

# Natural Resources Defense Council, Inc.

917 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

202 737-5000

*Western Office*

2345 YALE STREET  
PALO ALTO, CALIF. 94306  
415 327-1080

*New York Office*

122 EAST 42ND STREET  
NEW YORK, N.Y. 10017  
212 949-0049

December 28, 1978

12/28/78

Gary L. Milhollin, Esq.  
1815 Jefferson Street  
Madison, Wisconsin 53711

Mrs. Elizabeth B. Johnson  
Union Carbide Corp.  
Nuclear Division  
P.O. Box X  
Oak Ridge, Tenn. 37830

Dr. Quentin J. Stober  
Fisheries Research Institute  
University of Washington  
Seattle, Washington 98195

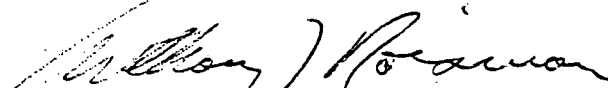


Re: Commonwealth Edison Co., et al., Dkt.Nos. 50-237, 50-249, 50-254, 50-265

Dear Members of the Board:

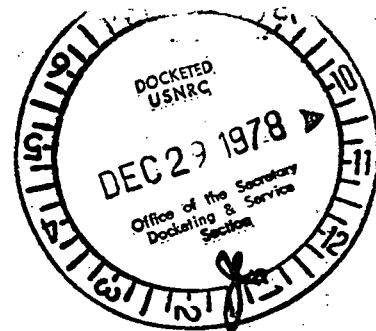
Enclosed is NRDC and CBE's Statement of Contentions in the above referenced proceeding. These contentions were submitted informally to Applicant and Staff on December 6 in hopes of minimizing challenges based on lack of clarity or specificity. Applicant suggested several changes and additions which have been incorporated into this final Statement of Contentions in order to avoid such challenges.

Sincerely,

  
Anthony Z. Roisman

cc: service list

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



In The Matter Of :  
: COMMONWEALTH EDISON CO., et al. : Docket Nos. 50-237  
: (Amendments to Operating Licenses) : 50-249  
: 50-254  
: 50-265

NATURAL RESOURCES DEFENSE COUNCIL  
AND CITIZENS FOR A BETTER ENVIRONMENT'S  
STATEMENT OF CONTENTIONS

Contention 1 - The proposed action violates the National Environmental Policy Act because it is a commitment to a program which precedes the completion of the required programmatic impact statements.

- a. NRC and DOE have announced a proposed program for storage of spent fuel away from the reactors where the spent fuel is generated and have agreed to prepare and are preparing programmatic impact statements under NEPA to evaluate that proposed action.<sup>1</sup>
- b. Included among the options examined is consideration of transshipment of spent fuel between reactors as proposed here.
- c. Approval of this proposed action by applicant would permit the adoption of the transshipment option for it would forestall development of preferable alternative plans to meet the spent fuel storage program, particularly expansion of spent fuel storage at each plant site, and

<sup>1/</sup> The DOE impact statements include DOE/EIS-0041-D, DOE/EIS-0015-D and DS (Supplement), and DOE/EI-0055

by the application of the sunk cost doctrine (New England Coalition on Nuclear Pollution v. NRC, Dkt. Nos. 77-1219, 77-1306, 77-1342, 78-1013 (decided August 22, 1978), \_\_\_ F.2d \_\_\_ (1st Cir. 1978)) tend to foreclose the preferable options.

Contention 2 - Approval of the proposed actions would violate NEPA because it is a major federal action significantly affecting the environment for which no impact statement has been prepared.

- a. The quantity of spent fuel to be moved, the number of casks, trucks and shipments required, the number of members of the public and workers which will be and could be exposed to radiation due to routine, accidental or intentional releases from handling and shipping spent fuel, the alleged dollar and environmental benefits of the proposed action over allowing the reactors to be shut down, the increased risks to the health and safety of the public living in the vicinity of the facilities and along the shipment route without any comparable increase in benefits to that public, the foreclosing of the environmentally preferable option of expanded storage of spent fuel at each plant site, and the long-term implications of another spent fuel storage half-measure which allows increasing nuclear wastes without a solution and without progress toward a solution for the permanent and safe storage of such waste are all factors which make approval of the proposed action a major federal action with significant impact on the environment.

Contention 3 - There has been no adequate analysis of the alternatives to the proposed action.

- a. The alternative of using any of the reactors as a last on, first off, plant to reduce spent fuel discharge requirements is not considered.
- b. There are not technological or economic disadvantages to expanding spent fuel pool capacity at each plant site if it is assumed that all spent fuel will be stored there until it is shipped to a legally approved permanent storage facility for nuclear wastes. This option will reduce the risks of routine, accidental and intentional releases of radioactivity.
- c. Applicant has not fully utilized all of the potential it has to store spent fuel in existing pools at each plant.

Contention 4 - The proposed action increases the exposure to radiation of workers and the general public beyond what is ALARA.

- a. ALARA can be achieved by on-site expansion of spent fuel pool storage capacity at each plant site, including building another spent fuel pool.
- b. The residual health risks which remain even if the present NRC regulations on exposures to workers are met are major costs of the proposed action which tip the balance against the proposed action. The health hazards include increased genetic mutations which affect the entire population directly and increased somatic effects which

affect the workers directly and the general population indirectly as lost productivity, higher health costs and the loss of family or friends. Recent evidence by Drs. Mancuso and Bross indicates that the dangers from low levels of radiation are greater than originally assumed by the BEIR Committee. The NRC regulations set levels for workers 10 times higher than acceptable even if the BEIR Committee calculation of health effects is used. See Natural Resources Defense Council Petition to Amend 10 CFR 20.101 Exposure of Individuals to Radiation in Restricted Areas, October 29, 1975, and Supplement to Petition and Request for Hearings, November 4, 1977.

