

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
USNRC

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Before Administrative Judges:

Thomas S. Moore, Chairman

Dr. Charles N. Kelber

Dr. Peter S. Lam

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of  
Duke-COGENA- Stone & Webster  
Mixed-Oxide Fuel Fabrication Facility  
Savannah River Site, South Carolina

Docket No. 070-03098-ML  
ASLBP No. 01-790-01-ML  
July 30, 2001

AMENDMENT

The purpose of this amendment is to supplement Environmentalist Inc.'s (E.I.) Petition to Intervene, which was filed on May 18, 2001, particularly in regard to establishing standing.

In the attached affidavits, members have provided information specific to each one's own situation, particularly in regards to activities which he or she takes part in which would lead to exposure to radioactive gases, particulate and or liquid originating from the proposed MOX plant. Radioactive releases could also contaminate food.

The identified members will suffer injury to their interest in good health because there has not been a proper identification and balancing of the potential cumulative impacts as required by the National Environmental Policy Act (NEPA). For example, there is the lack of adequate consideration of the conditions at the SRS, the leaking tanks, the presence of plutonium, the numerous contaminated sites, the likelihood of accidents, etc.

The Department of Energy (DOE) failed to comply with NEPA as was pointed out by Environmentalists, Inc. (E.I.) in its attached comments of September 23 1999. In its Construction Authorization Request (CAR) the Applicant, DCS, in the introduction to chapter 5, Integrated Safety Analysis, claims to present a Safety Assessment of the Design Basis (SAS) for the Mixed Oxide (MOX) Fuel Fabrication Facility. However this is not accomplished from either the standpoint of the Atomic Energy Act (AEA) or the NEPA.

These defects in decision making by both DOE and DCS mean that a possible major accident at the site proposed for the MOX Facility has not been considered to the extent that the members identified in the attached affidavits will have their interests in good health and economic well-being protected.

Lack of consideration for the other facilities and operations at the SRS is one example of a defect in Chapter 5 of the CAR. Much time was spent repeatedly reading in this section. Finally, the conclusion was reached that the potential for cumulative impacts were not properly identified and balanced as required by the NEPA.

A major accident at the MOX Facility, compounded or brought on by its being located at the Savannah River Site (SRS), is one of the traceable connections between "injury in fact" and the MOX Facility. Another relates to the transport of radioactive shipments with the various steps in the overall plan of recycling weapons plutonium into fuel for commercial power plants.

The lack of coverage on transportation in the CAR (the index doesn't show that there is a transportation chapter) is another defect in the decision making process which is likely to lead to the interests of E.I. members being harmed in terms of radiation exposure and in terms of business and financial losses. Containment while on public highways involves such a variety of uncertainties over which the rules and regulations of the NRC have little control. Weather conditions, traffic mishaps, careless drivers, use of cell phones and other distracting practices are among the factors likely to contribute to or cause an accident and the release of radioactive gases and particulate to the air or liquids to the soil and water sources. Any one of these outcomes would be a threat and in some cases an injury to the signers of E.I.'s Affidavits.

Section 5.5.1.1.3 External Man-Made Hazards on page 5.5-2 mentions "transportation corridors near the MFFF" (MOX Facility) however no information was found on transportation on the highways in the state.

Interstates 20 and 77 are highways over which MOX fuel shipments will travel. Shipments of food regularly travel over these highways. The shipments will pass near farms and dairies that produce food consumed by members of E.I., including children, who are at greater risk.

The interests of those signing affidavits as well as other members are in keeping with the goals of E.I., which are protecting the environment of S.C. and the health and safety of its citizens.

E.I. has found that participation in NEPA proceedings is the best means of bringing out evidence and thereby benefit the decision making

process. The attached summary (Regulatory and Legal Events Affecting the Barnwell Nuclear Fuel Plant [BNFP]) of E.I.'s being a party to four NEPA proceedings provides a history of what happened between 1970 and 1977.

During those years, a majority of E.I.'s time, energy and resources were spent on the issue of plutonium being recovered, recycled into mixed oxide fuel and the MOX fuel being used by nuclear power plants. Where as the plutonium source now is weapons rather than spent nuclear fuel, there are similarities between the two plutonium recycling plans. Despite the relevance of the evidence brought out through the four NEPA proceedings, the environmental reports of DOE and DCS exclude this record of sworn testimony by expert witness of the nuclear industry, the government and public interest organizations. The reason for excluding this information, which is relevant to the MOX Facility, was not explained by either the DOE or DCS.

