

The parties are hereby given ten (10) days from receipt of this order to ask the board for any reconsideration they wish.

As will be seen, some of the Illinois and Rorem, et al. contentions have been combined for convenience in proceeding. Also for the sake of clarity, brevity and specificity additional changes have been made to several contentions by removing statements of basis from the proposed contention. Other contentions are rejected for the reasons set forth herein.

The board in this ruling has been guided by a recent Appeal Board decision, namely, Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC ____ (April 22, 1980).

I

State Contention 1 and Rorem, et al. Contention 1 (Partial)

State Contention 1 as proposed:

The amended Consolidated Safety Analysis Report (hereinafter "CSAR") prepared by the Applicant does not provide reasonable assurance, as required by 42 U.S.C. § 2232(a) and 10 C.F.R. Parts 30, 40, and 70 that the continued operation of the Morris facility will not endanger the health and safety of the public due to accidental release of radioactivity.

The retraction of the risk analysis of the Rasmussen Report, WASH 1400, and the acknowledgement by the Nuclear Regulatory Commission Staff that Class 9 accidents are indeed a possibility^{*/} indicate that accurate accident

*/ See Statement of Mattson, NRC, TMI Task Force In The Matter of Public Service Company of New Jersey (Salem Nuclear Plant Spent Fuel Pool Expansion) ASLB-Docket No. _____(sic)."

analyses are necessitated for nuclear facilities of all types. Without further adequate risk analysis the public cannot be assured that continued storage of spent fuel at Morris will not be hazardous to the public health and welfare. The CSAR does not adequately describe and analyze the risk of all credible accidents and the consequences thereof including:

(a) The effects on the Morris facility of a Class 9 accident at the adjacent Dresden Nuclear Reactor;

(b) The consequences of simultaneous accidental radioactive releases from the Dresden Nuclear Reactor and the Morris Spent Fuel Storage Facility;

(c) The risks and consequences of the release of radioactive elements in excess of Part 20 regulations as a result of any of the following accidental occurrences at the Morris facility; a tornado-related incident, including the consequences of an accident caused by a tornado impelled missile; a loss of coolant accident, alone and in conjunction with an accident which has caused a rift in the building structure; earthquake related accidents; and sabotage related accidents not analyzed in NEDM-20682.

Rorem et al. Contention 1 as proposed (Partial):

Intervenors contend that under the present license held by General Electric, no account is taken of the possibility of an accident to the storage pools which might result in large releases of radioactive gases. Intervenors further contend that such an accident is possible, due to earthquake, tornado, fire, flooding, acts of sabotage, acts of war, human error, or massive electrical power failure.

State Contention 1 and Rorem, et al. Contention 1 (Partial) as accepted by the Board and redesignated as Contention 1.

Contention 1

The Consolidated Safety Analysis Report (CSAR) does not adequately describe the following:

(a) The consequences of simultaneous accidental radioactive releases from the Dresden Nuclear Power Station and the Morris Spent Fuel Storage Facility; (State)

(b) The risks and consequences of the release of radioactive elements in excess of Part 20 regulations as a result of any of the following accidental occurrences at the Morris facility: (i) the consequences of an accident caused by a tornado impelled missile; (ii) a loss of coolant accident, along and in conjunction with an accident which has caused a rift in the building structure; (iii) earthquake related accidents; (iv) sabotage related accidents not analyzed in NEDM-20682; (v) fire; (vi) flooding; (vii) acts of war; (viii) human error; (ix) massive electrical power failure (State and Rorem, et al).

The contention as accepted by the Board does not materially change the substance of the contentions as proposed by the intervenors, except that Class 9 accidents are beyond the scope of this proceeding, particularly a Class 9 accident at another reactor (Dresden Nuclear Power Station) even though adjacent to the Morris facility. Public Service Co. of Oklahoma, et al. (Black Fox Station, Units 1 and 2), ALAB-587, 11 NRC ____ (March 28, 1980), and CLI-80-8, 11 NRC ____ (March 21, 1980).

II

State Contention 2 and Rorem, et al. Contention 2

State Contention 2 as proposed:

The CSAR does not provide adequate assessment of credible risks of sabotage related events and the consequences thereof.

