

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
TOLEDO EDISON COMPANY AND)
CLEVELAND ELECTRIC) Docket No. 50-346
ILLUMINATING COMPANY)
)
(Davis-Besse Nuclear Power)
Station))

MEMORANDUM AND ORDER

By motion for "Partial Reconsideration of the September 13, 1973, Initial Decision", the Applicants move that the condition imposed by the Board in Paragraph 86(c)(4) thereof be modified to allow a total residual chlorine concentration in the effluent of 0.2 ppm or less, not to exceed two (2) hours per day. Thus, the Applicants request that our Initial Decision be changed so that the 0.1 ppm or less, referenced in Paragraph 86(c)(4), be changed to 0.2 ppm or less.

To support this motion, Applicants quote from Page 6 of the Regulatory Staff's "Supplemental Testimony to the Final Environmental Statement", relating to Issue 8 incorporated in the Transcript following p. 600, as follows:

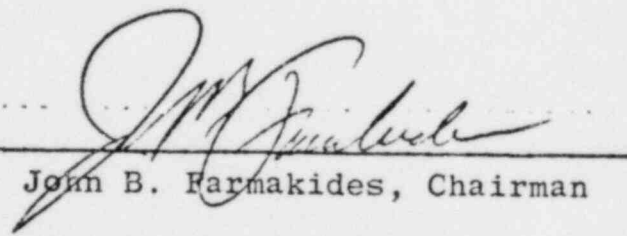
8003050967 G

The Applicants' Witnesses were questioned closely by the Board regarding the change in the Table 3.6 of the FES (Tr. 549, Tr. 551-552). After this change, the figures in that table still indicate that an appreciable fraction of the chlorine may be present as free chlorine. Moreover, at pages 5-14 of the FES, we are advised that ". . . EPA recommended criteria call for total residual chlorine in receiving waters of not more than 0.1 ppm chlorine, not to exceed 30 minutes per day or not more than 0.05 ppm not to exceed two hours per day".

Accordingly, the Board reaffirms its findings and conclusions on the matters raised by the Applicants and does hereby deny the Applicants' motion for reconsideration.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND
LICENSING BOARD



John B. Farmakides, Chairman

Issued at Washington, D. C.,
this 21st day of September, 1973.

In the absence of significant free chlorine, the appropriate criteria for receiving waters containing only "warm water" fish species (i.e., the western basin of Lake Erie) is that, for a period of two hours a day, total residual chlorine may be up to but not exceed 0.2 mg/l.

Applicants also directed the Board's attention to the Applicants' Testimony occurring at Tr. 551.

The Board does not agree with the Applicants' position. We have reconsidered the quoted portions of the record and the other evidence pertinent to this matter, and we reaffirm our conclusions. As indicated on page 5 of the Staff's Supplemental Testimony (following Tr. 600), and in Section 5.5.3 of the Final Environmental Statement, it is clear to the Board that the principal environmental impact of chlorine involves the presence of that element in its free form. Thus, the operative words in the above quote which govern the condition are ". . . in the absence of significant free chlorine . . .". The Applicants' Witness (Tr. 551) specifically stated that the proposed total of 0.2 ppm would include ". . . free and combined chlorine . . .".

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
THE TOLEDO EDISON COMPANY, ET AL.) Docket No. 50-346
)
(Davis-Besse Nuclear Power)
Station, Unit 1))

SERVICE LIST

John B. Farmakides, Esq., Chairman Atomic Safety and Licensing Board U. S. Atomic Energy Commission Washington, D. C. 20545	Leslie Henry, Esq. Fuller, Seney, Henry & Hodge 300 Madison Avenue Toledo, Ohio 43604
Dr. Cadet H. Hand, Jr., Director Bodega Marine Laboratory University of California P. O. Box 247 Bodega Bay, California 94923	Mr. Glenn J. Sampson, Vice President The Toledo Edison Company 420 Madison Avenue Toledo, Ohio 43601
Mr. Frederick J. Shon Atomic Safety and Licensing Board U. S. Atomic Energy Commission Washington, D. C. 20545	Donald H. Hauser, Esq. Cleveland Electric Illuminating Company Public Square Cleveland, Ohio 44101
Joseph F. Tubridy, Esq., Alternate Chairman Atomic Safety and Licensing Board 4100 Cathedral Avenue, N. W. Washington, D. C. 20016	Judge Herbert R. Whiting, Director Robert D. Hart, First Asst. Director Department of Law City Hall Cleveland, Ohio 44114
Dr. Harry Foreman Box 395, Mayo University of Minnesota Minneapolis, Minnesota 55455	Reuben Goldberg, Esq. David C. Hjelmfelt, Esq. 1700 Pennsylvania Avenue, N. W. Washington, D. C. 20006
Joseph Scinto, Esq. Francis X. Davis, Esq. Regulatory Staff Counsel U. S. Atomic Energy Commission Washington, D. C. 20545	Mrs. Evelun Stebbins, Chairman Coalition for Safe Electric Power 312 Park Building 140 Public Square Cleveland, Ohio 44114
Gerald Charnoff, Esq. Shaw, Pittman, Potts & Trowbridge 910 17th Street, N. W. Washington, D. C. 20006	Russell Z. Baron, Esq. Brannon, Ticktin, Baron and Mancini 930 Keith Building Cleveland, Ohio 44115
	Director Ida Rupp Public Library Port Clinton, Ohio 43452