

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the matter of

TOLEDO EDISON CO. and
CLEVELAND ELECTRIC ILLUMINATING CO.

Davis-Besse Nuclear Power Station
Operating License

Docket 50-346

PETITION FOR LEAVE TO INTERVENE

The Coalition for Safe Electric Power, on its own behalf and on behalf of its members, supporting individuals and organizations, and the public, hereby petitions the Atomic Energy Commission for leave to intervene in this matter, pursuant to the Commission's Regulations, and in particular 10 CFR Sec. 2.714.

I IDENTIFICATION OF PETITIONERS AND
THEIR INTEREST TO BE AFFECTED

Petitioner, COALITION FOR SAFE ELECTRIC POWER (formerly Coalition for Safe Nuclear Power), is a non-profit unincorporated association of persons, corporations, groups and associations formed partially for the purpose of intervention in the Davis-Besse Hearings. The Coalition's member groups are as follows:

CITIZENS FOR CLEAN AIR & WATER, INC., an environmental group of approximately 500 citizens with majority of membership in the greater Cleveland area, but with members throughout the state, organized in 1968 for purpose of fighting pollution and preservation of the natural environment.

AREA COUNCILS ASSOCIATION, a group of numerous neighborhood associations in the Greater Cleveland Area, representing approximately 20,000 members, whose purpose is to promote a strong and representative citizen action movement for maintenance and improvement of neighborhood life, which has included concern and action on air and water pollution problems. Many of the Area Councils members own property in and use the western basin of Lake Erie as a recreational area for swimming, boating, and fishing.

OHIO CONSUMERS ASSOCIATION, an organization concerned about protection of consumers, which has a membership of approximately 50 consisting of about 50 per cent individual memberships, and 50 per cent organizational memberships throughout the State.

COMMUNITY RIGHTS COUNCIL, organized for the purpose of promoting their personal rights as pertains to their general welfare and the exposition of any attempt at encroachment of such rights, with a membership of approximately 100 persons in the vicinity of Oak Harbor, and including persons residing at Sand Beach.

National Health Federation, Cleveland Chapter, an organization with approximately 250 members concerned with maintaining the health freedoms of our nations people.

SOUTHWEST ACTION GROUP ON ENVIRONMENT (SAGE) a citizens organization of approximately 70 members in Berea, Middleburgh Hts., North Olmstead, Rocky River, and Olmstead Falls.

AVON LAKE TASK FORCE ON POLLUTION, an environmental group from that area

CITIZENS FOR A SAFE ENVIRONMENT, a citizens group from Lake County, 100 members

DAVID GITLIN, M.D., Berea, Ohio

Mrs. Helen D. McCue, Mother, housewife and Chairwoman of Mothers March on Pollution, North Olmstead, Ohio

REV. EARL H. CUNNINGHAM, Ph.D., Cleveland, Ohio

GEORGE KUNDTZ, Chesterland, Ohio

EVELYN STEEBINS, Chairman, Coalition for Safe Electric Power

2. The Coalition for Safe Electric Power also represents over 350 people who have supported the Coalition, residing in the following Counties in Ohio: Cuyahoga, Ashtabula, Lorain, Geauga, Lake, Summit, Sandusky, Seneca, Ottawa, Lucas, Fulton, Mahoning, Stark, Ashland, Medina, Erie, Richland and Franklin.
3. The Coalition for Safe Electric Power includes among its members and member organizations, persons who reside, own property, work, do business, pay taxes, and engage in recreation in or visit the Lake Erie Area in the immediate vicinity of the Davis-Besse Nuclear Power Plant. The Coalition's membership includes organizations representing conservation, scientific, academic, sportsmen's, fishermen's, recreational, civic and environmental interests, with a total membership of thousands of people. Petitioner also asserts herein the interests of all other persons similarly situated and of the public in general.
4. Members of the Coalition live within the geographical area which would be most directly affected by the Davis-Besse Plant, and are concerned about and reliant upon Lake Erie as a source of drinking water, food, and recreation. Members of the Coalition are further concerned because they live in geographic proximity to the Davis-Besse Plant and thus are in the target area of serious and adverse effects of radioactive releases and cooling tower emissions during operation of the plant.
5. Members who reside near the Davis-Besse Plant rely to a great extent upon natural resources, both land and water, which are used to produce food and agricultural products and which lie within the geographical area adversely affected by releases from the Davis-Besse plant.
6. Members of the Coalition are concerned that their mode of life will be drastically changed adversely as a result of construction and operation of the proposed plant without their having a voice in the planning and resolution of safety and environmental questions raised by this Petition.