E.I.'s commitment to contributing to the building of an as complete and accurate record of evidence as possible during the 1970's was not just for the purpose of improving decision making in reference to the BNFP. E.I.'s efforts were, as well, to ensure that a complete and accurate record of evidence was available for any future plans for plutonium recycling and the use of mixed oxide fuel. Unfortunately, DOE and DCS have ignored this source of information, which has been tested by cross examination and is thereby capable of resolving some of the confusion over what information is factual and what is not.

This has caused "injury in fact" to E.I. in terms of wasted time, energy and resources and the requirement to repeat this process all over again, only now under more adverse conditions.

Please note that the correct phone number for Ruth Thomas is 803-782-3000. Also, for purposes of standing the five affidavits of members are attached.

Thank you.

A handwritten signature in cursive script that reads "Ruth Thomas". The signature is written in dark ink and is positioned above the typed name and title.

Ruth Thomas  
President, Environmentalists Inc.  
803-782-3000

## **Environmentalists, Inc.**

1339 Sinkler Rd    Columbia, SC 29206  
(803) 782-3000    (e-mail) neighbor@logicsouth.com

September 23, 1999

### **Comments**

Regarding

U.S. Department of Energy

*Surplus Plutonium Disposition Draft Environmental Impact Statement*

(SPD EIS) (DOE/EIS-0283-D)

In its report "Surplus Plutonium Disposition Draft Environmental Impact Statement" (SPD EIS), the Department of Energy (DOE) proposes a plan for managing surplus plutonium which includes recovering plutonium from nuclear bombs. The reclaimed plutonium would then be made into mixed oxide (MOX) fuel for commercial nuclear power plants. The Savannah River Site (SRS) is being considered for both operations.

In the 1970's, Allied General Nuclear Services (AGNS) also had plans to recover plutonium for use in mixed oxide (MOX) fuel. The source of plutonium at that time was to be spent nuclear fuel, rather than nuclear weapons. Since the licensing of AGNS's facilities was challenged under provisions of the National Environmental Policy Act (NEPA), by public interest organizations, including Environmentalists, Inc., an extensive record of evidence exists regarding a majority of the same issues now being considered by the DOE<sup>1</sup>. For example, a primary concern, then, was fear that transportation needed in reclaiming plutonium, and using it as an energy source, would make plutonium highly vulnerable to theft by terrorists.

The transcripts of NEPA hearings held by the Nuclear Regulatory Commission (NRC), contain an abundance of evidence related to plutonium recovery and use. In these proceedings, sworn testimony by expert witnesses of the nuclear industry, government and public interest organizations, was tested by cross-examination, based on information revealed by discovery processes and data founded on actual operating experience. This material is highly relevant to assessing DOE's current proposal. For

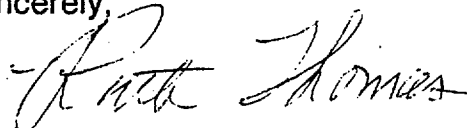
example, scientific findings regarding site conditions of the SRS area are available in the referenced NEPA hearing records. (AGNS built its plutonium recovery plant on land bordering the SRS.) Environmentalists, Inc. has found no information in the SPD EIS which shows that the comprehensive record of evidence established at the NRC proceedings has been considered in present deliberations of DOE, regarding its mixed oxide (MOX) proposal.

The reason for the failure to include consideration of the transcripts of the NRC proceedings is not given in the SPD EIS, nor is there any section of the report which argues that nothing in the NRC hearing record is relevant to the DOE's current plan for plutonium recovery and use. Also unaddressed by the SPD EIS is what influence the NRC proceedings had on the decision of President Jimmy Carter's administration to ban the recovery of plutonium and its use in mixed oxide (MOX) fuel. In addition, none of the reference lists of supporting documents, which follow each section of the SPD EIS, includes the NRC transcripts. Environmentalists, Inc. is concerned that the highly relevant evidence addressed at the NRC proceedings has been either overlooked or ignored by DOE.

