

12/20/80

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

SECOND SUPPLEMENT TO PETITION OF CATHALYNN DONELSON FOR
LEAVE TO INTERVENE

Comes now Cathalynn Donelson and states, in response to request by the Atomic Safety and Licensing Board, that the following proposed contentions appear to overlap those contentions heretofore filed by the Safe Energy Alliance of Central Alabama and for that reason she will withdraw said contentions upon being granted intervenor status.

CONTENTIONS TO BE WITHDRAWN

1. All of the contentions contained in the first set of proposed contentions submitted by Intervenor David L. Allred.

2. The following contentions contained in the Additional Proposed Contentions of Intervenor David L. Allred:

Sections 1. and 2. of I.A.
Sections 2. and 3. of I.B.
Section III in its entirety.
Section IV in its entirety.
Section V in its entirety.
Section VI in its entirety.
Section VII in its entirety.



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CONTENTIONS TO BE WITHDRAWN

Section VIII in its entirety.

Section IX in its entirety.

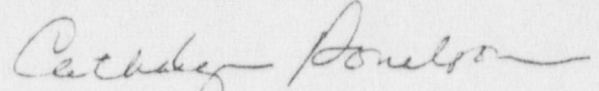
Sections 1., 2. and 3. a. b. and d. of XII. A.

Sections 3. a. b. and c., 5 b., c. and e.(1) of Section
XIII. B.

Sections 9. a., 14., 18. b., 19 and 22 of XIII. B.

The Appendix enumerates those contentions to be withdrawn
contained in the Additional Proposed Contentions.

Respectfully submitted,



Cathalynn Donelson
855 Park Avenue
Montgomery, Alabama 36106

on this, the 20th day of
December, 1980

APPENDIX

I.A.1. The Environmental Report states that by "1985, 80 additional nuclear plants are expected to increase...the nation's electrical supply." However, the Westinghouse has relied upon projections based on information obtained from an April, 1979, report of the Department of Energy. Such projections occurred prior to the incident at Three Mile Island and the subsequent re-evaluation of the propriety of continued nuclear energy production in this country. Indeed, the year-long moratorium on licensing of nuclear plants has not been considered by Westinghouse. The projected "80 additional nuclear plants" by 1985 is inaccurate and not a valid basis for considering additional fuel fabrication.

2. With the advent of the public's and government's renewed concern for nuclear safety, additional tests and re-tests of existing nuclear facilities have been mandated. New standards and stricter safety compliance requirements in the construction and operation of nuclear reactors makes the projection that by "the year 1990, a total of 189 nuclear plants" being in service unrealistic. There will not be 189 nuclear plants in service by 1990 and the requirement of fuel based on such projection is inaccurately overstated.

I.B.2. Westinghouse has not identified any proposed site alternative for a new facility in spite of the NRC's request to do so. See letter of Dr. E.Y. dated June 3, 1980, transmitting questions to Westinghouse, including question #24, and Westinghouse's response dated July 3, 1980. Neither

has Westinghouse given "comparable data for the alleged "20 sites in 16 states." Environmental Report, p. 7-3. Other sites are ecologically, economically and technologically more desirable and less costly than the proposed site.

3. An examination of the map "location of Nuclear Power Plants in the United States," Environmental Report, p. 7-4, shows that a facility in Kentucky, Ohio or West Virginia would be more centrally located to serve existing and proposed nuclear power plants. Such a location would also meet each of the criteria established by Westinghouse in its Environmental Report.

III. Westinghouse, in Section 13 of its license application seeks exemption from certain regulations promulgated by the NRC. Westinghouse states the section of the Code of Federal Regulations from which it seeks exemption, however, Westinghouse fails, in each instance, to state the reasons for seeking such exemption and the requisite "good cause" upon which the exemption would be based. Westinghouse has failed to show that the exemptions should be granted. The exemptions sought by Westinghouse should not be granted for environmental, safety and health reasons as set forth below:

A. In Section 13-1 Westinghouse seeks exemption from the requirement to "notify, in writing the director of the appropriate NRC Inspection and Enforcement regional office...at least 30 days before the date that respiratory protective equipment is first used" because use of respiratory protective equipment is specifically addressed in the license application. However, Section 5-3.4.3 of the license application deals with

respiratory protection only in a cursory manner.

1. Westinghouse has failed to identify the times, procedures, locations, persons, or other identifiable criteria that constitute the situations under which it is impractical to apply process or other engineering controls to assure that concentrations of radioactive materials in air are below limits specified in the license.

2. Part 5-3.4.3 also states that "before initiating use of respiratory protective equipment...a written respiratory protection program shall be prepared...." Nowhere, however, has Westinghouse set forth such a program. To grant an exemption before the respiratory program is prepared and evaluated by the NRC is improper.

3. Westinghouse has also failed to provide a "description of equipment and facilities which will be used" in its respiratory protection program as required by 10 C.F.R. 70.22(a)(7) and 10 C.F.R. 70.22(a).