The "Sabotage Analysis for Fuel Storage at Morris", NEDM-20682, November 1, 1974, is limited in that it does not prove statistically the "unlikeliness" of sabotage events nor has it been updated to accommodate advances in the technology of explosives which could make sabotage a more likely event.

Rorem, et al. Contention 2 as proposed:

Intervenors contend that the General Electric Morris Operation is not secure from acts of sabotage, and that its current sabotage plan does not meet 10 C.F.R. 73.

State Contention 2 and Rorem, et al. Contention 2, as accepted by the Board and redesignated as Contention 2.

Contention 2

The Physical Security Plan does not meet the requirements of 10 C.F.R. Part 73. Further, the CSAR does not provide an adequate assessment of credible risks of sabotage related events inasmuch that the advances in the technology of explosives, which could make sabotage a more probable event, have not been adequately addressed (State and Rorem, et al.)

The contention as accepted by the Board does not materially change the substance of the contentions as proposed, but does limit the contention to

whether Applicant has complied with 10 C.F.R. Part 73 as well as considered advances in explosive technology.

III

State Contention 3

State Contention 3 as proposed:

The CSAR underestimates or does not state fully the projected effects on the health of personnel, their families and the public from exposure to radiation:

(a) The CSAR does not state total whole body exposure to occupational personnel for the expected life of the Morris facility;

(b) The CSAR does not project expected genetic effects on personnel or to the general population caused by such whole body exposures;

(c) The CSAR includes only irradiated fuel and contaminated basin water as radiation sources. Other tanks and pipes should be included. (See G.E. "Status of Existing Licensing" 2/21/79, Exceptions to Compliance With Regulatory Guide 3.44 § 7.2 "Radiation Sources".);

(d) The CSAR does not account for additional radiation exposure to occupation personnel during testing or experimentation with fuel disassembly, dry storage or compaction, all of which are projected for the near future at Morris;

(e) The CSAR does not address the absence of effective effluent monitoring.

i. There are no devices to measure flows of air.

ii. There is no routine procedure to measure Kr 85 (See G.E. "Status of Existing Licensing" 2/21/79, item 16.)

State Contention 3 as accepted by the Board:

Contention 3

The CSAR underestimates or does not state fully the projected effects on the health of personnel, and their families from occupational exposure to radiation inasmuch as:

- (a) The CSAR does not state total whole body exposure to occupational personnel for the proposed licensed life of the Morris facility;
- (b) The CSAR does not project expected genetic effects on personnel or to the general population caused by such whole body occupational exposure;
- (c) The CSAR includes only irradiated fuel and contaminated basin water as radiation sources. Other tanks and pipes should be included as sources of occupational exposures.
- (d) The CSAR does not account for additional radiation exposure to occupational personnel from all anticipated activities at the facility (i.e., fuel disassembly, dry storage or compaction all of which are projected for the near future at Morris.)
- (e) The CSAR does not address the absence of effective radiation monitoring of the air within the facility resulting from:
 - (i) No devices to measure radioactive materials in the air.
 - (ii) No routine procedure to measure Kr 85.

The contention as accepted by the Board does not materially change the substance of the contention as proposed, except the contention is limited to occupational exposure as agreed to by counsel for the State. (Tr. 76).

IV

State Contention 4

State Contention 4 as proposed:

The CSAR is incomplete in that it does not discuss prospective plans (in 1980) for testing of fuel, reconfiguration of storage, experimentation of storage modes, and other innovative techniques which General Electric has planned in cooperation with other private corporations and Government agencies.

This contention is rejected as being vague and beyond the scope of this proceeding which is limited to renewal of an existing license to conduct present activities. Later the Board poses Board Question 1 to the Applicant and Staff which covers this subject to the extent it could be material to this proceeding.

V

State Contention 5

State Contention 5 as proposed:

The decommissioning and emergency plans submitted by the Applicant as part of its application cannot be adequately judged at this time. With the assistance of the NRC Staff, the Applicant has attempted to

adapt its CSAR to the proposed 10 C.F.R., Part 72 which they presume will eventually regulate Away from Reactor storage. However, as the regulation has not yet been adopted by the Commission it is now impossible to judge whether the decommissioning and emergency plans will be adequate to conform to the finally approved regulation. The NRC Staff is well aware that the Decommissioning plan presented by Applicant in the CSAR may demand revision. See letter of March 1, 1979 to D. M. Dawson, Manager, Licensing & Transportation, Nuclear Energy Programs Division, General Electric Co. from Leland C. Rouse, Acting Chief Fuel Reprocessing and Recycle Branch, Division of Fuel Cycle and Material Safety, NRC, wherein the Decommissioning plan for Morris is referred to and it is stated:

It should be pointed out that new decommissioning criteria for nuclear facilities are now being developed. When issued, these criteria may require revision of the plan.

