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

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

In the Matter of)

DUKE COGEMA STONE & WEBSTER)

(Savannah River Mixed Oxide Fuel
Fabrication Facility))

Docket No. 0-70-03098-ML

ASLBP No. 01-790-01-ML

GEORGIANS AGAINST NUCLEAR ENERGY'S
AMENDED PETITION TO INTERVENE

Georgians Against Nuclear Energy ("GANE") respectfully submits this amendment to its petition to intervene, which provides additional information regarding GANE's standing to participate in this proceeding, and which responds to arguments made by Duke Cogema Stone & Webster ("DCS") concerning GANE's standing. In support of this Amendment, GANE has attached the Amended Affidavit of Susan Bloomfield.

As additional support for its standing to participate in this proceeding, GANE states that:

1. GANE is an environmental organization whose purpose is to phase out nuclear power and promote conservation and sustainable energy sources such as wind and solar; to abolish the global use of nuclear weapons; and to promote the formation of ethical social policies for nuclear waste handling and containment. This organizational purpose is consistent with the purpose of GANE's intervention. GANE was founded in 1978 and

has intervened many times before the U.S. Nuclear Regulatory Commission. We have intervened in the licensing of Nuclear Plant Hatch and Nuclear Plant Vogtle; and in license amendment proceedings for Vogtle and most recently The Georgia Tech Research Reactor license extension request (1996). In addition to a myriad of local, national and international campaigns, we participated in the resistance to the Allied General Nuclear Services facility in the early 1980s.

2. As demonstrated in GANE's Affidavit submitted June 15, 2001, GANE's coordinator, Glenn Carroll, is authorized to represent its members in the licensing proceeding for the MOX facility at Savannah River Site. The attached Amended Affidavit of Susan Bloomfield also shows that Susan Bloomfield is a member of GANE who authorizes GANE to represent her in the proceeding.

3. GANE has standing by virtue of Ms. Bloomfield's proximity to the proposed MOX facility, because an accident at the facility may have offsite consequences. As stated in her original affidavit, Ms. Bloomfield lives within 20 miles of the proposed MOX Fuel Fabrication Facility. In her Amended Affidavit, she also states that she drives through Savannah River Site to visit her family in Hilton Head, South Carolina and frequently visits the river to attend concerts and fireworks and for recreational boating. As recognized by the NRC Staff in its Response to GANE's Petition to Intervene, the potential that operation of the MOX facility could have adverse offsite consequences if the facility were run unsafely or experienced a fire or earthquake is sufficient to confer standing to Ms. Bloomfield and other residents living within 20 miles of the site. *See* NRC Staff's Answer to Hearing Requests of Donald Moniak, Etc. at 32-33, 37 (June 25, 2001). [Note: The page numbers for e-mail filings and paper copies do not correspond. Numbers are for paper copy.] The potential for offsite impacts is also acknowledged in the U.S. Department of Energy's Environmental Impact Statement for Surplus Plutonium Disposition (2000). *See* Table K-19, which provides estimates of

radiation doses and latent cancer fatalities for people living within 80 kilometers (about 50 miles) of the Savannah River Site.

4. As Ms. Bloomfield also stated in her original Affidavit, plutonium would travel near her home en route to be processed at the Savannah River Site. Both the NRC Staff and DCS argue incorrectly that this proximity to transportation routes is insufficient to confer standing.

The Staff argues that Ms. Bloomfield's assertion is speculative, because the Department of Energy has not yet identified what the transportation routes will be. NRC Staff Response at 36. Given that Ms. Bloomfield lives only 20 miles to the northwest of the Savannah River Site, in an area that has few major highways, however, it is reasonable to believe that plutonium shipments originating at western facilities (*e.g.*, Pantex) would travel near her home. The most obvious and safest route that crosses the Savannah River to the Savannah River Site is I-20 which is only one mile from Ms. Bloomfield's residence.¹ In any event, the fact that DOE has not yet identified the precise route would not be fair grounds for denying GANE standing.

¹ In contrast, in the two decisions cited by DCS which denied standing based on proximity to transportation routes, petitioners lived much farther away from the contested nuclear plants. See DCS Response at 9. In *Northern States Power Co.* (Pathfinder Atomic Plant), LBP-90-3, 31 NRC 40, 42 (1990), the petitioner lived 350 miles from the plant. In *Exxon Nuclear Co.* (Nuclear Fuel Recovery and Recycling Center), LBP-77-59, 6 NRC 518 (1977), the petitioner lived 100 miles from the plant.

