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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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In the matter of: :  
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ILLINOIS POWER COMPANY, SOYLAND POWER : Docket No. 50-4600L  
:  
COOPERATIVE, INC. AND WESTERN : 50-4620L  
:  
ILLINOIS POWER COOPERATIVE, INC. :  
:  
Operating License for Clinton Power :  
Station, Units 1 and 2 :  
:  
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In the Offices of  
Alderson Reporting Co.  
400 Virginia Ave. S.W.  
Washington, D. C.

Thursday, September 10, 1981

A telephone conference in the above-entitled  
matter was convened, pursuant to notice, at 10:45 a.m.

BEFORE:

- HUGH K. CLARK, CHAIRMAN  
Atomic Safety and Licensing Board
- GEORGE A. FERGUSON, JUDGE  
Atomic Safety and Licensing Board
- OSCAR H. PARIS, JUDGE  
Atomic Safety and Licensing Board

1

2 APPEARANCES:

3

PETER V. FAZIO, Esq.  
Schiff, Hardin & Waite  
Attorneys for Applicants

5

PHILIP L. WILMAN, Esq.  
Attorney for the State of Illinois  
Environmental Control Division  
Attorney General's Office.

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TERRY JOAN LANG, Pro se  
Representing Prairie Alliance

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RICHARD GODDARD, Esq.  
CHRIS GRIMES

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## P R O C E E D I N G S

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2 CHAIRMAN CLARK: Everyone is on the line, and we  
3 will begin the conference.

4 Good morning, Ms. Lang, and gentlemen. In its  
5 Memorandum and Order of May 29, 1981, the Board set dates  
6 for first round discovery requests not later than June 26th,  
7 1981, and answers thereto not later than July 27th, 1981.  
8 The Board also stated that guidance as to the timing of  
9 further discovery will be given by the Board as needed.

10 This statement was made in contemplation, first,  
11 that there might possibly be a need for further discovery  
12 after the amendments by the applicant of its final safety  
13 analysis report, and its operating license environmental  
14 report, and, second, that there might possibly be need for  
15 additional discovery after the staff has issued its  
16 supplemental, final safety report, and its final  
17 environmental statement. The Board intended that further  
18 advice should supplement but not supersede the rules for  
19 discovery set forth in 10 Code of Federal Regulations  
20 2.740.

21 By a pleading dated August 31, 1981, the State of  
22 Illinois requested guidance as to certain specific points  
23 that will be discussed later. As a general observation, it  
24 would appear that Illinois ceased discovery activities under  
25 the impression that each step must be prescribed by the

1 Board without reference to the regulations.

2           Had the parties proceeded in accordance with the  
3 regulations, by now a number of discovery activities could  
4 and should have been completed. The points on which  
5 Illinois requested advice will now be discussed on by one.

6           Is there any comment on this opening remark before  
7 we proceed?

8           No comments.

9           The first point on which Illinois requested  
10 guidance was additional interrogatories. It is contemplated  
11 that in general the first round of discovery will be  
12 complete, except for two things.

13           Additional interrogatories may be admitted on a  
14 proper showing of need after the taking of depositions and  
15 the studying of documents which were made available, but the  
16 additional interrogatories will be only for the purpose of  
17 clarifying the answers to the first round of  
18 interrogatories.

19           The next situation is that additional  
20 interrogatories may be admitted on a proper showing of need  
21 after the staff has issued its supplemental safety  
22 evaluation report, and its final environmental statement.  
23 In this connection, the parties are requested, at their  
24 convenience, to refer to the discussion on page 220 to 224  
25 of the transcript of April the 14th, 1981, and also to note

1 page 9 of the Memorandum and Order of May 29th, 1981.

2 I would now like to ask Mr. Wilman if that is an  
3 adequate answer to his first point.

4 MR. WILMAN: Yes, I believe that does clarify what  
5 the Board meant in its Order.

6 As you stated earlier in your preliminary remarks,  
7 we had held off from any further discovery because it was  
8 not clear to us what we could and could not do. It was not  
9 clear that we could proceed under the Rules of Practice and  
10 Procedure.

11 CHAIRMAN CLARK: I see, and I am sorry this has  
12 occurred. After I have discussed these four points, we will  
13 want to discuss it in more detail.

14 MR. WILMAN: All right.

15 CHAIRMAN CLARK: The second point raised had to do  
16 with the request for production of documents. I should like  
17 to note that in its answers to both Prairie Alliance and  
18 Illinois, the applicant has already offered access to  
19 pertinent documents. Really, by now I had thought that both  
20 Prairie Alliance and Illinois should have completed their  
21 inspection of such documents, and I learned somewhat to my  
22 dismay that they have not even begun.