Contention 5 - Applicant overstates the need for action at this time by using the one-core discharge capacity reserve standard as if it were a requirement where in fact it is not a requirement of NRC regulations.

- a. Either applicant should be bound to comply with the one-core discharge capacity standard or it should have to demonstrate on a NEPA cost/benefit basis that holding that capability is more valuable than the costs of shipment off-site of one core of spent fuel.
- b. Numerous utilities now are in violation of this standard. See ERDA 77-25, p. 7; Spent Fuel Storage Study (1976-1986) prepared by AIF (April 1977), p. 11.

Contention 6 - Applicant has failed to disclose any information sufficient to determine whether shipment of spent fuel between the

plant sites will be vulnerable to sabotage, hijacking or other malevolent acts and whether this represents a serious risk to public health and safety.

- a. A credible threat of an attack against such a shipment would be 3 insiders and 15 outsiders, the latter armed with sophisticated rapid fire automatic weapons, explosives, large shell mortars and armored vehicles.
- b. There is no known basis for assuring detection of a threat of this size until it has materialized.
- c. Unless applicant is taking safety precautions far beyond those routinely used in the nuclear industry, it will be unable to prevent a malevolent act involving spent fuel in transit.
- d. A successful malevolent act directed against a spent fuel shipment could expose thousands of persons to fatal levels of radiation, could severely pollute water supplies and land areas, force long-term evacuation of major areas and create a threat of all these events unless certain unacceptable political and/or other demands are met.

Contention 7 - The application provides insufficient information for consideration of the proposed action.

- a. There is no ER.
- b. There is no analysis of additional emergency planning required by the transportation of spent fuel between the reactor sites.

Contention 8 - The proposed action violates the standards for consideration of proposed spent fuel handling prior to completion of the GEIS on spent fuel handling.

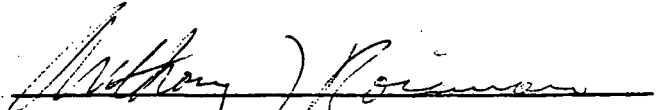
- a. The proposed action has no utility unless it is assumed that in the near future an AFR will be built to accommodate spent fuel from the reactors. Thus the proposed action will tend to increase pressure for such action.
- b. The proposed action will tend to foreclose the option of expanding spent fuel storage capacity at each plant site to handle their own spent fuel by committing economic resources and time to a measure whose own utility is as a holding action pending construction of an AFR.

Contention 9 - The alleged need for immediate action on the proposal is grossly overstated and no additional spent fuel storage space is required prior to the middle 1980s at the earliest.

- a. Expansion of spent fuel capacity at Dresden was found by the Staff to be sufficient to assure full core discharge capability through 1984 and normal refueling through 1987 for the Dresden units without transshipment. Environmental Impact Appraisal Relating to Modification To The Spent Fuel Pool (Jan. 30, 1978) p. 3.
- b. Expansion of spent fuel capacity at Quad Cities was found by the Staff to be sufficient to assure full core discharge capability through 1985 and normal refueling through 1988 for the Quad Cities units without transshipment. Environmental Impact Appraisal Relating to

Modification To The Spent Fuel Pool (Jan. 30, 1978) p. 3.

Respectfully submitted,

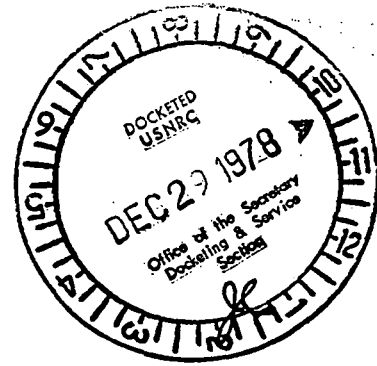


Anthony Z. Roisman  
Natural Resources Defense Council  
917 15th Street, N.W.  
Washington, D.C. 20005  
(202) 737-5000

Dated: December 28, 1978



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



In the Matter of :  
: COMMONWEALTH EDISON CO., et al. : Docket Nos. 50-237  
: : 50-249  
(Amendments to Operating Licenses) : 50-254  
: 50-265

CERTIFICATE OF SERVICE

I hereby certify that copies of NRDC AND CBE STATEMENT OF CONTENTIONS were mailed today, December 28, 1978, first class postage prepaid, to:

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attention: Docketing and Service

Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

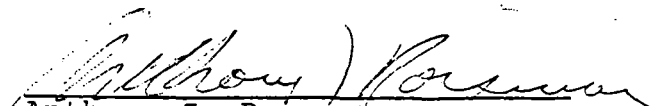
Philip P. Steptoe  
Isham, Lincoln & Beale  
One First National Plaza  
42nd Floor  
Chicago, Illinois 60603

Susan N. Sekuler  
Assistant Attorney General  
188 W. Randolph Street  
Suite 2315  
Chicago, Ill. 60601

Gary L. Milhollin, Esq.  
1815 Jefferson Street  
Madison, Wisconsin 53711

Mrs. Elizabeth B. Johnson  
Union Carbide Corporation  
Nuclear Division  
P.O. Box X  
Oak Ridge, Tennessee 37830

Dr. Quentin J. Stober  
Fisheries Research Institute  
University of Washington  
Seattle, Washington 98195

  
Anthony Z. Roisman