

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
)
BOSTON EDISON COMPANY, et al.) Docket No. 50-471
)
(Pilgrim Nuclear Generating Station,)
Unit 2))

EXCEPTIONS OF INTERVENOR CLEETONS TO THE ATOMIC
SAFETY AND LICENSING BOARD'S "PARTIAL INITIAL DE-
CISION, FINDINGS OF FACT AND CONCLUSIONS OF LAW ON
ALL MATTERS EXCEPT EMERGENCY PLANNING AND TMI-2
RELATED ISSUES"

Pursuant to 10 CFR 2.762, Intervenor Cleetons hereby appeals and takes exception to the order, findings and rulings of the Atomic Safety and Licensing Board as set forth in its Partial Initial Decision, Findings of Fact and Conclusions of Law on All Matters Except Emergency Planning and TMI-2 Related Issues set forth by the Board on February 2, 1981 in the above-captioned matter.

Exception No. 1

The Board erred in considering benefits versus costs before evidentiary hearings on emergency planning and TMI-2 related issues.

Exception No. 2

The Board erred in not determining the effect of unsolved generic matters on the issuing of a construction permit.

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Exception No. 3

The Board erred in its findings of fact and conclusions of law by using such unspecific language as "At this time the Board has a responsibility to judge the likelihood of a predictive satisfactory timely solution." (Paragraph 96)

Exception No. 4

The Board erred in allowing the untimely entrance into the proceedings of the Governor of the Commonwealth of Massachusetts through his newly created Office of Energy. (Paragraph 205)

Exception No. 5

The Board erred in stating that "The testimony proffered by Martha Drake was ruled inadmissible on the grounds of relevance." (Paragraph 266)

Exception No. 6

The Board erred in stating that "No evidence was presented to show that the Cleetons would be at any greater risk from the doses of radiation from the routine operation of Unit 2 than are other similarly situated members of the public." (Paragraph 267)

Exception No. 7

The Board erred in accepting as fact the statements of Staff witness Gotchy on the risk of death from cancer which an individual living on the site boundary for thirty (30) years would incur. (Paragraph 278)

Exception No. 8

The Board erred in allowing unsubstantiated data from the BEIR Report to be admitted into evidence in attempting to establish risks associated with various levels of radiation. (Paragraph 279)

Exception No. 9

The Board erred in allowing comparison statistics describing common lifetime risks, all of which, with the exception of cancer, have known avoidance characteristics. (Paragraph 280)

Exception No. 10

With respect to Cleeton Contention H, the Board erred in concluding that the Applicants and the Staff have demonstrated the need for additional power and "...that Unit 2 is needed to meet these future requirements." (Paragraph 387)

Exception No. 11

The Board erred in concluding that the Applicants are financially qualified to construct the proposed facility. (Paragraph 391)

Exception No. 12

With respect to Cleeton Contention I the Board erred in concluding that "There are at present no viable alternative energy sources." (Par. 395)

Exception No. 13

The Board erred in its conclusion that "...from geographic and population viewpoints, the proposed Unit 2 site is suitable for the location of a nuclear plant of the general type and size proposed by the Applicants." (Paragraph 397)

Exception No. 14

The Board erred in finding "the site suitable from hydrologic, geologic and seismic viewpoints." (Paragraph 397)

Exception No. 15

With respect to Cleeton Contention C, the Board erred in concluding that the "probability of an (aircraft) impact on vulnerable portions of the site is so small as not to be credible." (Paragraph 399)

Exception No. 16

With respect to Cleeton Contention E, the Board erred in concluding that "The testimony of the Cleetons' witnesses failed to show unusual circumstances whereby the Cleeton family is inordinately susceptible to the effects of radiation." (Paragraph 405)

Exception No. 17

With respect to Cleeton Contention B, the Board erred in concluding that "... the transport of nuclear materials to and from Unit 2 does not constitute an unacceptable risk to the health and safety of the public or of the Intervenor in excess of that engendered by day-by-day commercial activity on highways and railroads." (Paragraph 409)

February 25, 1981

Respectfully submitted,

Alan R. Cleeton

Marion W. Cleeton

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Intervenor

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CERTIFICATE OF SERVICE

We hereby certify that the "EXCEPTION OF INTERVENORS
CLEETON TO THE ATOMIC SAFETY AND LICENSING BOARD'S
" PARTIAL INITIAL DECISION, FINDINGS OF FACT AND CONCLUSIONS
OF LAW ON ALL MATTERS EXCEPT EMERGENCY PLANNING AND TMI - 2
RELATED ISSUES. " " Has been served on the following by de-
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