Until the final promulgation of Part 72 the Decommissioning Plan must be considered inadequate.

This contention is rejected. As has been frequently pointed out, this proceeding involves an application to renew an existing license to continue present activities. 10 C.F.R. Part 72 is a proposed rule, covering Storage of Spent Fuel in an Independent Spent Fuel Storage Installation (43 Fed. Reg. 46390). Whether the Morris facility will ultimately comply with a proposed regulation is not material to this proceeding. The contention merely states that if Part 72 becomes effective, GE's decommissioning plan may need revision. This presents no issue capable of litigation in this proceeding. State

proposed Contention 6 and State proposed Contention 7 as accepted by the Board will fully explore the question of decommissioning and emergency plans.

VI

State Contention 6

State Contention 6 as proposed:

The Decommissioning Plan proposed in the CSAR is inadequate for the following reasons:

(a) There is insufficient determination of ultimate decontamination and decommissioning costs. Costs have not been adjusted for inflation for the projected time of decontamination. CSAR pp. A7-13, A7-14. Without an accurate cost assessment GE cannot make a valid commitment to meeting decommissioning costs.

(b) There is insufficient assurance that the Applicant will be financially capable to meet decontamination and decommissioning costs. Other than a general statement regarding GE's present relative solvency there is no verifiable financial statement to show GE can meet future costs as is required by 10 C.F.R. § 70.22(a). A bond or other assurance of financial capability should be required to provide a guarantee that decontamination and decommissioning costs will be fully covered.

(c) There is no contingency plan to provide decommissioning of the Morris facility should an emergency, accident or other unforeseen event necessitate immediate and permanent abandonment of the Morris site. CSAR § A.7.2.1.

(d) There is no consideration of possible perpetual care and maintenance due to incomplete decontamination or decommissioning including:

(i) Inability to dispose of LAW vault material (See GE "Status of Licensing" par. 19);

(ii) residual contamination of waste vaults or other stationary parts of the facility;

(iii) ground water contamination which would require maintenance to prevent leaching offsite;

(iv) unavailability of offsite disposal facilities for dismantled facility and wastes.

"Note: Contention 6(d)(iv) does not address the issue of whether offsite disposal facilities will be or should be available when decommissioning occurs. The intent behind Contention 6(d)(iv) is to litigate the issue of General Electric contingency planning if it is found to be the case that no offsite facilities are available when needed. See Transcript of Prehearing Conference held February 29, 1980, at 84-88."

State Contention 6 as accepted by the Board and Renumbered Contention 4:

Contention 4

The Decommission Plan proposed in the CSAR is inadequate for the following reasons:

(a) There is insufficient determination of ultimate decontamination and decommissioning costs. Costs have not been adjusted for inflation for the projected time of decontamination. CSAR pp. A7-13, A7-14. Without an accurate cost assessment GE cannot make a valid commitment to meet decommissioning costs.

(b) There is insufficient assurance that the Applicant will be financially capable to meet decontamination and decommissioning costs. Other than a general statement regarding GE's present relative solvency there is no verifiable financial statement to show GE can meet future costs as is required by 10 C.F.R. § 70.22(a). A bond or other assurance of financial capability should be required to provide a guarantee that decontamination and decommissioning costs will be fully covered.

(c) There is no contingency plan to provide decommissioning of the Morris facility should an emergency, accident or other unforeseen event necessitate immediate and/or permanent abandonment of the Morris site.

(d) There is no consideration of possible perpetual care and maintenance due to incomplete decontamination or decommissioning including:

- (i) Inability to dispose of LAW vault material;
- (ii) residual contamination of waste vaults or other stationary parts of the facility;
- (iii) ground water contamination which would require maintenance to prevent leaching offsite;
- (iv) unavailability of offsite low-level disposal facilities for the dismantled facility and wastes.

