



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

Docket No. 50-312

NOV 27 1979

Sacramento Municipal Utility District
ATTN: E. K. Davis and
David S. Kaplan
6201 S Street, P. O. Box 15830
Sacramento, California 95813

Subject: Petition of Mr. W. Andrew Baldwin

Gentlemen:

Enclosed for your information is a copy of a petition filed by Mr. W. Andrew Baldwin which requests that the NRC prepare supplemental environmental statements relating to Class 9 accidents at Diablo Canyon, Rancho Seco and Palo Verde.

This petition is being handled according to 10 CFR 2.206 of the Commission's regulations, and appropriate action will be taken on the petition in a reasonable time. Also enclosed is a copy of the notice that will be filed with the Office of the Federal Register.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harold R. Denton".

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Baldwin's petition dtd. 10/24/79
2. Federal Register Notice

cc: w/enclosures
see next page

1546 330

G 7912130 0.58

Sacramento Municipal Utility
District

cc w/enclosure(s):

David S. Kaplan, Secretary and
General Counsel
6201 S Street
P. O. Box 15830
Sacramento, California 95813

Sacramento County
Board of Supervisors
827 7th Street, Room 424
Sacramento, California 95814

Business and Municipal Department
Sacramento City-County Library
828 I Street
Sacramento, California 95814

Director, Technical Assessment
Division
Office of Radiation Programs
(AW-459)
U. S. Environmental Protection Agency
Crystal Mall #2
Arlington, Virginia 20460

U. S. Environmental Protection Agency
Region IX Office
ATTN: EIS COORDINATOR
215 Fremont Street
San Francisco, California 94111

Mr. Robert B. Borsum
Babcock & Wilcox
Nuclear Power Generation Division
Suite 420, 7735 Old Georgetown Road
Bethesda, Maryland 20014

Thomas Baxter, Esq.
Shaw, Pittman, Potts & Trowbridge
1800 M St., NW
Washington, DC 20036

Herbert H. Brown, Esq.
Lawrence Coe Lanpher, Esq.
Hill, Christopher and Phillips, P. C.
1900 M St., NW
Washington, D. C. 20036

Christopher Ellison, Esq.
Dian Gruevich, Esq.
California Energy Commission
1111 Howe Avenue
Sacramento, California 95825

Ms. Eleanor Schwartz
California State Office
600 Pennsylvania Avenue, S.E., Rm. 201
Washington, D.C. 20003

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

Michael L. Glaser, Esq.
1150 17th Street, N.W.
Washington, D.C. 20036

Dr. Richard F. Cole
Atomic Safety and Licensing Board
Panel
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Frederick J. Shon
Atomic Safety and Licensing Board
Panel
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Timothy V. A. Dillon, Esq.
Suite 380
1850 K Street, N.W.
Washington, D.C. 20006

James S. Reed, Esq.
Michael H. Remy, Esq.
Reed, Samuel & Remy
717 K Street, Suite 405
Sacramento, California 95814

Mr. Michael R. Eaton
Energy Issues Coordinator
Sierra Club Legislative Office
1107 9th St., Room 1020
Sacramento, CA 95814

1546 331

Sacramento Municipal Utility
District

cc w/enclosure(s):

Atomic Safety and Licensing Board
Panel
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Appeal
Board Panel
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Richard D. Castro
2231 K Street
Sacramento, California 95814

Mr. Gary Hursh, Esq.
520 Capital Mall
Suite 700
Sacramento, California 95814

California Department of Health
ATTN: Chief, Environmental
Radiation Control Unit
Radiological Health Section
714 P Street, Room 498
Sacramento, California 95814

1546 532

FRIENDS OF THE EARTH

124 SPEAR SAN FRANCISCO CALIFORNIA 94105

(415) 495-4770

October 24, 1979

Dr. Harold Denton
Director of Nuclear Reactor
Regulation
United States Nuclear Regulatory
Commission
Washington, D.C. 20555

Dear Dr. Denton:

I am the Legal Director of Friends of the Earth, an environmental organization with approximately 25,000 members throughout the United States. Friends of the Earth requests, pursuant to section 2.206 of the Nuclear Regulatory Commission regulations, that the Nuclear Regulatory Commission prepare supplemental Environmental Impact Statements which consider the serious environmental impact of various Class 9 nuclear accidents at the Rancho Seco, Palo Verde, and Diablo Canyon nuclear reactor facilities.

