

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF:)
)
COMMONWEALTH EDISON COMPANY,) Docket Nos. S50-599
et al.,) 50-600
)
(Carroll County Site))
)

MOTION TO RECONSIDER REJECTED CONTENTIONS AND
BRIEF IN SUPPORT THEREOF

The JO DAVIESS COUNTY AD HOC COMMITTEE ON NUCLEAR ENERGY INFORMATION, (Intervenor) by David N. Howarth and John W. Cox, Jr., its attorneys, moves the Atomic Safety and Licensing Board to reconsider its order of October 10, 1979, by accepting those items listed below:

A. Contention I (b) was orally held in abeyance at the September 19, 1979 hearing, pending the publication of the Three Mile Island NRC Staff report or further Commission action, but is omitted from paragraph 7 of the Board's Order of October 10, 1979. Presumably, the omission is inadvertent and Intervenor requests that said order be amended to include Contention I (b) in paragraph 7 as a contention held in obeyance. The distinctively individual problems involved in planning any emergency evacuation from a particular site area are such that they should be actively considered in selecting that site for a nuclear power plant.

B. Contention III (2) was orally allowed at the September 19, 1979 hearing, but is omitted from the Board's Order of October 10, 1979. Presumably, the omission is inadvertent and Intervenor requests that said Order be amended to include Contention III (2) as an acceptable contention.

C. Intervenor and NRC Staff have agreed to amend Contention III (c) so as to insert the word "exclusion" prior to the last word of the contention.

D. Intervenor offers to rephrase Contention III (g) in order to meet opposition thereto, by deleting all of prior Contention III (g) and substituting therefor the following:

With the addition of the two Carroll County nuclear power plants, the Site 50 mile area will then encompass six nuclear power plants (two each at Cordova and Byron) and a low-level radiation waste disposal ground (at Sheffield). Insufficient consideration has been given to, and insufficient

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research has been conducted concerning the cumulative dosage of low-level ionizing radiation that would be received by the residents of that area, by the aquatic, avian, and terrestrial wildlife habitats in that area, and by the fact of the Mississippi River watershed and its ability to transport such radiation great distances, and the effect of such cumulative dosage upon crops and livestock being produced in that primarily agricultural area.

The fact that Applicant has chosen to offer for selection a site first) in the midst of a predominantly dairy economy, second) on the edge of the Mississippi River and its appurtenant Wildlife Refuge, and third) within 50 miles of two other nuclear power plant sites and a lowlevel waste dump, are as peculiarly relevant to the selection of that site as are its hydrology, meteorology, and geology. Not enough research information is available to answer the kinds of questions which Applicants' site offer raises.

1. Even assuming totally safe operations, how close together should nuclear power plant sites be?
2. How much low-level ionizing radiation (radio-nucleide contamination) can people and animals absorb before ill effect occurs?
3. What are the long-range effects of low-level ionizing radiation upon people and animals? Evidence is developing to indicate that those ill effects may be drastic:
 - a. Increased risk of contracting cancer or leukemia.
 - b. Genetic damage.
 - c. Bone defects in growing children.
 - d. Irreversible contamination of the environment.
4. Is there any means available to prevent the routine emanation of such radiation from nuclear power plants? Evidence is developing to indicate that even the strict emission standards of the NRC for nuclear power plant operations are insufficient to prevent an anticipated several thousands of cancer deaths and juvenile bone defects caused by such radiation. An increasing number of nuclear experts are suggesting that any radiation dosage is an overdose, that there is no way to prevent the ingestion of radionucleides, and that there is no safe amount that can be ingested.

Because of the dairy economy of the Site area, the proximity of the Mississippi River, and the possible cumulative effect that the combination of the Cordova, Byron, and Carroll County plants and Sheffield dump may have upon both the continued or increased ingestion of radionucleides through consumption of dairy products and the exposure of local residents to such radiation, these questions should be studied more closely and resolutions sought as part of the Early Site Review hearing.

