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Citizens Against Nuclear Power

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NO NUKES!

Nov. 28, '79

Dear Sir,

We of CANP call on you to recommend the closing of the Zion reactors on Dec. 5, when the NRC considers the recommendations of the Kemeny Report on operating reactors near large population centers.

As you know- if proper guidelines had been in effect for siting of reactors the Zion plant would never have gone up: They went on line in '73+'74, before the NRC joined with the EPA to require that all persons living within 10 miles (at least!) of a reactor could be safely evacuted. No plans for a Zion area evacution exist to this day, and for Chicago no one could save us. Please act.

CANP

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THE CASE AGAINST THE ON-SITE STORAGE OF SPENT FUEL AT THE ZION NUCLEAR STATION

Commonwealth Edison has asked the U.S. Nuclear Regulatory Commission to more than double the amount of radioactive spent fuel allowed at the Zion nuclear station's pool. If their request is granted, Com Ed could increase the amount of spent fuel from 868 to 2112 spent fuel assemblies. Since two assemblies weigh one metric ton, this means Zion's pool could hold 1056 metric tons of spent fuel - more than twice the amount of spent fuel now stored at the Morris Operation, the nation's largest operating nuclear waste dump away from the site of reactors.

There are good reasons for citizens to be seriously concerned about high level spent fuel waste being stored at the Zion nuclear station:

1. A DE FACTO RADIOACTIVE WASTE DUMP IS BEING CREATED. There is no assurance the spent fuel will leave the site at any time. The NRC has made no commitment to ever remove it, and Com Ed has no commitment to remove it. If the increase is really only a short term solution to a crisis situation, it would be strictly limited in duration to prevent it from becoming a long term or permanent dump.

2. REPROCESSING BECOMES MORE LIKELY. Utilities prefer to keep radioactive spent fuel at reactor sites to save the expense of shipping it to a distant repository - because it allows them to keep the reprocessing option open. Reprocessing separates pure plutonium from the fuel rods. The plutonium could be used to make atom bombs.

3. SPENT FUEL ACCIDENTS CAN HAPPEN. Fuel rods can rupture when dropped. Airplanes, tornadoes or earthquakes could damage the pool. Sabotage could be attempted. The added weight of more rods may damage the lining of the pool which was not designed for added loads for long periods of time. A fuel assembly dropped on stored fuel can cause a criticality accident (nuclear chain reaction.)

4. INCREASING THE AMOUNT OF SPENT FUEL INCREASES THE SERIOUSNESS OF AN ACCIDENT. If an accident should occur in the pool or in the reactor (affecting the pool), there could be 20 more times more strontium-90 in the pool than in one reactor. The magniturde of damage in case of a reactor or pool accident increases with every assembly added to the pool.

5. NO ENVIRONMENTAL IMPACT STATEMENT HAS BEEN COMPLETED ON SPENT FUEL AT ZION. If Zion is to become a long term spent fuel storage site, then the NRC should fully assess the safety and environmental implications involved. If not, then the Commission should condition any license amendment to insure that interim storage does not become permanent. Giving Com Ed 14 more years to operate Zion with an expanded spent fuel pool removes the incentive for Com Ed and the Commission to seek permanent solutions for the spent fuel waste NOW. Once utilities have spent the money to expand their pools, they won't pay to ship the waste to more environmentally acceptable storage facilities in isolated areas, preferably near permanent geologic disposal sites.

6. AN ACCIDENT IN THE ZION REACTORS COULD ENDANGER THE POOL AND VICE VERSA. The Chicago Tribune (May 6, 1979) said "Com Ed's safety record was so bad in 1977 that the NRC was seriously considering shutting down all its nuclear power plants. We won't know until the 1980's what Zion's record is for 1978 and 1979. Workers will be unable to maintain the pool if a reactor accident seriously contaminates the surrounding area.

7. WORKERS AT THE ZION STATION WILL BE SUBJECTED TO HIGHER RADIATION DOSES. Reracking the pool, handling and moving the fuel and their wastes, and the pool itself will contribute to higher radiation levels at Zion.

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8. COMPACT RACKS GREATLY INCREASE THE POSSIBILITIES OF DISASTROUS POOL ACCIDENTS. AND especially criticality accidents. The neutron multiplication factor (k-eff) which keeps the pool from going critical "is not a quantity which is measured with a great deal of accuracy" according to the NRC. Packing spent fuel closer together raises the k-eff factor closer to criticality.

9. SPENT FUEL CAN OVERHEAT AND MELT IN A LOSS OF WATER ACCIDENT. Government sponsored research (SAND-77-1371) reveals that spent fuel cladding can catch on fire and melt if the pool boils dry. The released radioactivity could seriously contaminate 150,000 square miles and cause cancer and genetic defects in the surrounding populations. A loss of water accident could be caused by a cask drop on spent fuel, earthquakes, sabotage, cooling system breakdown, a criticality accident and a reactor accident.