Westinghouse has failed to show good cause for this requested exemption. Westinghouse has also failed to provide an adequate basis for evaluating its request for the exemption. Westinghouse, by its failure to provide the above information and data, has not submitted "a complete and accurate disclosure as to all matters and things required to be disclosed." 10 C.F.R. § 70.22(e).

4. In Section 13-2 Westinghouse seeks exemption from 10 C.F.R. 20.203, "Caution Signs, Labels, Signals, and Controls" by posting a general warning as set forth in Section 13-2 of the

license application. Such a general warning is no warning at all. The very reason for requiring specific warning and caution labels is to alert people to dangerous conditions. Following the rationale of Westinghouse's proposed alternative warning, i.e., "Every container or vessel in this area may contain radioactive material (Emphasis added)," a similar sign at the entrance to the facility would be adequate.

Westinghouse has failed to state good cause for the requested exemption. Westinghouse has also failed to show that its "proposed procedure to protect health and to minimize danger to life" 10 C.F.R. 70.23(a)(4) is adequate. The alternative proposed by Westinghouse is inadequate and creates an unreasonable health hazard to facility employees.

C. In Section 13-3 Westinghouse seeks exemption from the "General Requirement" for disposal of licensed material in favor of being permitted to "abandon or dispose of small quantities of source, special nuclear, and byproduct materials which are present" on items retained for record purposes.

1. Although Westinghouse sets forth recommended "contamination limits" for two nuclides, no such limits are proposed for other contaminants which will exist in the facility. Such failure fails to meet the requirements of 10 C.F.R. 70.23(a)(6) requiring a summary description of fundamental material controls with respect to such other nuclides and contaminants.

2. The above-stated failure to consider other contaminants which may possibly be contained on records also violates 10 C.F.R. 70.22(e) requiring that the license application contain

"complete and accurate disclosure as to all things required to be disclosed."

3. Westinghouse has also failed to assess the cumulative effects of its requested exemption. Over the projected life of the plant such cumulative effect of "abandonment" and improper disposition of special nuclear materials will create a health hazard to facility employees and the environment.

4. Co-mingling of contaminated material with non-contaminated material, as proposed by Westinghouse will make future recovery of dangerous radioactive materials extremely difficult if not impossible.

5. Westinghouse has failed to establish that the data contained in contaminated materials could be transferred and retained in or on a non-contaminated source. Therefore, Westinghouse has failed to show that it can or will meet the requirements of record keeping established by the NRC.

Westinghouse has failed to show good cause for its requested exemption and has also failed to provide adequate information to evaluate its request for exemption from 10 C.F.R. 20.301.

D. In Section 13-4 Westinghouse seeks permission to maintain records in units other than those required by 10 C.F.R. 20. Such exemption constitutes an unreasonable risk to the health and safety of facility employees and the public and also constitutes an unnecessary impediment to the monitoring of such records by the NRC and the public in that the use of other units will be misleading to the NRC and to the public and will result in miscalculations and errors. Moreover, Westinghouse has shown

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no reason or good cause for its request.

E. In Section 13-5.1 Westinghouse requests that "licensed activity shall be exempted from the monitor alarm requirements of 10 C.F.R. 70.24" in certain specified locations under certain specified conditions. Westinghouse has failed to show good cause for the requested exemption. Westinghouse has also failed to define certain language used in the requested exemption such as "administratively limited," "remote from other operations with special nuclear materials (emphasis added)" "nuclearly isolated" and "area."

1. The requested exemption is not sufficiently specific to evaluate the propriety of granting the exemption.

2. The requested exemption constitutes an unreasonable hazard to the environment and to the health and safety of facility employees and the public.

F. In Section 13-5.2 Westinghouse requests exemption from criticality accident requirements, 10 C.F.R. 70.24 at the loading location under certain conditions. Westinghouse has failed to show good cause for the requested exemption. The requested exemption constitutes an unreasonable risk to the environment and to the health and safety of facility employees and the general public in that:

1. There will be no monitoring system meeting the requirements of 10 C.F.R. 70.24 in an area where licensed special nuclear material is handled.

2. No emergency procedures will be maintained in the exempt areas to assure the safety of personnel in the area.

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3. No means for quickly identifying individuals who have received doses of 10 rads or more will be maintained.

4. The requirements of 10 C.F.R. 70.24(b)(2) will not be followed in areas prone to criticality.

5. In Section 13-6 Westinghouse seeks exemption from the requirements of 10 C.F.R. 70.42, Transfer of Special nuclear material with respect to the "transfer of hydrofluoric acid containing trace quantities of uranium...to nonlicensed persons" under specified conditions. Westinghouse has failed to show good cause for the requested exemption. Westinghouse seeks, by such exemption, to shift its responsibility for controlling special nuclear material to persons who are unlicensed to handle such material. The requested exemption constitutes an unreasonable risk to the environment and to the safety and health of the general public in that

1. Westinghouse's proposed "written instruction" and conditions to the first transferee does not adequately protect or inform subsequent recipients of the hydrofluoric acid.