Early research into these questions has been conducted by Dr. John W. Gofman and others, by Dr. Barry Commoner, and by Dr. Philip Sternglass, all of whom are no doubt well-known to the Board; current research is being conducted by various groups, including League Against Nuclear Dangers (LAND) Educational Associates Foundation (LEAF) of Stevens Point, Wisconsin, and Another Mother Fund for Peace of Beverly Hills, California.

E. Intervenor and NRC Staff have agreed to amend Contention III (j) to read as follows:

- (j) The following meteorological concerns:
- (1) icing and fogging attributable to the cooling towers.
 - (2) salt drift and deposition attributable to the cooling towers.
 - (3) the effect of the foregoing concerns upon aquatic, avian, and terrestrial wildlife habitats, when combined with the naturally occurring winter ice and glaze storms common to the site area.

Intervenor believes the amendment clarifies a previously confusing contention, without any substantive change being intended therein.

F. Intervenor and NRC Staff have agreed to amend Contention IV (6) by deleting the words "the Site 50 mile area" and substituting therefor the words "Jo Daviess County."

G. Intervenor submits that Contentions V (a) (1) (2) are well-founded contentions for consideration at the Early Site Review hearing for the following reasons:

1. Applicant has not suggested any means other than EHV transmission lines for the delivery of its power production to its consumers.
2. The Site 50 mile area is one of the prime dairy-land areas of the State, and incurs a considerable influx of recreational and tourist visitors yearly.
3. Evidence is developing to suggest that EHV transmission has ill effect upon both the animals and the people who have to live within its hum and glow:

- a. Increased abortion rates in cattle which pasture under EHV lines.
- b. Reduced male potency in EHV line workers.
- c. Increased incidence of headache, malaise, sleepiness, and abnormal fatigue among workers exposed to EHV transmission for lengthy periods of time.
- d. Increased incidence of high blood pressure.
- e. Creation of electrical fields of sufficient strength at the height of a tractor-operating farmer to disrupt his operation and expose him to the dangers of electrification.

f. Increased risk of cancer in children constantly exposed to EHV transmissions.

4. The exposure of the dairy farmers in, and of the recreational and tourist visitors to, the Site 50 mile area to these possible risks of danger from EHV transmission militate toward further investigation of the advisability of constructing EHV transmission lines in the site area.

Early research into these questions has been extensively reported in the works of Louise B. Young, Robert O. Becker, M.D., A. A. Marino, M.D., and others in this country, and in numerous research reports from the Soviet Union.

H. Intervenor accepts the Board's position with regard to Contention VI except with regard to nuclear waste (VI (e) (2)). The safety of the site relates directly to the area wherein the plant is to be located. Nuclear fuel must be transported to the site. Nuclear waste must be transported to the site. The existing roads and river access must be considered in determining the feasibility of such transportation. Intervenor strongly feels that this issue is being ignored.

There is, at best, a two lane highway available to the site. This is a rural farming area where the potential for accident or sabotage are extensive. Funding for road improvements in the State of Illinois are severely limited at this time and appear to remain so limited for quite a period into the future. It is clear that insufficient research has been done in this area.

Wherefore, Intervenor proposes the following substituted Contention VI.

VI

Public safety is the essence of the purpose of early site review. Applicant has failed to sufficiently examine, research and consider the practical questions of whether or not the site proposed herein permits and allows safe transportation of nuclear fuel to the site, safe transportation of nuclear waste from the site and on-site storage of both fuel and waste, along with the concurrent risks to the public of such acts in this area.

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Intervenor made an oral motion to stay all proceedings until the NRC staff has completed its report. The Board did not deal with this issue in its order. Intervenor therefore renews its motion on the basis that it is unfair and unreasonable to require private, tax-paying citizens to go forward with discovery and other matters without the assistance of a governmental report, the preparation of which is required by law. Intervenor sees nothing out of order in this motion and requests a ruling on same by the


Board.

Wherefore, Intervenor requests the Board to reconsider its order in the manners cited above.

THE JO DAVIESS COUNTY AD HOC
COMMITTEE ON NUCLEAR ENERGY
INFORMATION

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