A Class 9 nuclear accident could have an immediate and devastating economic and radiobiological impact upon communities within at least one hundred fifty (150) miles of these nuclear facilities. The proposed annex to Appendix D, 10 CFR Part 50 appears to define a Class 9 accident as a sequence of failures which are more severe than those which the safety features of the plant are designed to prevent, including such accidents as a "core melt" or a "breach of containment." The Environmental Impact Statements of the Rancho Seco, Palo Verde, and Diablo Canyon nuclear facilities do not consider the possible impact of such an accident. Rather, the final Environmental Impact Statements for these plants summarily state that the probability of their [Class 9 accidents] occurrence is so small that their environmental risk is extremely low. These statements are based upon early estimates of reactor accident probabilities and upon the WASH-1400 Reactor Safety Study (commonly known as the "Rasmussen Report"), which evaluated the mathematical probabilities and consequences of a wide range of nuclear accidents. Among its conclusions, the Rasmussen Report stated that nuclear power plants pose an infinitesimal chance of serious nuclear accident.

Within the last twelve months, however, significant new information and important events concerning the probability and environmental impacts of Class 9 nuclear accidents have come to light. First, on January 19, 1979, the Nuclear Regulatory Commission issued

1546 333

XEO3
SE 1/0

~~7910300~~ 291

10/28

a Statement of Policy which admits that the accident estimates and probabilities (including the probability of a Class 9 accident) contained in the WASH-1400 Reactor Safety Study are unreliable. In fact, the Commission withdrew any explicit or implicit endorsement of the study. In pertinent part, the Statement of Policy reads:

The commission accepts the Review Group Report's conclusion that absolute values of the risks presented by WASH-1400 should not be used uncritically either in the regulatory process or for public policy purposes and has taken and will continue to take steps to assure that any such use in the past will be corrected as appropriate. In particular, in light of the Review Group conclusions on accident probabilities, the Commission does not regard as reliable the Reactor Safety Study's numerical estimate of the overall risk of reactor accident. (Emphasis added.)

Secondly, the near-tragic series of occurrences at the Three Mile Island nuclear facility in March and April 1979 demonstrated in graphic terms that the possibility of Class 9 accidents is not "infinitesimally small." In an opinion dated August 24, 1979, the Nuclear Regulatory Commission staff concluded that the successive series of events at the Three Mile Island nuclear plant in fact constituted a Class 9 accident. ("NRC Staff Response to Board Question No. 4 Regarding the Occurrence of a Class 9 Accident At Three Mile Island," August 24, 1979, In re Public Service Electric & Gas Co. (Salem Nuclear Generating Station, Unit No. 1), Docket No. 50-272.) In addition, the accident emphasized the imperative need to evaluate in advance the possible impact of a serious (Class 9) nuclear accident and to carefully prepare to meet the possible consequences.

The National Environmental Policy Act (42 U.S.C. § 4341) unequivocally requires that the Nuclear Regulatory Commission consider in detail all possible environmental impacts of a nuclear facility, and this of course includes all environmental effects of postulated nuclear accidents. In addition, the Council on Environmental Quality final regulations implementing procedures under the National Environmental Policy Act (Federal Register, Volume 43, No. 230, Section 1502.9 (c)) require agencies to:

prepare supplements to either draft or final environmental impact statements if . . . (ii) There are significant new circumstances, or information relevant to environmental concerns and bearing on the proposed action or its impacts.

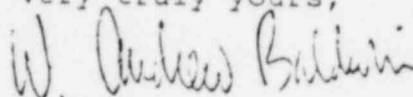
1546 334

Dr. Harold Denton
Page 3
October 24, 1979

It is clear that under the National Environmental Policy Act, the Rancho Seco, Palo Verde, and Diablo Canyon Environmental Impact Statements are now deficient. Significant new information has become available and compelling new circumstances have come to light which require preparation of supplemental Environmental Impact Statements. The Nuclear Regulatory Commission has now repudiated the prior studies of mathematical probabilities on which it has relied to justify the nonconsideration of Class 9 nuclear estimates. In addition, the Three Mile Island accident demonstrates that Class 9 accidents do in fact occur. Thus, we must request that supplemental Environmental Impact Statements which consider the serious radiobiological and economic impacts of a Class 9 accident be prepared for these three nuclear facilities.

We hope that you carefully consider this request, which we make under section 2.206 of the Nuclear Regulatory Commission regulations, with respect to these three nuclear plants. If we do not hear from you within 30 days, we shall assume that the Nuclear Regulatory Commission does not intend to require supplemental Environmental Impact Statements for the Rancho Seco, Palo Verde, and Diablo Canyon facilities.

Very truly yours,



W. Andrew Baldwin

1546 335