II RESERVATIONS

7. For reference in preparing this Petition, petitioners have had access to the Applicant's Final Safety Analysis Report and Environmental Reports on Construction License Stage. These documents are not sufficient to enable petitioners to set forth the contentions deemed necessary to be raised by petitioners. Moreover, in the brief period of less than 30 days since publication of the notice of hearing, petitioners have not yet had time to analyze these documents adequately.

8. B. The Atomic Energy Commission's notice of hearing, published April 30, 1973, FR 10661, shows that:
- (a) The Commission has not yet decided whether it will issue an operating license to Applicants
 - (b) The following essential documents are not available:
 - (1) Safety Evaluation prepared by the Directorate of Licensing
 - (2) Commission's final detailed statement on environmental considerations
 - (3) Report of the Advisory Committee on Reactor Safeguards on the application for facility operating license
 - (4) Proposed facility operating license
 - (5) Technical specifications which will be attached to the proposed facility operating license
9. Petitioners object to the arbitrary, capricious and prejudicial action of the Commission in requiring petitioners to raise contentions with respect to a license which the Commission has not determined whether to issue, and in the absence of essential documents required for meeting the Commission's rule as to specificity of contentions.
10. Petitioners will be able to make more specific contentions after having received all of the information in the possession of Applicants and the Atomic Energy Commission as required under the provisions of the Freedom of Information Act.
11. Petitioners hereby move for leave to amend this petition to intervene up to and including a date 30 days after the Atomic Energy Commission and Applicants have produced for inspection all relevant documents, and after petitioners have had an opportunity to examine fully the draft detailed and final environmental statement as yet unprepared, but required to be prepared by the Regulatory Staff pursuant to the National Environmental Policy Act, and after preparation of the Regulatory Staff Safety Evaluation with respect to this docket. Petitioners submit that it is neither fair nor legally permissible for the Commission to require, upon pain of losing substantial rights, preparation of a final statement of specific contentions at a time when the Regulatory Staff has not yet taken a position through required documents in support or denial of the proposed operating license, or otherwise completed its statutory obligations.

PRELIMINARY STATEMENT OF CONTENTIONS

12. Petitioners contest a positive finding by the Commission or any Atomic Safety and Licensing Board on the following issues:
- (1) Whether there is reasonable assurance that the activities to be authorized by the operating license can be conducted without endangering the health and safety of the public;
 - (2) Whether there is reasonable assurance that such activities will be conducted in compliance with the regulations of the Commission; and
 - (3) Whether there is reasonable assurance that the facility will operate in conformity with the application as amended, the provisions of the Act, and the regulations of the Commission.

Petitioners also contest a negative finding by the Commission or any Atomic Safety and Licensing Board on the following issue:

(4) whether issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

Petitioners contend that no such findings can be made because the appropriate provisions of the Atomic Energy Act of 1954, as amended, and the appropriate rules and regulations of the Commission have not been complied with by the Applicants.