This contention is accepted without material change, except that subparagraph (d)(iv) is limited to low level waste disposal facilities since high level waste including spent fuel disposal is presently subject to rulemaking (Tr. 84-85).

VII

State Contention 7

State Contention 7 as proposed:

The Emergency Plan in the CSAR is inadequate in that: (a) it does not specify which emergency procedures will be utilized to unload the spent fuel pool and to transport and/or store irradiated fuel in the event that an emergency should necessitate transfer of the spent fuel from the Morris spent fuel pool, (b) Figure 9-4 "Emergency Plan Relationships for Morris Operation", NEDO-21326C, January 1979 supplement to the CSAR includes "emergency transportation of irradiated fuel" (sic) as a concept, but nowhere is this concept developed. The CSAR should be supplemented to explain GE's plans for emergency transportation, and (c) There is no reference to tests or other means by which it can be determined that the existing emergency plans are adequate. Adequate test programs of both communications systems and procedures should be documented prior to licensing.

State Contention 7 as accepted by the Board and Renumbered 5:

Contention 5

The Emergency Plan in the CSAR is inadequate in that:

(a) The Plan does not specify which emergency procedures will be utilized to unload the spent fuel pool and to transport and/or store irradiated fuel in the event that an emergency should necessitate transfer of the spent fuel from the Morris spent fuel pool.

(b) The CSAR should be supplemented to explain GE's plans for emergency transportation of irradiated fuel.

(c) There is no reference to tests or other means by which it can be determined that the existing emergency plans are adequate. Adequate test programs of both communications systems and procedures should be documented prior to licensing.

VIII

State Contention 8 and Rorem, et al. Contention 1 as Proposed (Partial):

State Contention 8 as proposed:

The discussion of emergency planning in the CSAR is inadequate in that there is no mention of an evacuation plan that would be put into effect should an accident occur at Morris or Dresden which required evacuation of occupational personnel and/or nearby residents. Although Appendix 3 of NEDE 21894 lists "Evacuation and Personnel Accountability" under "General Personnel Actions" there does not appear to be any specific evacuation procedure included in the "Radiological Emergency Plan for Morris Operation" of June 1978 recently submitted to supplement the CSAR.

It has been proposed that nuclear facilities in highly populated areas may face shut down if adequate plans are not made to evacuate residents in a 10-mile radius of the facility. Morris is located near Joliet, a city of 80,000 people, 50 miles south of Chicago. The Applicant should be required to formulate an updated evacuation plan or include in the CSAR an emergency plan that would service Morris.

Rorem, et al. Contention 1 as proposed:

Intervenors contend that under the present license held by General

Electric, no account is taken of the possibility of an accident to the storage pools which might result in large releases of radioactive gases. Intervenors further contend that such an accident is possible due to earthquake, tornado, fire, flooding, acts of sabotage, acts of war, human error, or massive electrical power failure. (See Contention 1)

Intervenors contend that before a renewal license is issued, the following conditions should be met:

A. There should exist a comprehensive evacuation plan for the area, including the whole of two large metropolitan areas to the northeast (Joliet) and the southeast (Kankakee) of the facility.

These plans should include detailed information as to how hospitals, nursing homes, schools, and prisons are to be evacuated.

B. Hospitals within a 50-100 mile range of the facility should be equipped to handle large numbers of people exposed to radiation or contaminated by radiation. At present there is no hospital or other facility within such a distance which could take proper care of more than several such people.

C. Applicant should take responsibility, both financial and otherwise, for informing residents of the area that the possibility of such an accident does exist, and informing them of evacuation plans and/or measures to be taken in case of a radioactive accident either at the facility or during transport of spent fuel to or from the facility.

D. Applicant should take complete financial responsibility for formation of evacuation plans, for equipping hospitals and training personnel, and for maintenance of any equipment needed."

State Contention 8 and Rorem, et al. Contention 1 as accepted by the Board and Renumbered State Contention 6:

Intervenors contend that before a renewal license is issued, the following conditions should be met:

(a) There should exist a comprehensive evacuation plan for the area, including the whole of two large metropolitan areas northeast (Joliet) and the southeast (Kankakee) of the facility. These plans should include detailed information as to how hospitals, nursing homes, schools, and prisons are to be evacuated.

(b) Hospitals within a 50-100 mile range of the facility should be equipped to handle large numbers of people exposed to radiation or contaminated by radiation.

