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Western Reserve Alliance
1616 P. Street N.W.
Suite 160
Washington, D.C. 200036

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Western Reserve Alliance
10916 Magnolia Drive
Cleveland, Ohio 44106

OFFICE OF THE
DOCKETING & SERVICE
BRANCH

November 10, 1985

Mr. Gus C. Lainas
Assistant Director for Operating Reactors
Division of Licensing
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Docketing and Service Branch

Dear Sir:

Please consider these documents, formal comments and requests for hearings and leave to intervene on behalf of the Western Reserve Alliance in regard to the U.S. Nuclear Regulatory Commission's current consideration for approval of a procedure for the disposal of low-level radioactive waste proposed by the Toledo Edison Company. The Cleveland Electric Illuminating Company (CEI) and Toledo Edison (TE) are the licensees for the Davis-Besse Nuclear Power Station Unit No.1. located in Ottawa County, Ohio. Although the unit is operated by TE, CEI is the majority owner of the plant. Currently North Holding Company's ("North") has filed an application before the Securities and Exchange Commission (SEC) requesting an order of the Commission approving its acquisition of all of the outstanding common stock of CEI and TE.

The Western Reserve Alliance is a non-profit consumer utility corporation which was incorporated under the laws of the State of Ohio on May 25, 1978. It is a non-profit charitable corporation recognized by the Internal Revenue Service as having tax-exempt status under 501(c)(3) of the federal income tax code. It is engaged in the education of people and organizations regarding energy issues. It serves the area of Northern Ohio. It has been an intervenor in numerous cases against utility companies, including CEI, since its inception.

We request hearings and leave to intervene on the following identified specific issues of fact and law.

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The NRC, CEI and TE must and answer the question how much radioactivity has already flowed out of Davis-Besse's radwaste settling basins into Lake Erie. Table 1. on page 41266 of the Federal Register Vol. 50, No.196 Wednesday, October 9,1985 is misleading. From Table 1, it is possible to calculate the amount left in the sludge is 8.5 millicuries:

$$8.8 \times 10^{-12} \text{ (pico) } \frac{\text{Ci}}{\text{CC}} \times 28317 \frac{\text{CC}}{\text{ft}^3} \times 6800 \frac{\text{ft}^3}{\text{yr}} \times \frac{5 \text{ yr}}{\text{dredging}} = 8.5 \times 10^{-3} \frac{\text{Ci}}{\text{dredging}}$$

8.5 millicuries is a sizeable amount of radiation to be dumped on an area about 58 square feet [3400(max) ft²]. The radioisotopes in Table 1. all emit penetrating γ -radiation and their halflives range from 0.2 to 30 years. One thus can estimate the radiation exposure of a person standing on the dredgings would be around 260 times higher than the public is led to believe by looking at the estimates in Table 1.. This higher figure is because there are 8760 hours per year (not 100) and the sludge is to be at least 61 cm(2') deep not 10 cm.

The NRC, CEI and TE erred in making their calculating only from the top of the material. The NRC, CEI and TE failed to consider travel through wind, water and other factors.

The NRC, CEI and TE erred on page 41267 of the Federal Register Vol. 50 No. 196 when it states:

"Based on the Commission staff's review of the proposed sludge disposal. the staff concludes that:

(1) The dose to members of the public as a result of exposure to radiation from the disposed dredgings will be well below regulatory limits and very small in comparison to doses members of the public receive each year from exposure to natural background radiation. At the time of decommissioning of the nuclear power plant, the land on which the sludge is disposed is capable of being released for unrestricted use."

This rush to release this radioactive land for unrestricted use does not take into consideration such things as 100 day occupancy or sensitive individuals such as children and pregnant women. Would it not be possible for one to receive as much as 270 milirems per year if one lived on the site?

There does not seem to be an acknowledgement of what the total actual releases from all sources at the Davis-Besse plant have been and how the current proposal for disposal of low-level radioactive waste would add to that total. The NRC, CEI and TE have not proven that the current proposal for disposal of low-level radioactive waste will result in no harm especially in light of the routine dumping of other radioactive material in the lake and other areas.

The NRC, CEI and TE erred by not fully detailing their proposal for a permanent radioactive waste disposal site near Davis-Besse in the Federal Register but instead refers to a 1983 proposal from TE to the NRC. Are the NRC, CEI and TE telling the public that this 1983 proposal has not changed in anyway? Is the site protected from flooding that Davis-Besse has been subjected to in the past?