In *Northern States Power Co.*, the Licensing Board also based its decision on the assertedly speculative nature of transportation accidents. 40 NRC at 43. Whether or not transportation accidents are speculative, however, Ms. Bloomfield need not postulate a credible accident in order to raise a concern about radiological impacts of transporting plutonium. As demonstrated in Appendix L of the DOE's Surplus Plutonium Disposition Final Environmental Impact Statement (November 1999), impacts of transporting plutonium under normal conditions include vehicle exhaust and radiological doses of up to 10 mrem/hour at two meters from the vehicle. As stated in her Amended Declaration,

Both the NRC and DCS also argue that proximity to transportation routes does not constitute a valid basis for standing because the Department of Energy and not NRC has jurisdiction to regulate the safety of transportation of plutonium to the Savannah River Site. NRC Response at 36, DCS Response at 9. These arguments miss the point that the NRC has the authority to deny the MOX factory license application, in which event no plutonium would travel to the Savannah River Site to be manufactured into MOX fuel. In that case, the threat to Ms. Bloomfield's health and safety posed by plutonium shipments may be eliminated or reduced.

Equally important, the NRC Staff and DCS overlook the fact that, while the NRC may not regulate the safety of plutonium transportation, it must address the environmental impacts of plutonium transportation in the Environmental Impact Statement for the MOX facility. Even if the NRC relies on the EIS prepared by the DOE for plutonium disposal, it must have confidence that the DOE's EIS is sufficiently comprehensive and detailed to address the environmental impacts of transporting plutonium to the Savannah River site. Environmental impacts of transporting plutonium to the MOX facility may be avoided or mitigated by denying the permit, locating the factory elsewhere, or changing transportation routes. These considerations are all within the scope of the NRC's review under the National Environmental Policy Act ("NEPA"). Thus, Ms. Bloomfield's proximity to potential transportation routes constitutes grounds for finding that GANE has standing.

5. Finally, GANE wishes to clarify that although it has not addressed each and every argument presented by DCS and the NRC Staff against GANE's standing, this does not mean that GANE concedes that these arguments are correct. Moreover, once

Ms. Bloomfield wishes to avoid any incremental exposure to radiation, including doses that she may get during uneventful transportation of plutonium. Even a "minor" public

GANE's standing is established, GANE is entitled to raise any contentions which would result in the denial of the requested license, whether or not the contention is related to GANE's basis for establishing standing. *See Yankee Atomic Electric Co.*, LBP-96-2, 43 NRC at 70.

Respectfully submitted,

A handwritten signature in cursive script that reads "Glenn Carroll".

Glenn Carroll
for Georgians Against Nuclear Energy
139 Kings Highway
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Dated July 30, 2001
in Decatur, Georgia

exposure may constitute grounds for establishing standing. *Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), LBP-96-2, 43 NRC 61, 70 (1996).

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AMENDED AFFIDAVIT OF SUSAN BLOOMFIELD

Comes now SUSAN BLOOMFIELD, who declares under penalty of perjury as follows:

1. On May 14, 2001, I swore to an affidavit that was presented in support of Georgians Against Nuclear Energy's ("GANE's") Request for Hearing (May 17, 2001). The purpose of this Amended Affidavit is to supplement the information I provided in my May 14 Affidavit.

2. I have been associated with GANE since 1993, and a dues paying member as of May, 2001. As previously stated, I have authorized GANE to represent my interests in this proceeding.

3. As previously stated, I live within twenty miles of the proposed MOX Fuel Fabrication Facility. I attend concerts and fireworks by the Savannah River. I use the river for boating downstream of the facility. I drive through the Savannah River Site to visit my son and granddaughter who live in Hilton Head, SC. Because of my concerns about the hazards to my health posed by the Savannah River Site I sometimes choose a less convenient route in order to avoid SRS and the threat of radiation exposure.

4. I am concerned about future shipments of plutonium on the roads near my home. I believe that exposure to radiation and vehicle exhaust from these shipments could injure my health.

5. I am concerned about the safety of the operation of the MOX factory. I have read GANE's Request for Hearing, and believe that unsafe operation of the factory could result in offsite releases of radiation that would have an adverse effect on my health. As I previously stated, if GANE's position is upheld, there is a reduced likelihood of a serious accident at the facility and I am less likely to suffer injury.

This statement is made under penalty of perjury.

Susan Bloomfield
SUSAN BLOOMFIELD

7/26/01
Date

CERTIFICATE OF SERVICE
by Georgians Against Nuclear Energy
(Docket # 70-3098)

I hereby certify that copies of GANE's Amended Petition to Intervene plus the Amended Affidavit of Susan Bloomfield were served July 30, 2001 upon the persons listed below by both e-mail and U.S. Postal Service First Class Mail.

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