These comments have purposely been limited to the SPD EIS's failure to fully investigate and evaluate the earlier proposals to recover and use plutonium, in relation to DOE's advocating a similar plan. This one flaw is of such significance that the SPD EIS should be withdrawn at this point and a new one prepared before further proceedings are undertaken. The present SPD EIS does not conform with NEPA requirements, specifically that consideration to "the fullest extent possible" be accomplished (NEPA - Section 102). This is true because prior highly relevant information has not been considered.

We reserve our right to submit additional comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ruth Thomas".

Ruth Thomas, President  
Environmentalists, Inc.

<sup>1</sup> Transcripts of licensing proceedings related to AGNS' plans to recover uranium and plutonium from spent nuclear fuel (Barnwell Nuclear Fuel Plant) include 34 hearing sessions between September, 1974 and January, 1976 (NRC Docket No. 50-332).

REGULATORY AND LEGAL EVENTS AFFECTING  
THE BARNWELL NUCLEAR FUEL PLANT (BNFP)

1. In the late 1960's Allied General Nuclear Services (AGNS)--then called Allied Gulf--applied to the Atomic Energy Commission (AEC) for a construction license for the BNFP, to be built (on land purchased from the Savannah River Plant) for the purpose of reprocessing spent nuclear fuel. When completed the plant was to consist of five facilities:
  - 1) The Fuel Receiving and Storage Station
  - 2) The Separations Facility
  - 3) The Uranium Hexafluoride Facility
  - 4) The Plutonium Product Facility - Not yet built
  - 5) The Waste Solidification Facility " " "
2. In 1970 public hearings were held in Barnwell by the Hearing Board of the AEC. These hearings consisted of statements submitted by interested parties--the applicant AGNS, and members of the public. The State of South Carolina raised no questions. No testimony was submitted under oath and there was no cross examination of witnesses.
3. Later in 1970 a license for construction was awarded by the AEC.
4. In 1971 Governor West appointed a Legislative Study Committee to investigate AGNS' plans and look into the possible effects such a plant would have on the health, safety, economy, etc. of South Carolina.
5. In 1971 the U. S. Supreme Court ruled (Calvert Cliffs decision) that licensing procedures for Nuclear plants must be in compliance with the National Environmental Policy Act (NEPA) of 1969.
6. In 1971 the AEC declared the 1970 BNFP construction license invalid under NEPA and served notice that a reconsideration of the license was necessary.
7. In a 1972 decision, the U. S. Supreme Court ruled against the State of Minnesota which by state legislation had sought to impose stricter controls on radiation than those imposed by the AEC. (Thirteen other states had filed briefs supporting the Minnesota position.)

This decision had the effect of establishing the limited role of state legislatures in setting radiation standards.
8. In December 1973 a petition for hearings on construction licensing of the BNFP was filed by a public interest group, Environmentalists, Inc.; and in May 1974 E.I. qualified as a party to the proceedings on behalf of itself and two other South Carolina organizations--Fiedmont Organic Movement and S.C. Environmental Action, Inc. of Hilton Head.

The State of South Carolina did not file notice of intention to participate.
9. In May 1974 E.I. petitioned for hearings on AGNS' application for operating license and was admitted as a participant in this proceeding also.
10. At this time the Nuclear Regulatory Commission (NRC), formerly the AEC, ruled that the two licensing proceedings, on construction and on operating, would be combined.

11. The State of South Carolina announced its intention to participate in the combined proceedings.
12. In September 1974 the combined hearings got under way in Barnwell. The hearings were conducted as adversary proceedings with testimony under oath, cross-examination of witnesses, and discovery process. (When the hearings began, to determine whether or not a license permitting construction should be issued, the actual construction, which had proceeded at the owners risk, was approximately three-quarters complete.)
13. Some events of the 34 hearing sessions which extended from the fall of 1974 through January 1976:

- The 1971 report of the S.C. Legislative Study Committee (#4) was offered in evidence by counsel for the applicant, but was later withdrawn when questions about authorship arose, counsel for the intervenors having alleged that the report was prepared by Allied-General, the applicant.
- In 1975 the State of Georgia joined the proceedings.
- Following are some of the matters on which testimony and evidence was presented:

Krypton removal - The applicant has no plans to install removal equipment for the reason given that effective removal equipment will not be available for at least 10 years. However, other testimony held that there has been successful removal system in operation for some time.