10. ALL SPENT FUEL RDSEARCH IS OUTDATED. All spent fuel research to dage is based on low burnup fuel. Most nuclear utilities anticipate going to high burnup fuel in the future. For this reason, the NRC's environmental statement on spent fuel (generic study (NUREG-0404) is useless in predicting spent fuel storage behavior at Zion in the 1980's and 90's.

11. GENERAL ELECTRIC HIGH DENSITY RACKS HAVE PROVEN DEFECTIVE ELSEWHERE. The GE racks are subject to swelling which could trap the fuel rods in them permanently. Venting the racks at the Monticello Station did not solve the problem.

12. THE ZION POOL IS LEAKING NOW. According to the NRC, the Zion pool is currently leaking 50 gallons of radioactive water a day. The leaked water is processed and then discharged to Lake Michigan.

13. INCREASED RADIOACTIVE EMISSIONS. Krypton, tritium and iodine will be released to the atmosphere in increased amounts. An additional 90 curies per year of krypton-85 will be routinely released when the pool is filled, according to the NRC.

14. AFTER THREE MILE ISLAND, we should be trying to minimize the risks at the Zion reacto r site, rather than increase the risks by adding more high level radioactive waste to the spent fuel pool.

15. ONE POUND OF PLUTONIUM HAS THE POTENTIAL FOR NINE BILLIONS LUNG CANCERS. By 1990, the spent fuel pool at Zion will contain 20,000 pounds (10 tons) of plutonium, which could conceivably separate out in a loss of water accident, causing a nuclear explosion that would permanently contaminate a large land area.

THE ZION NUCLEAR STATION PRODUCES 60 TONS OF HIGHLY RADIOACTIVE SPENT FUEL EACH YEAR. COMMONWEALTH EDISON WANTS TO STORE IT IN YOUR BACKYARD AT THE ZION POOL....THERE IS NO SUCH THINGS AS A "SAFE" SPENT FUEL POOL.

For further information contact: Catherine Quigg at 381-6695.

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Nuclear foes ruled justified in acquittal by county jury

by ADRIENNE DRELL
Staff Writer

In what probably will be considered a landmark case, 20 anti-nuclear power demonstrators Monday were acquitted in Lake County Circuit Court of charges of criminal trespassing at the Commonwealth Edison generating plant in Zion.

Throughout the week-long trial the protesters had argued that the dangers posed by radiation justified their breaking the law last Oct. 7 when a sit-in was staged at the nation's second largest nuclear powered generating plant.

The 11 defendants who argued on their own behalf and the three attorneys representing nine of the protesters, utilized a "necessity defense" which allows an illegal act to prevent a greater harm from occurring.

The trial, the first of its kind in Illinois, was also one of the few times the defense strategem has been successfully employed in this country. According to attorneys, an Oregon jury recently acquitted nuclear plant demonstrators with a similar necessity argument.

"Where do you draw the line? ...Cars are definitely killers from accidents and emissions but are you going to say to someone: 'It's OK to block the Interstate?'"

—Prosecutor Larry Helms

The Lake County case, the lawyers involved feel, could establish a precedent for the organization of future demonstrations and possible arrests at Illinois nuclear facilities.

Nearly all the defendants were in the courtroom of Associate Circuit Judge Alphonse Witt at 10:10 p.m. when a jury of six men and six women filed in with the verdict after almost four hours of deliberation.

The group, which included writers, teachers, a chemist, a short-order cook, a mail clerk and a Roman Catholic priest (none of the defendants were from Lake County), burst into applause and cheers when the decision was read. Later, outside the courtroom, several defendants ran up and hugged sheepishly grinning jurors.

Jury Foreman Howard Kanous of 2712 Varonica Ave., Waukegan, said that although two panel members had initially been leaning toward conviction, subsequent discussions convinced jurors the demonstrators were innocent because of the unique defense argument.

Lumb and Larry Helms, assistant state's attorneys, maintained the necessity theory did not apply because there was not enough immediate or imminent danger from any of the alleged

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Nuclear: *Acquittal*

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hazards to legitimize the sit-in.

In his closing arguments Monday, Helms asked jurors to imagine the social implications of allowing a law to be broken whenever anyone felt something was harmful.

"Where do you draw the line?" Helms inquired. "The dangers of nuclear power appear to be less than many other dangers we face every day. What about medical uses of X-rays? Will we allow people to sit in the doors of emergency rooms? A person may believe smoking is very dangerous. Does that justify sitting in the doors of a tobacco plant? Cars are definitely killers from accidents and emissions but are you going to say to someone: 'It's OK to block the Interstate?' "

Each person blocking the gates to the plant on Oct. 7 chose to break the law and so must be prepared to accept the consequences, Helms said in arguing for guilty verdicts.

