

DOCKET NUMBER
PROD. & UTIL. FAC. 70-3098-ML

DOCKETED
USNRC

'01 AUG 16 A11:15

League of Women Voters of South Carolina
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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED AUG 16 2001

August 11, 2001

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To: Administrative Law Judges:
Honorable Thomas Moore, Chairman
Honorable Dr. Charles N. Keble
Honorable Dr. Peter S. Lam

Re: Docket No. 070-03098, ASLBP No. 01-790-01

The purpose of this letter to you is to protest the extremely narrow interpretation of standing that Duke Cogema Stone and Webster wants applied to the citizen groups trying to intervene in the matter of DCS's Construction Authorization Request (CAR) for the MOX Fuel Fabrication Facility (MFFF) at the Savannah River Site and for participation in the subsequent hearing. We respectfully request that citizens and citizens groups, most of whom work on a voluntary basis or who receive a pittance in compensation, be accorded better access to the process in the interests of fairness. What happens at SRS under certain easily imagined scenarios will affect everyone in this state, in Georgia and beyond.

The League of Women Voters of South Carolina is a citizens organization composed of volunteers located throughout South Carolina including the Aiken area. We have been involved in South Carolina's nuclear affairs for over twenty years. In keeping with our mission to promote the informed participation of citizens in their government, we engage in activities designed to educate the public about important issues that are affected by or dependent on governmental actions. Further, we take action on issues we have studied and about which members have reached agreement. As a consequence, we have been following activities at the Savannah River Site, taking part in meetings, and making comments when appropriate. We have even participated in several lawsuits related to SRS activities. We are non-partisan although we do lobby on issues of concern.

One of our first formal efforts to educate the public on nuclear matters was the "Bottom Line" forum done in 1981 in cooperation with the Sierra Club and a student environmental law society of the University of South Carolina's Law School. Although it was purely an educational project designed to allow League members and the general public to participate effectively in the national dialogue on nuclear matters that was then opening up. We presented speakers from USC, the Savannah River Site (or Plant as it was then entitled), the national Sierra Club, and others. The activity was viewed with a great deal of suspicion and even hostility because in South Carolina at that time the Savannah River Site was viewed with almost religious reverence as a highly secret component of the national defense effort. An unexpected and rather amusing consequence was a large turn out. A number of attendees were just trying to see what we were up

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to talking about this taboo topic. No, it was not an anti nuke rally any more than it was a pro nuke rally. It was basic high school science.

We believe that the Nuclear Regulatory Commission should grant some leeway to the citizens groups trying to intervene, given the unequal balance of power and resources between them and the entities they are challenging. We find it troubling that only residents who live within a twenty mile or even less range are allowed to have standing. The effects of a major accident would cover a far, far greater area. One can easily envision an explosion and/or fire accompanied by a high and shifting wind carrying plutonium particles over hundreds of miles. According to Grigori Medvedev, in his book *The Truth About Chernobyl* it wasn't the reactor accident per se but the fire that sent forth particles carrying dangerous isotopes over northern Europe, alerting the world to the accident. While the MFFF is not comparable to Chernobyl, the danger of nuclear contamination is. The accident scenarios that were envisioned for Chernobyl were premised on a relatively short reactor accident time and wind in one direction only. The fire went on for days and there were many wind shifts so that a wide radius was affected. In our experience with SRS we have found that there is a lot of attention given to those who may be affected by ground and surface water contamination but very little given to air born contaminants and pathways.

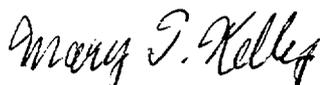
DCSW is contending that Environmentalist Inc. has not demonstrated representational or organizational standing. However EI is an organization well known to South Carolinians as active in nuclear affairs dating back to the late seventies when they challenged the subsequently aborted Allied General spent fuel reprocessing plant. They also challenged the license transfer that took place when Waste Management Inc. bought the Chem Nuclear low level waste dump in Barnwell County from Chem Nuclear. Waste Management chose to retain the name Chem Nuclear.

EI has supplied the names of people who live within South Carolina and who would be at risk if plutonium or other isotopes become air born. Some also live in proximity to reactors where the MOX fuel may be used. DCSW is technically correct that this proceeding deals only with the MFFF plant itself. However, if the other parts of the puzzle do not materialize the MFFF will be yet another expensive boondoggle.

The fact that every South Carolinian has a stake in these decisions should be amply demonstrated by the recent actions of our Governor Hodges, who is challenging the importation of plutonium into this state.

We thank you for considering these views.

Sincerely,



Mary T. Kelly
Associate Director for Natural Resources
LWVSC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
DUKE COGEMA STONE & WEBSTER) Docket No. 70-3098-ML
)
(Savannah River Mixed Oxide Fuel)
Fabrication Facility))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM LEAGUE OF WOMEN VOTERS TO ASLBP RE STANDING OF PROCEEDING INTERVENORS have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 70-3098-ML
LETTER FROM LEAGUE OF WOMEN VOTERS
TO ASLBP RE STANDING OF PROCEEDING
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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 16th day of August 2001