(c) Applicant should take responsibility, both financial and otherwise, for informing residents of the area that the possibility of such an accident does exist, and informing them of evacuation plans and/or measures to be taken in case of a radioactive accident either at the facility or during transport of spent fuel to or from the facility.

(d) Applicant should take complete financial responsibility for formation of evacuation plans, for equipping hospitals and training personnel, and for maintenance of any equipment needed. (Rorem, et al. and State)

The substance of both State Contention 8 and Rore et al. Contention 1 (exclusive of the part considered above in Part I of this decision) is accepted after substantial editing to remove argument and evidentiary basis.

IX

State Contention 9

State Contention 9 as proposed:

The Applicant has failed to analyze the relevant safety and health issues from the perspective of long-term storage. Although the license application foresees a licensing period of 20 years, there is no assurance that fuel will not, of necessity, be left for a longer period at Morris. Prior to a finding of the Commission that storage at Morris beyond 20 years will be unnecessary because government facilities, other than Morris, will then be available for the existing fuel, the license application is incomplete without a long-term analysis.

This contention must be rejected since this matter is presently the subject of a generic rulemaking proceeding. In instituting that proceeding, the Commission stated:

"The Commission has decided, however, that during this proceeding the issues being considered in the undertaking should not be addressed in individual licensing proceedings. These issues are most appropriately addressed in a generic proceeding of the character here envisaged." 44 Fed. Reg. 61373.

X

State Contention 10

State Contention 10 as proposed:

The Design Earthquake data in the CSAR are insufficient to meet

proposed regulation § 72.66. Morris is designed to 0.2_g (sic) and the proposed regulation calls for a "peak horizontal ground acceleration of not greater than 0.25g. . ."

The Applicant has not satisfied the proposed regulation by establishing the CSAR site specific "g value" by the procedures of 10 C.F.R. Part 100.

This contention must be rejected. The issue presented is beyond the scope of this proceeding. This proceeding is governed by 10 C.F.R. Parts 30, 40 and 70. Part 72 is a proposed rule and has no force or effect and cannot be considered in the proceeding.

XI

State Contention 11

State Contention 11 as proposed:

The Nuclear Regulatory Commission has an obligation under the National Environmental Policy Act (NEPA) 42 U.S.C. 4332 (1969) to issue an environmental impact statement which will account for normal operation of the Morris facility and for the environmental impact of:

- (a) emergency evacuation and its consequences;
- (b) decommissioning and/or residual contamination probabilities;
- (c) testing of fuel in the spent fuel pool;
- (d) dry storage of fuel in the canyon;
- (e) expansion of the spent fuel pool;
- (f) contraction of fuel assemblies for compact storage;
- (g) storage of waste products or tools from decontamination of the Dresden reactor;

- (h) any other proposed activity, other than simple storage of spent fuel in water.

State Contention 11 as accepted by the Board and Renumbered as Contention 7:

The Nuclear Regulatory Commission has an obligation under the National Environmental Policy Act (NEPA) 42 U.S.C. 4332 (1969) to issue an environmental impact statement which will account for environmental impact of normal operation of the Morris facility.

The Board believes that the Staff position on this contention is sound. The request that the environmental impact statement should be required can best be heard after evidence of potential environmental impacts are shown on the evidentiary record. The Board will defer hearing evidence on this contention until all the other evidence is substantially in the record. Subparagraphs a through h are either so vague or speculative as to present no litigable issue.

XII

Rorem, et al. Contention 3

Rorem, et al. Contention 3 as proposed:

Intervenors contend that renewal of the license should take into account the close proximity of the Morris Operation to Dresden Nuclear Station, noting in particular that:

- A. Dresden Nuclear Station has a poor safety record;
- B. There is a concentration of spent fuel in the area; if an accident at one storage pool causes it to go critical, the other site could easily be affected.
- C. The G.E. facility may be affected by the attempted decontamination of Dresden Unit One.

This contention is rejected as lacking in specificity and basis to satisfy 10 C.F.R. § 2.714. The only apparent basis for the contention is that Dresden Nuclear Power Station is adjacent to the Morris facility and something might happen at Dresden that could somehow affect the Morris facility. Everyone recognizes that the two facilities are adjacent but completely separate facilities. See Applicant's CSAR, Chapter 3, Site Characteristics. No litigable issue is presented by Rorem, et al. Contention 3.

