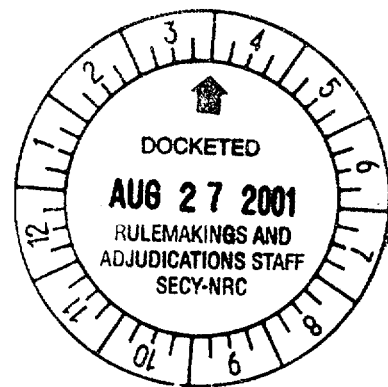


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD



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

Ex Parte:
Environmentalists, Inc.,

Docket No. 070-03098-ML
ASLBP No. 01-790-01-ML
August 23, 2001

Petitioner,

In the matter of
Duke-COGENA-Stone & Webster (DCS)
Construction Authorization Request (CAR)
Mixed-Oxide (MOX) Fuel Fabrication Facility
Savannah River Site (SRS), South Carolina
Applicants

ENVIRONMENTALISTS, INC. NOTICE OF
SUPPORT FOR MOTION TO DISMISS LICENSING PROCEEDING
BY GEORGIANS AGAINST NUCLEAR ENERGY

The Petitioner, Environmentalists, Inc. (E.I.) supports the August 13, 2001 Motion by Georgians Against Nuclear Energy (GANE) requesting that the Atomic Safety and Licensing Board (ASLB) dismiss this proceeding for licensing of Duke-COGENA-Stone & Webster's (DCS) proposed Mixed Oxide Fuel Fabrication Facility (MOX FFF).

E.I. agrees with GANE that the Nuclear Regulatory Commission was mistaken to allow the licensing process to go ahead when DCS's license application was incomplete.

Some of the deficiencies GANE identifies, in its Motion, are ones that E.I. has observed and commented on in the two amendments to its Petition to Intervene. GANE's Motion is clear and specific regarding these flaws and how they relate to the National Environmental Policy Act (NEPA).

As GANE has pointed out in its Motion, an incomplete license application and the lack of environmental and safety reviews done by the NRC Staff have and will handicap the interveners in their ability to prepare contentions.

The Petitioner is well aware of the importance of following the procedure called for by Part 70. When E.I. was party to the Barnwell Nuclear Fuel Plant Proceedings (AEC Docket No. 50-332), it had access to two crucial Atomic Energy Commission (AEC) reports, addressing both safety considerations and environmental concerns over the operations aspect of the proposed plant. These documents were essential to E.I.'s preparation of contentions and the AEC staff's framing of the issues, which led to the abandonment of the project.

Under the proposed proceeding in the present situation, similar reports by other interested agencies (e.g. U.S. Geological Survey, Environmental Protection Agency, Department of Agriculture, and parallel state agencies) would not be available either to the NRC or E.I., depriving the agency and E.I. of information necessary to the ultimate decision of whether to go forward or not. This defect in the record would not be obviated by the existence of the Environmental Impact statement of the Department of Energy related to consideration of the options for disposal of excess weapons plutonium, as that document is too generalized to address the particular processes under review in this case.

Environmentalists, Inc. respectfully requests that GANE's Motion to Dismiss be granted. If instead a decision is made to hold the proceeding in abeyance until such time as a complete license application is submitted, E.I. requests that it be allowed to re-file any contentions without prejudice from the late filing standard when the proceeding is resumed.

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

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

Before the Administrative Judges:

Thomas S. Moore, Chairman

Charles N. Kelber

Peter S. Lam

In the Matter of)
)
)

DUKE COGEMA STONE & WEBSTER)

Docket No. 070-03098-ML

(Savannah River Mixed Oxide Fuel)
Fabrication Facility))
_____)

ASLBP No. 01-790-01-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of Environmentalists, Inc.'s "Notice of Support for Motion to Dismiss" August 23, 2001 have been served upon the following persons by U.S. mail, first class and by FAX to Judges Moore, Kelber and Lam.

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

Office of Commission Appellate Adjudication
US Nuclear Regulatory Commission
Washington DC, 20555-0001

Administrative Judge Thomas S. Moore, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop-7-3-F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-001

Administrative Judge Charles N. Kelber
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Ruth Thomas
President, Environmentalists, Inc.

Dated at Columbia, SC
This day of August 24, 2001