

Natural Resources Defense Council, Inc.

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

202 737-5000

RELATED CORRESPONDENCE

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

March 20, 1979

Gary L. Millhollin
1815 Jefferson Street
Madison, Wisconsin 53711

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

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



Re: COMMONWEALTH EDISON, ET AL. (Dresden-Quad Cities Spent Fuel Transportation and Storage), Docket Nos. 50-237, 50-249, 50-254, 50-265.

Dear Board Members:

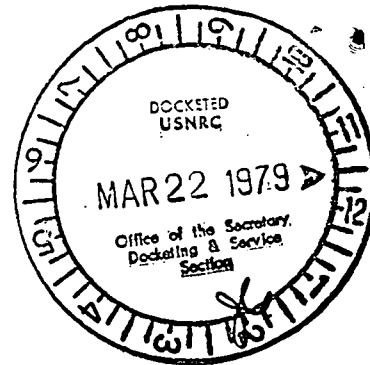
Enclosed is a copy of an order of the Atomic Safety and Licensing Board in the Duke Power Co. (Shipment of Oconee Spent Fuel to McGuire Nuclear Station), Dkt. No. 70-2623, (March 16, 1979) admitting as matters in controversy contentions which are substantially similar to contentions whose validity is at issue in this proceeding.

Sincerely,


Anthony Z. Roisman

cc (w/enc.): service list

RELATED CORRESPONDENCE



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
DUKE POWER COMPANY)
)
(License Amendment for Transportation)
and Storage of Oconee Spent Fuel at)
McGuire Nuclear Station))

Docket No. 70-2623

ORDER REGARDING CONTENTIONS OF
NATURAL RESOURCES DEFENSE COUNCIL
(March 16, 1979)

On March 13, 1979, the Licensing Board held a conference with counsel concerning the contentions of the Natural Resources Defense Council (NRDC). After hearing from counsel representing the Duke Power Company (Applicant) as well as the Staff and NRDC, the following contentions of NRDC were held to be admissible. The underlying reasoning of the Board and the parties is reflected in the transcript of the conference with counsel and will not be repeated here, although appropriate transcript citations follow each contention and are incorporated by reference.

Contention 1. The proposed action is a step in a proposed program to handle the shortage of spent fuel storage space by shipping and storing spent fuel away from the reactor where it was generated. The proposed action has no independent value in solving the spent fuel storage problem and is inherently premised on the near-term construction of an interim away-from-reactor storage facility. The proposed action, if taken, will bias the final decision on whether to approve the program by foreclosing at-reactor options at both Oconee and McGuire. The

proposed action is therefore inconsistent with the conditions 1 and 2 laid down by the NRC in promulgating the criteria for approval of interim spent fuel storage. (40 Fed. Reg. 42801) Thus, the proposed action cannot be acted upon until completion of impact statements on the proposed program now being conducted by DOE (Storage of U. S. Spent Power Reactor Fuel (DOE/EIS-0015-D) August 1978, and Supplement, December 1978; Storage of Foreign Spent Power Reactor Fuel (DOE/EIS-0040-D) December 1978; Preliminary Estimates of the Charge for Spent-Fuel Storage and Disposal Services (DOE/ET-0055) July 1978; Charge for Spent Fuel Storage (DOE/EIS-0041-D) December 1978) and NRC (Draft Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG-0404)). (Tr. 7-48)

Contention 2. The proposed action is a major federal action significantly affecting the quality of the human environment and cannot be acted upon until preparation of a final environmental impact statement. (Tr. 48-60)

Contention 3. The following alternatives to the proposed action have not been adequately considered:

- a. The alternative of using Oconee as a last-on, first-off, base-loaded plant to reduce spent fuel discharge requirements is not considered.
- b. The alleged economic cost of increased purchases of power if Oconee is shut down is speculative because

there is insufficient information to justify the conclusion.

- c. There are no technological or economic disadvantages to expanding spent fuel pool capacity at Oconee if it is assumed that all Oconee 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 (sabotage) releases of radioactivity during transportation.
- d. Applicant has not fully utilized all of the potential it has to compact spent fuel in existing pools at Oconee and has not provided adequate justification for the assertion that storage expansion at Oconee Units 1 and 2 is not viable. (Tr. 60-77).

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 Oconee, 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. (Tr. 77-85)

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 cost/benefit basis that holding that capability is more valuable than the costs of shipment off-site of one core of spent fuel. (Tr. 85-127)

Contention 6. Shipment of spent fuel from Oconee to McGuire will be vulnerable to sabotage or other malevolent acts and this represents a serious risk. (Tr. 127-136)

Contention 7 was withdrawn by NRDC at the conference (Tr. 136). Contentions 1-6 as set forth above are admitted as NRDC contentions in this proceeding.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Marshall E. Miller, Chairman

Dated at Bethesda, Maryland
this 16th day of March 1979.