The NRC, CEI and TE erred by seeking simultaneous advance approval for operation of a radwaste disposal site and for release of the site for unrestricted use when Davis-Besse is decommissioned. The reason for such inappropriate requests can be found on page 41266 of the Federal Register, Vol. 50, No. 196 Wednesday, October 9, 1985. Under the heading, The Need for the Proposed Action: the last sentence in this section states, "Onsite disposal of the dredgings also would be less costly than off-site disposal at licensed burial sites." Once again the economic strain on both CEI and TE because of their misguided nuclear programs is again tempting the NRC, CEI and TE to violate the promise they made to the public in the Final Environmental Statement Related to Operation of Davis-Besse Nuclear Power Station Unit 1 (NUREG-75/079). An approval of the permanent radioactive waste disposal site near Davis-Besse is not only another example of how the NRC, CEI and TE are violating the promise made to the public in the environmental statement but it is an example of how North Molding Company's attempt to acquire all of the outstanding common stock of CEI and TE is affecting public safety and past promises made to the public. It is just one example of why North's statements that they do not need approval of the NRC is not in the public interest. The NRC has an obligation to see if the current and future operations of CEI and TE will be affected by North's attempt to acquire all of CEI's and TE's common stock. Hearings before the House Subcommittee on Energy Conservation and Power have shown a long history of NRC laxity of enforcement of the NRC own standards in regards to the Davis-Besse plant. The NRC's current statement on page 41267 of the Federal Register Vol. 50, No. 196 Wednesday, October 9, 1985 that says "Alternative Use of Resources: The principal results of this action involving the use of resources not previously considered in the Final Environmental Statement Related to Operation of Davis-Besse Nuclear Power Station Unit 1 (NUREG-75/079) is the minor change in land use associated with operating support facility. This change in land use is not significant." is a false statement. The simultaneous advance approval for operation of a permanent radioactive waste disposal and release of the same site for unrestricted use when Davis-Besse is decommissioned is not "the minor change in land use associated with operating support facility." This is even more true given the past lack of credibility of North, CEI, TE and the NRC.

Given North's, CEI's and TE's precarious financial, political and regulatory situations due mainly to their misguided nuclear programs it is very reasonable to raise the idea that the whole story regarding factual, legal and other questions have not been stated in the Federal Register notice of 10/9/85 in regards to the simultaneous advance approval for operation of its radwaste disposal site and the release of the site for unrestricted use. Given the past lack of credibility on the part of North, CEI, TE, NRC and the laxity of the NRC in enforcing its own standards at Davis-Besse the Commission erred on page 41267 of the Federal Register, Vol. 50 No. 196/ Wednesday October 9, 1985 where it states:

"Finding of No Significant Impact

The Commission has determined not to prepare and environmental impact statement for the proposed action.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the Human environment."

Given the lack of credibility of the above mentioned groups and the current amounts of radiation being released into the environment around the Davis-Besse plant an environmental impact statement needs to be prepared.

For these and other reasons we request hearings and leave to intervene. We contend taking into account factors not raised in the Federal registers notice the NRC's statements that the proposed action will not have a significant effect on the quality of the human environment is not true.

The NRC has already granted CEI and TE scores of requests for modifications in NRC guidelines. The NRC must grant the public the right to have hearings and to intervene in this matter as it involves a significant increase in the probability or consequences or an accident previously evaluated: or create the possibility of a new or different kind of accident from any accident previously evaluated and involves a significant reduction in a margin of safety.

We have complied with 10 CFR 2.714 because we have shown that we are a public interest group with a history of interventions against utilities including CEI. Our interest in educating the public on energy issues in the public interest makes a party to the proceeding and the public's property, financial, health and other public interest concerns are reached here in the most serious nature and extent possible. The possible effect of any order which may be entered in this proceeding would be to endanger the public health and safety, the financial and political situation in the state of Ohio, the past promises made to the people of Ohio by the NRC, CEI and TE and other consumer interests.

Therefore we request that our requests for hearings and leave to intervene on these and other specific issues of facts and law.

Sincerely,

Donald L. Schlemmer

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Mr. Gus C. Lainas
Assistant Director for Operating Reactors
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Attention: Docketing and Service Branch

Dear Sir:

Due to NRC related business we request that you waive the time
period for comments for one day.

Sincerely,

Donald L. Schlemmer

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