13. Petitioners contend that there is insufficient knowledge or operating experience with pressurized water reactors of the size and type of the proposed Davis-Besse Plant to justify operation of this reactor at Oak Harbor, on Lake Erie, close to nearby population centers. Such operation represent a serious threat to the environment, to the people of this area, to Lake Erie, to the fish and wildlife and to the public water supply of over 11 million people, and is a serious breach of the Atomic Energy Commission's own guidelines on the siting of large nuclear reactors (10CFR Part 100 and TID 14844).
14. Petitioners contend that Applicants have failed to analyze the most severe credible accident for this reactor, which is failure of the reactor pressure vessel.
15. Petitioners contend the MHA set forth in the Davis-Besse FSAR assumes that the emergency core cooling system is of a size and capacity sufficient to prevent an uncontrolled meltdown of the majority of the nuclear fuel; whereas there is no such reasonable assurance that the emergency core cooling system can function as quickly as necessary or with the reliability that is demanded if such meltdown is to be avoided.
16. Petitioners contend the MHA set forth in the Applicant's FSAR does not even approach the true maximum hypothetical accident that can be assumed for one of these reactors; namely, a meltdown of the entire fuel core, with subsequent breaching of the containment due to the penetration of the melted fuel and subsequent interaction with groundwater, releasing radioactivity in quantities many orders of magnitude above the releases set forth in the FSAR.
17. Petitioners contend the MHA set forth fails to consider the generation of large quantities of hydrogen gas within the containment after a loss-of-coolant accident, and means for avoidance of a subsequent explosion that would rupture the containment and release large quantities of radioactivity into the environment in an uncontrolled manner.
18. There has been no consideration of an accident, which is entirely possible, which could contaminate Lake Erie as a public water supply. Petitioners contend that evidence presented at the ECCS Hearings in Washington confirm possibility of such an accident and that such accident should have been considered.
19. The components and engineering of safeguards of the Davis-Besse Plant will be exposed to radiation, and Petitioners contend that this will lead to deterioration of these components, and there is no assurance that the integrity of these components or their systems will be maintained over the expected life of the proposed plant. Also there is no assurance that there are adequate procedures for inspection and replacement of these critical components.
20. Petitioners contend that the quality control and quality assurance procedures and programs have been inadequate to assure that the Davis-Besse Plant has been constructed in conformance with design.
21. Petitioners contend that crucial inspection points have been passed over without a proper inspection, and therefore materials of unknown quality have been installed in the plant.

- 22. Petitioners contend that emergency plans and procedures have not been adequately developed or conceived with respect to an accident which would require immediate evacuation in the vicinity of the plant, the schools in the area, and possibly the cities of Port Clinton, Sandusky, Toledo, Lorain, Greater Cleveland or Detroit, Michigan. There has been no consideration of the fact that it could be impossible to evacuate people, as evidenced by storms in that area.
- 23. Petitioners contend that the Applicant has not made adequate provisions for either facilities or personnel to treat radiation injuries or radiation-chemical injuries which would result from a maximum hypothetical accident or any other lesser accident.
- 24. Petitioners contend that the meteorological data for the Davis-Besse Plant is completely inadequate in that the use of Toledo Airport data is too far away from the site to be reliable in view of the severe storms that occur on the lake front, and the Toledo Airport is approximately 25 miles inland.
- 25. Petitioners contend that because of increasingly high levels of Lake Erie, the calculations for seiches and wind-driven floods made by Applicant are incorrect, and there is a significant probability that portions of Applicant's plant have not been built sufficiently high to avoid flooding under adverse weather conditions, and that storm damage has not been properly evaluated.
- 26. Petitioners contest a positive finding by the Commission or any Atomic Safety and Licensing Board on the following issue:

(1) whether, in accordance with the requirements of the National Environmental Policy Act of 1969 and the requirements of Appendix D of 10 DFR Part 50, the operating license should be issued as proposed.

Petitioners contend that no such finding can be made because the appropriate provisions of the National Environmental Policy Act of 1969 and the appropriate rules and regulations of the Commission have not been complied with by the Applicants for reasons enumerated in the contentions.

The National Environmental Policy Act requires the Federal Government to

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive and esthetically and culturally pleasing surroundings

Petitioners contend that, as required by NEPA, the following have not been fully considered:

- (i) the environmental impact of the proposed action
- (iii) alternatives to the proposed action
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

- 27. Petitioners contend that Applicants' biological preoperational monitoring program is inadequate and insufficient to provide a meaningful baseline for later comparison in order to detect the magnitude of adverse environmental effects from the operation of Applicants' plant.