Convictions would have meant a possible $500 fine and 30 day jail sentences. Shortly after the arrests, four other defendants pleaded guilty to the charges and each received a $75 fine plus a month of court supervision.

During the last two days of the trial, each protester took the witness stand to explain why he or she decided to participate in the nonviolent sit-in. Many in the group used novel techniques to appeal to jurors.

Typical was Victor O'Reilly, who grew up in Crystal Lake but now lives in Madison, Wis. His dramatic reading of "The Lorax" by Dr. Seuss drew quiet applause by spectators in the courtroom.

The childrens' fantasy tale of how the "Once ler" family grew rich from goods produced from the rapidly declining "Truffula tree" was like Commonwealth Edison "out to feed their pocketbooks," O'Reilly said in his testimony to the jury.

Jurors reported the statements convinced them the defendants were sincere in their beliefs that a protest had to be staged to protect the public from the the dangers in radiation emissions, possible meltdowns of Zion's two reactor cores and the inadequate waste disposal at the plants.

Of equal significance, they said, was the testimony of Dr. Rosalie Bertell, a Roman Catholic nun and recent appointee to the Nuclear Regulatory Commission.

Bertell, a professor at the State University of New York at Buffalo, was not present during the Oct. 7 demonstration but influenced many of the protesters with her research linking the effects of low level radiation with aging and diseases like leukemia.

Another key witness subpoenaed by the defense was James Long, a radiation technician at the Zion plant, who spoke out at a public hearing last July on a breakdown in disposal of radiation waste at the facility.

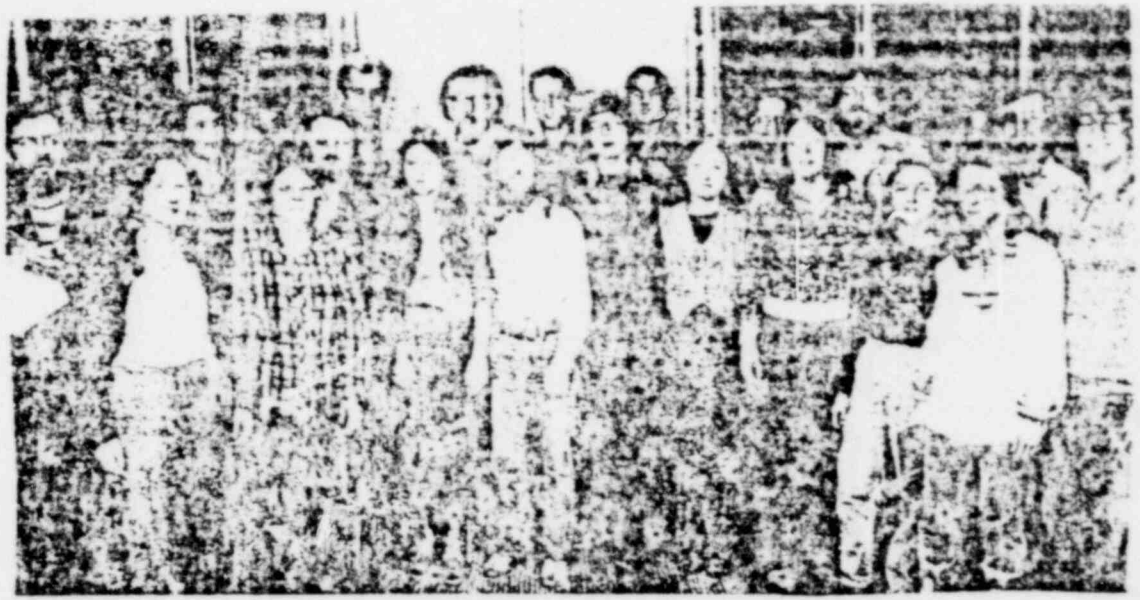
The defense noted that only after Long's testimony at the hearing did Commonwealth Edison say employees from manual disposal of the materials, instituted when machines broke down.

Although Helms and Lumb argued it was incredible to believe the demonstrators actually had any hope of succeeding with a dream of shutting down the Zion plant, several of the defendants suggested such actions had met with success in the past.

They were among those who took part in sit-ins at Seabrook, N.H., which resulted in a temporary construction halt of a nuclear plant and at Rocky Flats, Colo., where protest activities halted the deliveries of nuclear equipment.

Defense attorney Robert Goldsmith called the verdict "significant, in that it shows the community is sick of big corporations making decisions that affect their health and safety."

He laughingly added: "And I even won this case in Waukegan without mentioning I am related to Jack Benny."

Goldsmith said he was a distant cousin of the late comedian, a Waukegan native.

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