Transportation

Health Effects - A reprocessing plant puts out approximately 3,000 times as much radioactive material as a reactor.

Seismology - The plant is constructed at the edge of a class three earthquake berm to survive an earthquake of intensity VIII.

Off-Site Contamination - Radioactive Iodine releases, according to a Nuclear Regulatory witness, may be 50 to 100 times the estimates in the AEC's Environmental Statement. Carbon-14 will be released, although this fact had not been previously disclosed by the AEC or the applicant.

(Applicant's testimony about Krypton removal equipment indicated the probability of similar releases from the Savannah River Plant; and that the combined effects of releases from these neighboring plants is an important consideration, became a part of the public record.)

14. In 1975 during the combined proceedings on construction and operating, AGNS applied for a license to store spent nuclear fuel in the Fuel Receiving and Storage Station (BFRSS) component of the plant for interim away from reactor storage purposes only.
15. E.I., their two co-intervenors; 221 Fickens Street, a Columbia business; and the ACLU petitioned the NRC to hold hearings on this proposal.

Proceedings on the BFRSS were formally under way with the preparation of, and comments on, a final Environmental Impact Statement, and with the qualifying of EI et al, and 221 Pickens Street as participants. (The ACLU petition was

denied.) Meetings, conferences, and a pre-hearing have been held, and 50 issues raised by the intervenors have been accepted by the NRC; and an exchange of information among the participants of the proceedings continues; however, no hearings have been scheduled as yet.

16. In June of 1975 AGNS proposed that AGNS and the Energy Research and Development Administration (ERDA)--now, the Department of Energy--enter into a cooperative government/industry program in which ERDA would build and operate the two facilities of the plant not yet built--the Plutonium Product Facility, and the Waste Solidification Facility.
17. In 1975 during the combined hearings, a motion was made by the intervenors to the Atomic Safety and Licensing Appeal Board, to defer licensing of the Barnwell Nuclear Fuel Plant until a Generic Environmental Statement on the use of Mixed Oxides i.e. recycling plutonium, (GESMO) had been prepared and approved. The motion was denied in October 1975.
18. However, a month later in Nov. 1975 the NRC issued an order setting up plutonium recycle hearings; but allowing for interim licensing of nuclear fuel recycle facilities. (The Barnwell Plant was the only reprocessing facility to which this interim licensing order would apply.)
19. In response to the NRC Order of Nov. 1975, EI joined 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 U.S. Court of Appeals for review of the NRC Order.
20. In May 1976, the Court ruled against interim licensing, until a final decision has been made on GESMO.
21. 1976 to the present. The GESMO hearings took place in Washington, D.C. 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, organizations and state governments from all over the country participated including the Barnwell intervenors.
22. In April 1977 President Carter issued a policy statement which banned reprocessing and the use of recycled plutonium.  
  
This order had the effect of suspending the GESMO hearings and the BNFP hearings, but not the Fuel Receiving and Storage proceedings.
23. In August 1980 the Department of Energy (DOE) asked for comments on their intent to prepare an Environmental Impact Statement of away from reactor (AFR) storage in West Valley, N.Y., Morris, Illinois, and Barnwell, S.C.
24. The intervenors in the BFRSS have commented that in the case of Barnwell this would be repetitious as an EIS has already been prepared. (See #15).



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Secretary  
Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
Duke-COGENA- Stone & Webster  
Construction Authorization Request  
Mixed-Oxide Fuel Fabrication Facility  
Savannah River Site, South Carolina

AFFIDAVIT

The Undersigned Kelly Calvo, being duly sworn says: that she owns a store located at 719 Harden St. in Columbia, SC, that she is a member of Environmentalists, Inc.; that she authorizes Environmentalists, Inc. to represent her in this proceeding; that she travels on roads close to the site of the proposed MOX facility; that she uses the Savannah River for recreation while on buying trips; that she drives on roads over which nuclear shipments would travel to and from the MOX Facility; that she eats foods grown in the vicinity of the SRS; that her business depends on tourism and that 15% of her customers are from out-of-town; that she has no way of knowing if radioactive contaminants coming from a leak at the MOX Facility or some related activity (radioactive waste operations, storage transportation, etc.) exist in the air she breaths, the water she drinks or the food she eats; and that even if there are no accidents at the proposed MOX Facility, just a rumor of a problem would have a bad effect on her business and result in financial losses.