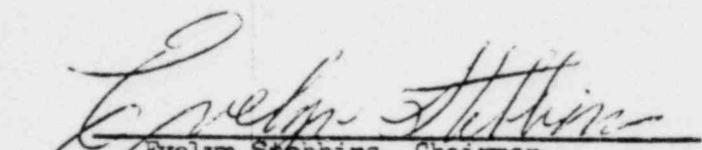
28. Petitioners contend that the radiological monitoring and surveillance programs planned by the Applicants are inadequate to protect the health and safety of the public.
29. Petitioners contend that the radiological monitoring program planned by the applicants is inadequate in that there is no connection between the various elements of the aquatic food chain that will be sampled, and therefore the data will be essentially meaningless.
30. Petitioners contend that Applicants' radiological monitoring and surveillance program is further inadequate for a quick warning system to water users in the event of an accidental release of gaseous or liquid radioactive waste products.
31. Petitioners contend that the Applicant's Environmental Report is grossly inadequate with respect to the calculation of the radiation doses to the people in that the calculations are not based on the doses received by the most sensitive members of the population, namely the early embryo and fetus.
32. Petitioners contend that the environmental reports are grossly inadequate in that they fail to base the estimated radiation doses on the concentration in the most critical organs of the individuals exposed, such as the pancreas, the pituitary gland and other glandular organs vital to growth, development and normal function of the body.
33. Petitioners contend that environmental reports are grossly inadequate in that they fail to consider the serious synergistic action of other air pollutants acting together with the radioactive waste discharges and greatly aggravating their health effects as demonstrated both in the case of animal and human studies.
34. Petitioners contend that in view of the associated rises in infant mortality from operation of nuclear power plants, that a primary concern for human life and health requires the Applicants to demonstrate how both normal and accidental radioactive waste releases from the Davis-Besse Plant can be held to zero, or so far below those experienced by other reactors as to provide assurance that such releases cannot detectably effect the health and lives of the most sensitive individuals in the exposed population.
35. Petitioners contend that the environmental report is seriously deficient in that it uses an unacceptable measure of the projected health impact of radioactive releases in the form of "man-rems per year", which is inadequate for measuring the true distribution of the dose in the population and the resulting health effects on the most critical members of the population, namely the early embryo and fetus.
36. Petitioners contend that the environmental reports are grossly deficient in that they neglect to consider the doses to the early embryo and infant from the release of short-lived isotopes other than I-131 of half-life less than 8 days, which can reach local consumers in the form of milk and drinking water in less than a day or two.
37. Petitioners contend that the Applicant and the Atomic Energy Commission have not carried out detailed analysis of the health-consequences of a loss-of-coolant accident followed by a core melt-down with the consequent release of a large fraction of the fission products contained in the reactor core in the event that it should occur and therefore there is an inadequate evaluation of the true risks and benefits of nuclear vs. fossil fuel operation of the Davis-Besse Plant for the population in the vicinity of the plant who may be affected.
38. Petitioners contend that environmental reports fail to discuss the health effects of low-level radiation doses to the population of nearby areas, as found by a series of investigators since Applicant's provisional construction permit was granted, including studies of Lave, DeGroot and Tseng discussed within the last year at various AEC licensing hearings. These effects were observed at levels well below the present permissible limits.

