

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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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

) July 30, 2001

## Affidavit of Blue Ridge Environmental Defense League

Comes now Janet Marsh Zeller, Executive Director of the Blue Ridge Environmental Defense League, Inc., who being duly sworn, deposes and states as follows:

1. This affidavit is in support of Blue Ridge Environmental Defense League's (BREDL) Request For Hearing on the proposed Savannah River Site (SRS) Mixed Oxide Fuel Fabrication Facility (MFFF). I am presently Executive Director of the Blue Ridge Environmental Defense League. I hereby petition that BREDL has an organizational interest in the proposed construction of the MFFF at SRS.

2. I have an interest in the construction of the proposed Savannah River Site Mixed Oxide Fuel Fabrication Facility (SRS-MFFF) for the following reasons:

a. Blue Ridge Environmental Defense League organized in March 1984 in response to the US Department of Energy's siting search for a high level nuclear waste repository in the eastern United States. In 1987 the US Congress acted to suspend the Crytalline Repository Project, the rationale being that the nation needed only one 70,000 metric ton repository. On July 25, 2001 at a town hall meeting hosted by the US Nuclear Regulatory Commission, Michael F. Weber, Director of the Division of Fuel Cycle Safety and Safeguards, said in response to a question about the capacity of the Yucca Mountain repository, "Sooner or later there is going to have to be another repository." The four semi-finalist repository sites in the BREDL service area, two in North Carolina and two in Virginia, have never been eliminated.

b. The Duke Cogema Stone & Webster application and subsequent documents did not address waste disposition for the proposed SRS MFFF. Since 1985 BREDL has had a low-level radioactive waste project, and since 1984 a high-level radioactive waste project. Because waste management and disposition are uncertain and because BREDL has worked for at least 16 years on both the Barnwell facility and the proposed NC low-level radioactive waste facility, our organization has an historical and well-documented interest in potential waste disposition from both the MFFF and reactor fuel use.

c. Since 1984 BREDL has worked on nuclear materials transportation. In 1987 we hosted a major conference which drew participants from 23 states. Our organization has a concern about the corridor community impacts of nuclear materials transportation related to the MFFF.

d. On November 1, 1994 the Blue Ridge Environmental Defense League filed a brief as plaintiff-intervenor in United States District Court for the District of South Carolina, Columbia Division in the case of South Carolina ex rel. vs. the US Department of Energy [Civil Action No. 3-94-2419-0]. The major premise in this case, according to the US Department of State and the US Department of Energy, was nuclear non-

proliferation. As an organization BREDL was given standing in the lawsuit.

e. In addition to our Glendale Springs and Winston-Salem offices, BREDL has an office in eastern North Carolina and extensive membership in the area potentially affected by nuclear materials transportation, specifically shipments of uranium hexafluoride bound for SRS. BREDL has an office in Charlotte located approximately 20 miles from both the McGuire and Catawba nuclear power stations. BREDL has an office in Aiken, SC within 20 miles of SRS.

f. BREDL has significant affected membership of both chapters and individuals in areas impacted by the proposed MFFF. In Mecklenburg County, NC our chapter, Prisoners of Our Homes, has members directly affected by proposed plutonium fuel use at McGuire and Catawba. The President of our Mecklenburg chapter is filing an affidavit under separate cover. BREDL has additional membership in the Lake Norman area of McGuire NPS, in several areas of Charlotte, and in Aiken. We have an unknown number of chapters and members potentially affected by nuclear materials transportation. Our estimate is that five or more chapters would be affected.

g. BREDL has hired two full time staff members, Catherine Mitchell and Don Moniak, to work in the affected communities. We have also committed part-time staff resources from Louis Zeller and Denise Lee. BREDL has made a substantial resource commitment in staff salaries and expenses to the MFFF and utility reactor programs.

h. BREDL has a compelling interest in nuclear non-proliferation, nuclear waste management and disposition, nuclear materials transportation, public health protection, and environmental democracy and environmental justice. Our more than 17 years of work in these areas is testament to our interests.

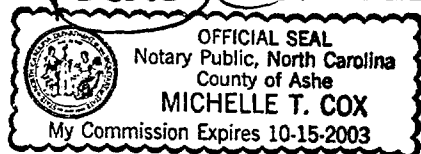
3. On a personal level, my husband, Louis A. Zeller, and I have a concern in the proposed MFFF. We are members of the Blue Ridge Electric Membership Cooperative, which along with 27 other electric cooperatives in the NC Electric Membership Corporation, own controlling interest in the Catawba 2 Nuclear Power Station, one of four Duke Power reactors proposed for plutonium fuel use. We have a financial, power supply, and liability interest in the proposed MFFF.

Janet Marsh Zeller  
signature

7/30/01  
date

Michelle Cox  
notary

7/30/01  
date



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	)	

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Affidavit have been served upon the following persons by US Mail, first class, and/or through the Nuclear Regulatory Commission's internal distribution with copies by electronic mail or facsimile as indicated.

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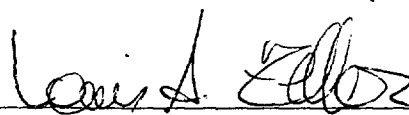
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Louis A. Zeller, Blue Ridge Environmental Defense League Administrator

Dated Glendale Springs, North Carolina July 30, 2001