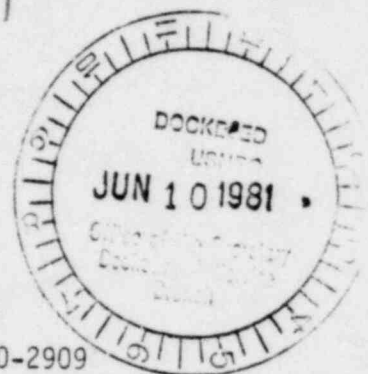


6/6/81

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of

APPLICATION OF WESTINGHOUSE
ELECTRIC CORPORATION FOR A
SPECIAL NUCLEAR MATERIAL
LICENSE FOR THE ALABAMA
NUCLEAR FUEL FABRICATION
PLANT (ANFFP) TO BE LOCATED
NEAR PRATTVILLE, ALABAMA

DOCKET NO. 70-2909



ADDITIONAL REVISED CONTENTIONS OF PETITIONER CATHALYNN DONELSON

Comes now Petitioner Cathalynn Donelson and offers as valid the enclosed contentions, which are marked as Attachment A, pages 1 through 6a, in her petition to intervene in the above-captioned proceedings.

Contentions set forth in Attachment A are renumbered and revised by the Petitioner from the original filed contentions, following conferences with the attorneys of the NRC Staff and Westinghouse Electric Corporation (Applicant).

Pages 1 through 6a of the enclosed Attachment A precede and accompany pages 7 through 17 in Attachment A submitted by the Petitioner on the 29th day of May, 1981.

Petitioner asserts that, though the Applicant has declined to stipulate to any contentions, these Contentions in Attachment A are admissible contentions which meet the requirements of 10 CFR 2.714 as to specificity and basis.

Respectfully submitted by,

Cathalynn Donelson

Cathalynn Donelson
855 Park Avenue
Montgomery, Alabama 36106

On this, the 6th day of June, 1981

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1. NEED VS. BENEFITS (Contention I(A) and I(C))

The application must be denied because there is no need for the facility and therefore no benefits to outweigh the environmental hazards posed by the facility. There is a lack of any need for the facility because:

--the projected need for nuclear fuel (Environmental Report, page S-6) has changed. The supply of nuclear fuel for U.S. domestic needs exceeds the current demand and will continue to do so;

--based on statements by the applicant at the August 21, 1980, pre-hearing conference, the need for this facility stems from foreign demand for nuclear fuel, not domestic demand. (1) Westinghouse may not rely on that need to support its position since it may not weigh foreign benefits against domestic environmental harm. (2) Even if foreign need could be considered, Westinghouse has overstated it. The recent narrow Senate approval to ship fuel to India after the NRC rejected the shipment indicates that any projections for foreign need must be considered tenuous. (3) And further, reliance on foreign benefits to outweigh domestic risks would result in such an inequitable distribution of the costs and benefits that the license request could not be justified under the National Environmental Policy Act;

--Westinghouse has ignored the development of alternative energy sources, which will rapidly decrease the existing demand for nuclear fuel.

2. NO ALTERNATIVE SITE (Contention I(C))

The application must be denied because Westinghouse has failed to comply with 10 CFR Part 51 which requires that the Environmental Report discuss alternatives to the proposed action. Westinghouse's discussion of alternatives (Environmental Report 7-1, pages 7-1 and 7-2) is

inadequate in that it fails to address the point raised in Contention 1 and dismisses alternatives of not building the facility or expanding the South Carolina facility. Further, the applicant's discussion is inadequate in that it does not provide enough information to allow the NRC to weigh the various alternatives, as required by NEPA and particularly by 10 CFR 70.23(a)(7).

3. ALTERNATIVE SITES (Contentions II and I(3))

The application must be denied because:

A. Under 10 CFR Part 51, Westinghouse must provide in its Environmental Report sufficient information concerning alternative sites to allow the NRC to compare the various costs and benefits. Instead, Westinghouse has stated,

Westinghouse does not believe any detailed evaluation of alternative sites is appropriate. (Response 24, Westinghouse letter to NRC, on July 8, 1980).

The evaluation of alternative sites for a proposed activity is a requirement of NEPA and of the NRC regulations. Westinghouse has failed to provide the required information.

B. Several other potential sites are obviously superior to the Prattville site for the following reasons:

--the proposed site is unsuitable due to hazards which will affect the safe operation of the facility, while many other sites in Alabama and other states meet the applicant's claimed corporate criteria and do not pose the hazards of the Prattville site.

--better sites exist at numerous industrial parks in Colbert, Jackson, Lauderdale, Lawrence, Limestone, Lowndes, Sumter, Tuscaloosa, Marengo, Mobile, Morgan, Pickens, Russell, Madison, Walker, Washington and

Dallas counties (Industrial Site Atlas, Alabama Office of State Planning and Federal Programs, July, 1979) in Alabama. The Westinghouse Columbia, South Carolina, Nuclear Fuel Plant site is far superior considering the capital-intensive and environmental costs of building and operating a new facility, compared with using the extant site or other former fuel fabrication facilities not presently in use.