SWORN TO before me this 28<sup>th</sup> day of July, 2001.

Rauna Kelly Campbell  
Notary Public for South Carolina  
My commission Expires: April 23, 2008

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

A F F I D A V I T

The undersigned Basil Garzia being

duly sworn says; that he is a member of Environmentalists, Inc.; that he owns a health food store and deli located at 2803 Rosewood Drive in Columbia, South Carolina; that he authorizes Environmentalists, Inc. (E.I.) to represent him in this proceeding; that he sells produce and other foods which are at risk of being contaminated as a result of the routine operation and/or accidental events at the MOX Facility and /or due to such related activities as transportation of radioactive materials to and from the MOX Facility; that shipments of food travel the same roads over which nuclear materials leading to and from the Savannah River Site (SRS), at which the MOX Facility would be built; that certain of the produce is grown close to site proposed for the MOX Facility that releases of radioactive gases and particulate have been known to travel substantial distances, such as the 1974 one, tritium passed over Columbia (See attached map); that he is concerned for his customers health, particularly those who in the past have been exposed to radiation due to receiving treatments for cancer; that he recognizes that these people are at greater risk from additional exposure since the detrimental effects of radiation exposure are cumulative; that even if there are no accidents, no human errors which lead to leaks, etc., just a rumor of a problem would adversely effect his commitment to those who shop in his store, those who eat in the deli; that there would be a negative impact on his business.

Basil Garzia

SWORN TO before me this

26 day of July, 2001

Dwight A. Coleman

Notary Public for South Carolina

My commission Expires: My Commission Expires February 8, 2009

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Secretary  
Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
Duke-COGENA- Stone & Webster  
Construction Authorization Request  
Mixed-Oxide Fuel Fabrication Facility  
Savannah River Site, South Carolina

AFFIDAVIT

Comes now Edward A. Giusto, who being  
duly sworn, deposes and states as follows:

1. I authorize and request Environmentalists, Inc. to represent me and my interests in the above proceeding involving Duke-COGENA-Stone & Webster's request to receive a license to build a facility to process weapons-grade plutonium into a mixed-oxide reactor fuel. More specifically, I authorize Mrs. Ruth Thomas or anyone she designates to represent me and my interests.

2. I reside at 651 Bohler Ave, Augusta, GA 30904. The site of the proposed Mixed-Oxide Fuel Fabrication Facility is less than 20 miles from my home. Plutonium would travel near my home en route to the Savannah River Site for processing. In the event of a release of radiation from the facility, my personal health could suffer serious consequences. I believe my life and health are jeopardized by Duke-COGENA-stone & Webster's plans to build and operate a Mixed-Oxide Fuel Fabrication Facility at the Savannah River Site.

3. I have read Environmentalist's, Inc. Petition to Intervene and to the best of my knowledge believe the matters stated therein are true and correct.

Edward A. Giusto

SWORN TO before me this 17<sup>th</sup> day of MAY, 2001.

BA Busch  
Notary Public for South Carolina

My commission Expires: 02/23/08

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Secretary  
Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
Duke-COGEA- Stone & Webster  
Construction Authorization Request  
Mixed-Oxide Fuel Fabrication Facility  
Savannah River Site, South Carolina

AFFIDAVIT

Comes now William Gregg Jocoy, who being  
duly sworn, deposes and states as follows:

1. I authorize and request Environmentalists, Inc. to represent me and my interests in the above proceeding involving Duke-COGEA-Stone & Webster's request to receive a license to build a facility to process weapons-grade plutonium into a mixed-oxide reactor fuel. More specifically, I authorize Mrs. Ruth Thomas or anyone she designates to represent me and my interests.

2. I reside at 1232 Plum Branch Lane, Fort Mill, S.C. 29715.  
Duke Power's Catawba Nuclear Facility, which is one of two sites that will be burning the mixed-oxide fuel produced by Duke-COGEA-Stone & Webster, is less than 10 mile from my home. The fallout from the release of radiation due to an accident at the Catawba Nuclear Facility or during the transport of the mixed-oxide fuel would greatly increase the risk to my personal health and would have a detrimental affect on the value of my property.

3. I have read Environmentalist's, Inc. Petition to Intervene and to the best of my knowledge believe the matters stated therein are true and correct.