XIII

Rorem, et al. Contention 4

Rorem et al. Contention 4 as proposed:

Intervenors contend that relicensing the facility, because of the possibility of an accident at the facility, or during transportation to it, would damage property values and the economic structure of the community.

This contention is rejected. It is vague and speculative. In addition, a contention alleging economic harm absent an environmental relationship is not cognizable by a licensing board. Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), ALAB-413, 5 NRC 1418, 1420-21 (1977).

XIV

Rorem, et al. Contention 5

Rorem, et al. Contention 5 as proposed:

Intervenors contend that mere compliance with NRC standards in no way assures residents of the area that they will suffer no adverse effects from low-level radiation.

This contention is rejected since it is merely a challenge to the Commission's regulations as being inadequate. In addition, the Commission's 10 C.F.R.

Part 20 radiation protection standards are presently the subject of rulemaking (45 Fed. Reg. 18023, March 1, 1980). Long Island Lighting Company (Shoreham), ALAB-99, 6 AEC 54 (1973) and ALAB-156, 6 AEC 831 (1973).

XV

Rorem, et al. Contention 6

Rorem, et al. Contention 6 as proposed:

Intervenors contend that transport of spent fuel to the facility involves substantial risk of dispersal (sic) of radioactive materials due to accident or sabotage.

This contention is rejected since it lacks specificity and basis and, again, is a challenge to the Commission's regulations as being inadequate. These regulations are at 10 C.F.R. Parts 71 and 73 as well as Department of Transportation regulations. In addition, as the Staff points out, this whole area of regulation is the subject of a rulemaking proceeding (44 Fed. Reg. 34466, June 15, 1979).

XVI

Rorem, et al. Contention 7

Rorem, et al. Contention 7 as proposed:

Intervenors contend that a relicensing of the G. E. Morris Operation would facilitate a possible takeover of that operation by the federal government.

This contention is rejected. Again the scope of the proceeding before the board is whether the license of GE to operate the Morris facility should be renewed. Even if the Board should find that a takeover by the federal

government might somehow occur at a later date, this would have nothing to do with whether the current license should be renewed at this time.

Board Question 1

For clarity and information, the following Board Question 1 is posed to the Applicant and Staff:

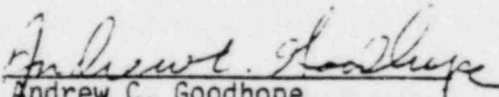
Board Question 1:

- (a) The Applicant is requested to identify the specific activities which the Applicant is requesting to continue or undertake within the proposed license renewal;
- (b) The Staff is requested to identify the activities that the Applicant would be permitted to continue or to undertake within the proposed license renewal;
- (c) Both Applicant and Staff are requested to specify the criteria that will be used to determine whether possible future activities can be performed under the license in effect at that time, in contrast to requiring a license amendment.

Attachment A is a listing of the contentions as accepted by the Board for convenience.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Andrew C. Goodhope
Chairman

Dated at Bethesda, Maryland
this 4th day of June, 1980

Contentions as Accepted by the Board

Contention 1 The Consolidated Safety Analysis Report (CSAR) does not adequately describe the following:

- (a) The consequences of simultaneous accidental radioactive releases from the Dresden Nuclear Power Station and the Morris Spent Fuel Storage Facility; (State)
- (b) The risks and consequences of the release of radioactive elements in excess of Part 20 regulations as a result of any of the following accidental occurrences at the Morris facility: (i) the consequences of an accident caused by a tornado impelled missile; (ii) a loss of coolant accident, alone and in conjunction with an accident which has caused a rift in the building structure; (iii) earthquake related accidents; (iv) sabotage related accidents not analyzed in NEDM-20682; (v) fire; (vi) flooding; (vii) acts of war; (viii) human error; (ix) massive electrical power failure (State and Rorem, et al.).

Contention 2 The Physical Security Plan does not meet the requirements of 10 C.F.R. Part 73. Further, the CSAR does not provide an adequate assessment of credible risks of sabotage related events inasmuch that the advances in the technology of explosives, which could make sabotage a more probable event, have not been adequately addressed (State and Rorem, et al.).