--The Prattville site is subject to the following adverse conditions:

1) Hydrology is such that there is a great probability of water contamination from the proposed facility. The site is directly on a major drainage divide; the soil is very porous; and many residents take drinking water from the artesian water table in the area;

2) Meteorology and climatology are not favorable for dispersion of airborne effluents which will impact the environment. The site, often shrouded in dense fog, is located near other industries which regularly have emissions in excess of state regulations. These combined emissions, coupled with poor air dispersion factors, would be detrimental to air quality and the health of area residents, also considering the predictable excessive releases from nuclear fuel fabrication plants;

3) Geology and seismicity of the site are negative factors. The Environmental Report (2-4.3.1, page 2-27) devotes only three sentences to seismology, referencing a 1974 Environmental Report for reactors which were never constructed. These units could not be built in the county adjoining the Autauga site due to geological faults (Alan R. Barton Nuclear Plant Environmental Report, Volume 3, page 9.2-5) Similar conditions at the Prattville site pose great danger for area residents in the event of damage to the fuel plant and the resultant spread of contamination to the environment. The frequent and unexpected appearance of sink holes has been noted in the area.

None of these safety and environmental hazards have been found at the Columbia, South Carolina, or other aforementioned alternative sites.

Further, all demography and human activities cited in support of the Prattville site (Environmental Report, 7-2.2.3, page 7-6) are either erroneous or trivial in regard to siting. The same transportation facilities and superior labor markets are at other locations. Area cotton production is of no consideration in plant siting (pork, beef and food crops are the next prevalent in the agricultural region). The Montgomery Airport, rather than affording convenient air accommodations, has notorious difficulty securing dependable flight service. Local job training programs are available all over the state and at other locations. The applicant's use of the Prattville sewerage treatment plant is unlikely due to local industrial-use problems. The President's Advisory Council on Historic Preservation has not determined that licensing of this facility will not impact archaeological and historic sites.

Finally, operation of a nuclear fuel plant at the Prattville site would have a detrimental effect on the Prattville Experiment Station (Environmental Report, 2-2.2.2, page 2-6) located at the boundary of the proposed site where some 50 acres of crops are cultivated. Much of the technology available to Alabama farmers is developed through Auburn University experiment stations such as this one. Emissions from the proposed facility could damage crops and adversely affect the reliability and utility of the station.

4. HIGH ENRICHMENT (Contention X)

The application does not meet the requirements of 10 CFR 70.22 pertaining to contents of the application or the requirements of 10 CFR 70.23 pertaining to approval of the application for the following reasons:

- A. In Section 2-1, page S-8, the application states possession limits of .350 kilograms of U-235 at any enrichment above 5 per cent and in any chemical or physical form. This application to handle SNM of unknown enrichment, unknown isotopic content, and unknown form violates 10 CFR 70.22(a)(4), which requires that all such information be specified.
- B. Not only is this "unknown" SNM not adequately specified, the application provides no specific information concerning the activity for which the unknown SNM is requested, how it will be used, or what equipment and facilities will be used to protect health and minimize danger to life or property. Accordingly, the application does not comply with 10 CFR 70.22(a)(2) nor (7). Similarly, the application makes no specific provision for experience and training concerning this unknown SNM, and therefore, violates 10 CFR 70.22(a)(6).
- C. The failure to specify the enrichment, isotopic content and form also prevents the Commission from determining whether equipment and facilities are adequate, whether adequate procedures have been adopted to minimize danger to life or property or whether training and experience are adequate. Accordingly, the application may not be approved under 10 CFR 70.23 (a)(2), (3),(4),(6) and (7).

5. OFF-SITE WASTE (Contention XI.(A)(1))

The applicant has applied for a license to convert unknown uranium compounds into other unknown uranium compounds and recover off-site scrap and waste (License Application, 3-2, pages S-9 and S-10). However, the applicant has not provided any information on the specific activity or general plan, safeguards, monitoring, accidents, transportation, equipment or environmental impact. As a result, the application does not comply with 10 CFR 70.22(a) or (f), and the NRC is unable to evaluate the hazards posed by the application as required by 10 CFR 70.23(a) or (b). Further, the application does not conform with the requirements of 10 CFR 70.22(a)(2) because information relating to safety and environmental impact is provided

only for the manufacture of uranium dioxide nuclear fuel, and not for the conversion and recovery activities. Accordingly, the license must be denied.

6. NO EXPERIENCE (Contentions XI(A)(2) and XI(B)(1))

Westinghouse intends to use the "dry" process to convert uranium hexafluoride to uranium oxide power (Environmental Report, page S-1), an experimental process in which Westinghouse has no experience. As a result, Westinghouse has no training or experience in safety precautions and environmental protection related to the process equipment, procedures, materials, criticality considerations or emission controls.

In addition, Westinghouse's experience at another facility using the conventional "wet" process demonstrates that the applicant is unable to control excessive releases and overexposure of workers. Accordingly, the applicant cannot be expected to operate this experimental procedure without threatening the public health and safety of the environment, so the license must be denied.

Finally, Westinghouse has no specific information concerning training and equipment for the "dry" process in its license application, as required by 10 CFR 70.22(a)(6), so the license must be denied for failure to comply with that provision and for failure to provide information essential for approval under 10 CFR 70.23(a), and subsection (2) in particular.

7. NO U-233 PROTECTIONS (Contention XI(A)(3)(b))

The License Application (page S-8) indicates that Westinghouse will handle quantities of U-233 at the planned facility, but provides no specific information concerning handling devices, shields, disposal devices or other matters as required by 10 CFR 70.22(a)(7). In addition, due to this lack of information the NRC is unable to evaluate the hazards of the

facility as required by 10 CFR 70.22(a)(7) and unable to evaluate the hazards of the facility as required by 10 CFR 70.23. These points are of particular concern since minute quantities of U-233 can cause serious biological damage, and its use requires special facilities that have not been discussed by the applicant. As a result, the application must be denied.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the following named parties by mailing the same to them on this the 6th day of June, 1981.

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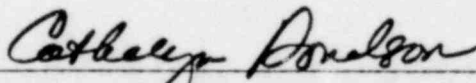
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