William Gregg Jocoy

SWORN TO before me this 15<sup>th</sup> day of May, 2001.

Andrew D. Hays  
Notary Public for South Carolina  
My commission Expires: 07/1/2009

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

A F F I D A V I T

The undersigned MAXINE M WARSHAUER, being  
duly sworn says:

that she lives at 3526 Boundbrook Lane in Columbia,  
South Carolina; that she sought to be involved in the  
decision-making process related to the proposed MOX Facility  
by attending meetings, reviewing reports, including  
those prepared by the Department of Energy (DOE) and other  
governmental agencies and by submitting comments on  
DOE's Environmental Impact Statement Surplus Plutonium  
Disposition while it was in draft form; that the DOE did  
not provide clear answers to the issues she raised, nor  
did the agency explain the conflicts which existed between  
DOE's views and the findings of geologists with the U.S.  
Geological Survey in the 1957 and 1966 studies done by  
geologists with the National Academy of Sciences; that  
unsuitable conditions were pointed out in regard to the  
Savannah River Site- shallow water table, moist climate,  
the possibility of plutonium by-passing monitoring wells,  
etc.; that as a taxpayer, she stands to be negatively  
affected financially due to a poor decision being made  
regarding the choice of a site for the mixed oxide  
Facility; that she is a member of Environmentalists, Inc.  
(E.I.) ; that she authorizes E.I. to represent her in  
this proceeding. that the siting decision was not made in  
compliance with the National Environmental Policy Act.

Maxine M. Warshauer

SWORN TO before me this  
27th day of July, 2001

Alice Oubre Pugh  
Notary Public for South Carolina

My commission Expires: FEBRUARY 15, 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Secretary  
Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
Duke-COGENA- Stone & Webster  
Construction Authorization Request  
Mixed-Oxide Fuel Fabrication Facility  
Savannah River Site, South Carolina

AFFIDAVIT

Comes now Nancy Lynn Tocoy, who being  
duly sworn, deposes and states as follows:

1. I authorize and request Environmentalists, Inc. to represent me and my interests in the above proceeding involving Duke-COGENA-Stone & Webster's request to receive a license to build a facility to process weapons-grade plutonium into a mixed-oxide reactor fuel. More specifically, I authorize Mrs. Ruth Thomas or anyone she designates to represent me and my interests.

2. I reside at 1232 Plum Branch Ln, Fort Mill SC 29715.  
Duke Power's Catawba Nuclear Facility, which is one of two sites that will be burning the mixed-oxide fuel produced by Duke-COGENA-Stone & Webster, is less than 10 mile from my home. The fallout from the release of radiation due to an accident at the Catawba Nuclear Facility or during the transport of the mixed-oxide fuel would greatly increase the risk to my personal health and would have a detrimental affect on the value of my property.

3. I have read Environmentalist's, Inc. Petition to Intervene and to the best of my knowledge believe the matters stated therein are true and correct.

[Signature]

SWORN TO before me this 15<sup>th</sup> day of May, 2001.

[Signature]  
Notary Public for South Carolina  
My commission Expires: 9/1/2009

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

*In the Matter of*

*DUKE COGEMA STONE & WEBSTER*

*Docket No. 070-03098-ML*

*Mixed Oxide Fuel Fabrication Facility  
Savannah River Site, South Carolina*

CERTIFICATE OF SERVICE

*I hereby certify that copies of the foregoing AMENDMENT DATED July 30, 2001 have been served upon the following persons by U.S. mail, first class and by FAX to Judges Moore, Kelber and Lam.*

*Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555-0001*

*Administrative Judge  
Charles N. Kelber  
Atomic Safety & Licensing Board Panel  
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Washington, D. C. 20555-0001*

*Administrative Judge  
Thomas S. Moore  
Atomic Safety & Licensing Board Panel  
Mail Stop-7-3-F23  
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Washington, D.C. 20555-0001*

*Administrative Judge Peter Lam  
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Washington, D. C. 20555-001*

Docket No. 070-03098-ML  
AMENDMENT DATED July 30, 2001

Secretary of the Commission  
Attn: Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555-0001

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Edna Foster  
120 Balsam Lane Highlands, N. C. 28741



Ruth Thomas, President  
Environmentalists, Inc.

Dated at Columbia, S. C.  
this 30th day of July 2001