39. Petitioners contend that the people of the area would be required to bear the financial costs connected with the additional medical care, provision of special teaching facilities and the institutionalization of children born with serious genetic defects produced by the radioactive waste discharges from Applicants' plant. Such defects include blindness, deafness, mental retardation, crippling physical deformities and more subtle biochemical defects such as severe allergies, muscular dystrophy and multiple sclerosis. None of these costs were recognized in the Applicant's Environmental Report in the discussion of the "man-rem" dose to the population, even though it is well established that for every additional infant that dies, there are ~~some~~ two to three that show serious genetic defects.
40. Petitioners contend that construction and operation of the massive natural draft cooling tower as part of Applicants' nuclear plant will lead to adverse effects not considered in environmental reports.
41. Petitioners contend that the evaluation of benefit and risk in environmental reports is grossly inadequate.
42. Petitioners contend that neither the Applicant's nor the Commission have made a competent analysis of the several alternatives to licensing the operation of Applicants' plant, nor have they given adequate consideration to such alternatives.
43. Petitioners contend that the Applicants have failed to state in adequate detail how or whether the plant can be decommissioned.
44. Petitioners contend that neither the Applicants nor the Commission have analyzed the effects upon the environment (including cost-benefit and risk-benefit considerations) of the entire uranium fuel cycle as well as the production of fissionable uranium by methods not presently developed such as the Liquid Metal Fast Breeder Reactor. Petitioners contend that Applicant's plant will be a major consumer of uranium fuel, and in conjunction with the other nuclear plants scheduled to begin operation in this country in the near future, will consume a major part of the entire domestic uranium fuel output of the United States. The Environmental damage caused by mining and processing natural uranium into nuclear fuel is a significant adverse environmental effect which must be balanced against any positive benefit from the operation of Applicant's plant and the other nuclear plants located in Ohio and neighboring states. Petitioners contend that neither the Commission nor any Atomic Safety and Licensing Board can reach any valid decision with regard to issuing a license for this plant unless they take the adverse environmental effects of the uranium fuel cycle into consideration in reaching their findings on environmental matters. Unless this aspect of the plant is made a part of the present operating license hearing, Petitioners contend that the Commission will be proceeding in violation of the provisions of the National Environmental Policy Act of 1969.
45. Petitioners contend that Applicants have failed to demonstrate the need for this plant and have used outmoded and incorrect forecasting methodology in their projections of load demand.
46. The total effect of all effluents (radioactive, heat, chemicals, dissolved solids and suspended solids, and B.O.D.) to Lake Erie as a result of all operations of the Davis-Besse Plant (either alone or in combination with other pollutants) will add to the pollution of Lake Erie, endanger fish, wildlife, spawning grounds, aquatic biota, their habitat and supporting eco-system, recreational aspects or water supplies. Petitioners contend that these effects have not been properly considered in the environmental reports.
47. Petitioners contend that protection of the public from acts of terrorists or saboteurs at the Davis-Besse Plant has not been adequately provided for by the Applicants.

48. Petitioners contend that the transportation of radioactive wastes and spent fuel from the proposed Davis-Besse plant to their reprocessing or ultimate burial ground would probably necessitate passing through the highly congested transportation network and population centers and would present a hazard to public health and safety; and in the transportation of such wastes by water, any accident would be catastrophic to the waters of Lake Erie and to the people of the Lake's bordering territories, the States of Ohio, New York, Pennsylvania and Michigan and the Dominion of Canada. Petitioners contend that Applicants fail to evaluate the environmental consequences of a transportation accident causing the release of spent fuel elements. A conclusion that such accidents will not occur constitutes an arbitrary and capricious refusal to examine possible consequences of the proposed major federal action under the National Environmental Policy Act.

CONCLUSION AND REQUEST FOR RELIEF

49. Based on the foregoing, Petitioners respectfully request that they be permitted to intervene as parties in these proceedings and that the operating license requested by the Applicants be denied for the reasons stated in this Petition.


Evelyn Stebbins, Chairman
Coalition for Safe Electric Power

AFFIRMATION

I, Evelyn Stebbins, as the Chairman of the Coalition for Safe Electric Power. I do hereby swear that the statements made in the foregoing Petition are true to the best of my knowledge and belief.

Evelyn Stebbins
Evelyn Stebbins, Chairman
Coalition for Safe Electric Power
705 Elmwood Road
Rocky River, Ohio

Sworn to and subscribed before me this 2nd day of June, 1973.

Helen D. McCue
Notary Public

Notary Public for Cuyahoga County
My Commission Expires Sept. 24, 1973

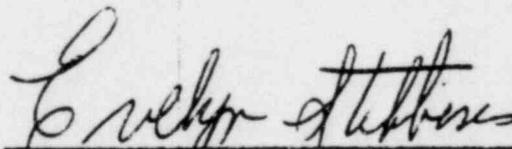
CERTIFICATE OF SERVICE

I hereby certify that I have filed the original of the foregoing
Petition for Leave to Intervene, and have served true copies of same on the
following by deposit in the United States mail, first class or airmail, this
4 day of June, 1973:

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Evelyn Stebbins, Chairman
Coalition for Safe Electric Power