2. Westinghouse's proposed conditions are inadequate to prevent human consumption of the hydrofluoric acid.

1v. Westinghouse, by requesting the above exemptions, has failed to adequately address the license requirements of 10 C.F.R. 20 and 70 with respect to those activities for which exemption is requested. Therefore, Westinghouse has failed to submit a license application which contains "complete and accurate disclosure as to all matters and things required to be

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disclosed." 10 C.F.R. 70.22(e). A license application cannot be evaluated or acted upon until such disclosure is made.

V. In its license application Westinghouse states in its specifications introduction that "These specifications shall be the inspectable portion of the described facility license." License Application, p. 5-1. Section 7 of the License Application states that the comprehensive Nuclear Materials Control and Accounting Plan "shall be kept part of the Demonstration Section." Section 18 of the License Application states that the Plan is submitted as a separate document. Sections 8, 9-4, 10-3, 11, and 12-2 also refer to documents which are to be kept part of the Demonstration Section. Sections 19, 20, and 21 of the Demonstration Section, in turn, refer to separate documents. Westinghouse has failed to provide a complete license application and to meet the requirements of 10 C.F.R. 70.22(e) in that:

A. The above-referenced sections of the license application have not been completed or provided.

B. Westinghouse has failed to show good cause for not submitting a complete license application.

C. Westinghouse has failed to show any reason or good cause for failing to submit or disclose the information required in the above sections either separately or severally.

David L. Allred specifically reserves the right to file additional contentions based on any additions or supplements to the license application whether set forth above or not, including but not limited to information pertaining to nuclear

materials control and accounting, physical security, shipping containers, delivery of special nuclear material to a carrier for transport, emergency control, and recommissioning of facilities and grounds.

VI. In Section 15-1, General Licensed Activity Information; 15-2, Detailed Operations Evaluation; and 15-3, Organization and Administration, Westinghouse states that information will be supplied. Westinghouse, by not supplying the required Safety Analysis has failed to meet the requirements of 10 C.F.R. 70.22(e).

David L. Allred specifically reserves the right to file additional contentions based on any material or information supplied by Westinghouse pertaining to the required Safety Analysis and Section 15 of the license application.

VII. In Section 16 of its license application Westinghouse states that a Regulatory Compliance Manual required by 10 C.F.R. 70.22(a)(2) is or will be submitted as a separate document. Such document is unavailable to David L. Allred and he specifically reserves his right to make further contentions based on information contained in such Manual. The license application is incomplete without such information and cannot be acted upon by the NRC until such information is supplied.

VIII. In Section 17 of its license application Westinghouse states that an ALARA Manual is or will be submitted as a separate document. Such document is unavailable to David L. Allred and he specifically reserves the right to make

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Further contentions based on information contained in such manual. The license application is incomplete without such material and cannot be acted upon by the NRC until such information is supplied.

IV. As set forth above in contentions V through VIII the license application is incomplete and does not meet the requirements of 10 C.F.R. 70.22(e).

XII.A.1. Line management components responsible for all operations and activities involving licensed materials;

2. Shift supervisors, though application states that shift supervisors shall be first-level line managers;

3. The License application does not contain adequate technical qualifications, training or experience of:

a. The regulatory compliance manager, while stating he shall be responsible for assuring evaluation of nuclear criticality safety and radiation requirements;

b. The criticality engineer nor of individuals who will compute or perform other criticality services;

d. Designees, though application states designees may carry out the duties of the criticality and health physics engineers.

XII.B.3. Engineered safety of the ANFFP Special Nuclear Materials Building will not be adequate to protect health of minimize danger to life and property.

a. The application states SNM Building will not meet Southern Standard Building Code;

b. The application states only that SNM Building shall be designed, constructed and operated for insurability;

c. Building will not be designed and constructed to:
(1) Withstand nuclear criticality;
(2) Prevent contamination to the environs
through containment.

5.b. HEPA filters are rated 99.9 per cent efficient, but
this is applicable only at installation

c. Passing effluent through HEPA filter units does
not guarantee the protection of the public and the environs
from the release of significant amounts of radioactivity;

e.(1) Highly radioactive air could pass through
only one HEPA filter (which could be clogged) before release
to the environment;

9.a. HEPA filters will not prevent significant releases
to the environment;

14. Instruments and operations requiring interlocks
for safety of workers and environs are not identified in the
license application.

18.b. Westinghouse does not state location of air-
sampling points.

19. The type of dosimetry equipment to be used is
not described in the license application.

22. Nuclear criticality detection equipment is not
adequate. The application states

a. Intention of Westinghouse to continue work during
nuclear criticality detection outage;

b. That portable instruments may be substituted, not
shall be used. This does not assure criticality detection.

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 28th day of December, 1988

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