  
Fabrication Facility)

Docket No. 70-3098-ML

ASLBP No. 01-790-01-ML

June 29, 2001

**Blue Ridge Environmental Defense League (BREDL) and Donald  
Moniak Response to the June 27, 2001, motion for an extension of  
time filed by Georgians Against Nuclear Energy**

**BREDL and Don Moniak (Petitioners) support the request for a 30 day extension of time.**  
In addition to the fact that Petitioners requested an additional 30 days during the June 19, 2001  
teleconference, the following supporting arguments are added:

1. Duke Cogema Stone and Webster (Applicant) offered an additional 5-10 day extension regarding contentions involving proprietary information during the June 26, 2001 teleconference.
2. Applicant delayed the process by submitting a controversial and contentious proposed Protective Order that resulted in an unnecessary teleconference and a substantial commitment of time and resources for Petitioners to respond.
3. Access to the Construction Authorization Request (CAR) has been limited and restrictive. The public has had to work merely to gain informational access to a process that is supposed to work FOR them. Although a single copy was placed during April in regional libraries upon request,

this copy could not be checked out for study at home. In general, the process discriminated against people who live a distance from these libraries and/or who are without:

- computers
- modern high-speed computers with sufficient operating and hard-drive memory
- access to the Internet
- affordable Internet access (many rural people still have to pay for long-distance access)
- a dedicated phone line for Internet Access
- resources to print more than 1000 pages of materials.

a. The CAR was submitted to NRC on February 27, 2001.

b. The CAR was posted on the ADAMS website the first week of March 2001 but was too voluminous to download. Petitioners were able to download only two files during this time.

c. In spite of a March 2, 2001 NRC news release stating the CAR would be available at the NRC MOX website (<http://www.nrc.gov/NRC/NMSS/MOX/index.html>), it was not made available there until March 22, 2001 (email from Andrew Persinko, March 22, 2001). NRC also offered at that time to sell copies of the CAR on CD-ROM for the exorbitant price of \$44.<sup>1</sup>

d. The electronic version posted by the NRC was cumbersome and difficult to download.<sup>2</sup> There are six electronic files ranging in size from 4 megabytes (MB) to 29 MB,

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<sup>1</sup> BREDL has freely distributed approximately 50 copies of a CD-ROM containing not only the CAR, but the Environmental Report and all other documents related to the Plutonium Fuel project. However, the CD-ROM could not be read in some older computers. The cost per CD equates to about \$1.00 per CD, \$0.59 for postage, and \$5 for Labor. Even the Applicant provided a free CD-ROM copy of its Environmental Report complete with searchable files, table of contents, and color graphics.

<sup>2</sup> Mr. Lee Poe of Aiken SC, who worked at Savannah River Site for 50 years, stated at the April 17, 2001 NRC MOX Public Meeting that "The MOX web page is a nice web page, but it's daggone difficult to use...I went in to open up and look at the various parts of the environmental report that DCS provided to NRC, and my computer tried to download for 30 minutes until finally my server cut me off and says, 'Hey, something's wrong; you're not getting anywhere.'"

approximately 250-300 blank pages in the CAR included in the electronic version, 11 oversized graphics in separate electronic files each greater than 10 MB, the table of contents (45 pages) is contained in three different files, and the files are not searchable.

e. Even with a fairly speedy laser printer, Petitioners did not have a full hard copy of the CAR until April 10, 2001. Note that the Federal Register notice for filing a Request for Hearings was on April 18, 2001, in the midst of the comment period on the Environmental Impact Statement.

4. The public should not have to work 3-5 times faster than the NRC staff, which took six months to submit its first Request for Additional Information on the smaller and less complex *Environmental Report* filed by Applicant on December 22, 2001.<sup>3</sup> NRC staff have yet to file any requests for additional information to the CAR and actually took 45 days simply to docket the CAR and accept it. Note that during this time BREDL formally requested that the CAR be rejected based on its first review of the document. Given the time that the NRC staff requires to review these documents, a more reasonable request for time from Citizen Groups would be 60-90 days.

Sincerely,

Donald J. Moniak

Individual

and

Representative of Blue Ridge Environmental Defense League.

PO Box 3487

Aiken SC 29802

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<sup>3</sup> In fact, Mr. Tim Harris of NRC stated at the April 18, 2001 MOX meeting in Savannah, GA that: "I guess the point to make is that we haven't started our detailed review of the environmental report, so some of the questions we don't have answers to."