

City of Berkeley



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April 12, 1988

Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Section

Dear Commission:

Subject: PROPOSED CHANGE OF FACILITY LICENSE NO. R-101 (DOCKET #50-224)

In the matter of the proposed change of Facility License No. R-101 (Docket No. 50-224)

PETITION TO INTERVENE IN LICENSE AMENDMENT PROCEEDINGS, REQUEST FOR HEARINGS AND FURTHER RELIEF

Pursuant to the Commission's Rules of Practice, 10 CFR 2.206(a) and 2.714, and the Commission's Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License (Federal Register notice 88-5255 dated March 10, 1988), petitioner, whose identify and interest are set forth below, seeks leave to intervene, requests a hearing and seeks other relief with respect to the proposed issuance of an amendment to the subject facility operating license sought by the licensee's application of 1/1/88. In support thereof, petitioner alleges:

- 1) That the Berkeley City Manager has been duly authorized by the Berkeley City Council to initiate the City's intervention in this matter.
- 2) That the City of Berkeley's interest in this matter stems directly from its responsibility under law for the overall health and safety of its 108,000 residents and further from the licensee's stated intention to depend on the City's emergency services in the event of any problems arising from the proposed decommissioning. Under 10 CFR 2.715(c), the City of Berkeley has a particular right to involve itself in intervention proceedings. In addition, the mere fact that the reactor itself and all the activities attendant to the proposed decommissioning are located entirely within the City gives the City the most concrete standing of any potential intervenor. The reactor's location 40 yards from a major

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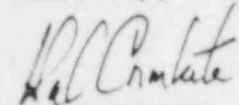
earthquake fault and on a substantial slope directly uphill from a particularly densely populated area of the City tend to further strongly support the strength and urgency of the City's interest.

- 3) That the City has studied the University of California's proposed change of Facility License and have found it deficient in at least the following ways:
- (a) There is no emergency plan. The City of Berkeley has the fourth highest population density of any city in the country. In this context, it is essential that there be at least consideration of the potential consequences of an accident. It is also well-known that the release of even a small amount of radioactive material can have significant deleterious effects on health. Further, the ability of the City's emergency services to deal with a radiological accident is unclear, and, since the University nonetheless intends to depend upon such services in the event of an accident, this raises the prospect of a major accident occurring without there being sufficient ability to safeguard the surrounding populace. Finally, the City has a responsibility under its police power to protect the health and safety of its residents. It is therefore essential to the City that the sense of well-being of its citizens be maintained by granting this petition so that the City can participate fully in the drafting of such a plan.
 - (b) Alternatives to DECON were not considered. The decommissioning plan fails to even discuss what those alternatives are, and in particular what the relative impacts might be on the health and safety of the residents of Berkeley. Statements in the plan that the alternatives would be inconvenient to the University fail to constitute adequate justification for such an omission.
 - (c) The plan contains no reference to liability in the event of an accident. The plan should contain such information, and should specifically contain a commitment on the university's part that there will be full compensation to the City and its residents in event of a worst-case accident, and if this will not be the case, the justifications therefor. Any potential liability of the University to the City and its residents must be specifically guaranteed.
 - (d) The plan fails to allow for independent monitoring of both the dismantling process and radiological safety by City of Berkeley health officials.

- (e) The plan fails to address the problem of low levels of radiation generated during the dismantling and any possible effects of this on people passing by or living in the immediate neighborhood. At a minimum, the plan should allow for notification of such people to allow them to avoid the site during dismantling.
- (f) The plan alleges that the existing license allows for the bulk removal of the reactor's fuel, but fails to justify this either by specific reference to the relevant license provision or to a Commission rule or regulation that might authorize such a step.

If you have any questions, please contact Vicki Elmer, Assistant City Manager for Planning and Community Development, (415) 644-6073.

Sincerely,



HAL CRONKITE
City Manager, City of Berkeley

cc: Mayor and Members of the City Council
Peace and Justice Commission
Office of General Counsel, Washington, DC
Mr. Milton Gordon, Office of the General Counsel, U.C., Berkeley