Contention 3 The CSAR underestimates or does not state fully the projected effects on the health of personnel, and their families from occupational exposure to radiation inasmuch as:

- (a) The CSAR does not state total whole body exposure to occupational personnel for the proposed licensed life of the Morris facility;
- (b) The CSAR does not project expected genetic effects on personnel or to the general population caused by such whole body occupation exposures;
- (c) The CSAR includes only irradiated fuel and contaminated basin water as radiation sources. Other tanks and pipes should be included as sources of occupational exposures;
- (d) The CSAR does not account for additional radiation exposure to occupational personnel from all anticipated activities at the facility (i.e., fuel disassembly, dry storage or compaction all of which are projected for the near future at Morris);
- (e) The CSAR does not address the absence of effective radiation monitoring of the air within the facility resulting from:

- (i) No devices to measure radioactive materials in the air;
- (ii) No routine procedure to measure Kr 85.

Contention 4 The Decommissioning Plan proposed in the CSAR is inadequate for the following reasons:

- (a) There is insufficient determination of ultimate decontamination and decommissioning costs. Costs have not been adjusted for inflation for the projected time of decontamination. CSAR pp. A7-13, A7-14. Without an accurate cost assessment GE cannot make a valid commitment to meet decommissioning costs;
- (b) There is insufficient assurance that the applicant will be financially capable to meet decontamination and decommissioning costs. Other than a general statement regarding GE's present relative solvency there is no verifiable financial statement to show GE can meet future costs as is required by 10 C.F.R. § 70.22(a). A bond or other assurance of financial capability should be required to provide a guarantee that decontamination and decommissioning costs will be fully covered;
- (c) There is no contingency plan to provide decommissioning of the Morris facility should an emergency, accident or other unforeseen event necessitate immediate and/or permanent abandonment of the Morris site;
- (d) There is no consideration of possible perpetual care and maintenance due to incomplete decontamination or decommissioning including:
 - (i) Inability to dispose of LAW vault material;
 - (ii) residual contamination of waste vaults or other stationary parts of the facility;
 - (iii) ground water contamination which would require maintenance to prevent leaching offsite;
 - (iv) unavailability of offsite low-level disposal facilities for the dismantled facility and wastes.

Contention 5 The Emergency Plan in the CSAR is inadequate in that:

- (a) The plan does not specify which emergency procedures will be utilized to unload the spent fuel pool and to transport and/or store irradiated fuel in the event that an emergency should necessitate transfer of the spent fuel from the Morris spent fuel pool.

- (b) The CSAR should be supplemented to explain GE's plans for emergency transportation of irradiated fuel.
- (c) There is no reference to tests or other means by which it can be determined that the existing emergency plans are adequate. Adequate test programs of both communications systems and procedures should be documented prior to licensing.

Contention 6 Intervenors contend that before a renewal license is issued, the following conditions should be met:

- (a) There should exist a comprehensive evacuation plan for the area, including the whole of two large metropolitan areas to the northeast (Joliet) and to the southeast (Kankakee) of the facility. These plans should include detailed information as to how hospitals, nursing homes, schools, and prisons are to be evacuated;
- (b) Hospitals within a 50-100 mile range of the facility should be equipped to handle large numbers of people exposed to radiation or contaminated by radiation;
- (c) Applicant should take responsibility, both financial and otherwise, for informing residents of the area that the possibility of such an accident does exist, and informing them of evacuation plans and/or measures to be taken in case of a radioactive accident either at the facility or during transport of spent fuel to or from the facility;
- (d) Applicant should take complete financial responsibility for formation of evacuation plans, for equipping hospitals and training personnel, and for maintenance of any equipment needed. (Rorem, et al. and State).

Contention 7 The Nuclear Regulatory Commission has an obligation under the National Environmental Policy Act (NEPA) 42 U.S.C. 4332 (1969) to issue an environmental impact statement which will account for environmental impact of normal operation of the Morris facility.

Board Question 1

- (a) The Applicant is requested to identify the specific activities which the Applicant is requesting to continue or undertake within the proposed license renewal;
- (b) The Staff is requested to identify the activities that the Applicant would be permitted to continue or to undertake within the proposed license renewal;
- (c) Both Applicant and Staff are requested to specify the criteria that will be used to determine whether possible future activities can be performed under the license in effect at that time, in contrast to requiring a license amendment.