23 MR. WILMAN: May I respond to that?

24 CHAIRMAN CLARK: Indeed, Mr. Wilman.

25 MR. WILMAN: We have begun to set up that

1 inspection, that is the State of Illinois has, with Illinois  
2 Power.

3 CHAIRMAN CLARK: I see.

4 MR. WILMAN: We have been told that there are a  
5 great number of documents to look at, and that we would need  
6 to specify which documents we want to look at.

7 CHAIRMAN CLARK: I suspected that there was a  
8 large number of documents, and that is one reason that I had  
9 not prodded the parties on that discovery because I had  
10 anticipated that it would take a number of weeks for you to  
11 look at all those documents. That is what I thought you  
12 were busy doing.

13 The next point which was raised was the scheduling  
14 of depositions. The parties have been free to schedule  
15 depositions ever since the beginning of discovery, and I  
16 quote from 10 Code of Federal Regulation 2.740(a), "As  
17 practical matter, depositions taking could have started only  
18 after receipt of applicant's answers disclosing names of  
19 persons involved." But it can be arranged at any time to  
20 take depositions in accordance with the quoted provisions of  
21 the Code of Federal Regulations.

22 Does that answer that question, Mr. Wilman?

23 MR. WILMAN: Yes, it does.

24 CHAIRMAN CLARK: The fourth point raised was  
25 motions to compel answers to discovery to which applicant

1 objected. Under 10 Code of Federal Regulations 2.740(s),  
2 "such motions should have been made within 10 days after  
3 receipt of the answer." This period has long since expired,  
4 and so you are not faced with the problem that, certainly on  
5 the face of it, you have forfeited your right to seek to  
6 compel answers to discovery.

7           It is my personal feeling, however, that this  
8 arose as a result of a misunderstanding on your part. I  
9 certainly hope that in the future you will proceed in  
10 accordance with the regulations, and that you will free to  
11 ask questions of the Board at any time you need to by  
12 telephone, if necessary.

13           A question as to proceeding from you direct to the  
14 Chairman of the Board would be in order. If he feels that  
15 it is a matter that everyone should be present, then we will  
16 promptly arrange a conference call concerning your request.

17           Under 10 Code of Federal Regulations 2.711, the  
18 Board has the authority to change the time for any action  
19 under the rules. I think in the presence of all of you, I  
20 would like to consult the other two members of the Board on  
21 this point.

22           It is my feeling that perhaps because it is the  
23 first time that he has participate in a matter of this kind,  
24 Mr. Wilman misunderstood the language of our Memorandum and  
25 Order, and I am inclined to give him a 10-day period for the



1 filing of his motion to compel beginning today.

2 How do you feel about that, Oscar?

3 JUDGE PARIS: I concur.

4 CHAIRMAN CLARK: George?

5 JUDGE FERGUSON: I have no objection.

6 CHAIRMAN CLARK: Does any other member of this  
7 conference wish to speak to this point?

8 MR. FAZIO: I guess under the circumstances, we  
9 are not going to object to that for two reasons. One, I  
10 tend to agree with the reasoning of the Chairman. Secondly,  
11 I can see that the Board is unanimous on this point.

12 I would, however, state that the applicants feel  
13 quite strongly that in order to have this proceeding go  
14 forward in a manner that is likely to result in our being  
15 able to have hearings at the appropriate point in time, that  
16 it is important that we conclude the discovery that relates  
17 directly to the contentions which have been admitted in  
18 advance of the time that the safety evaluation report is  
19 issued by the staff, so that thereafter we will be able to  
20 concentrate on the issues which relate to that document, or  
21 to the environmental report.

22 For that reason, we were going to suggest that a  
23 schedule for discovery be submitted to the Board for  
24 consideration which would set forth a series of dates which  
25 would culminate in December of this year for completing all

1 discovery on the contentions as such. I would put forward  
2 that suggestion at this time, and if it appears to be  
3 helpful, then we would be prepared to submit that in  
4 writing.

5           CHAIRMAN CLARK: Mr. Fazio, I am glad to have  
6 these remarks from you because this is right along the lines  
7 of my thinking, and it was essentially what I was going to  
8 propose.

9           You will realize, of course, that in order to do  
10 this, it will be necessary for the parties, in the absence  
11 of the Board, to have a meeting and discuss these various  
12 matters, and agree on tentative dates. Would you be willing  
13 to participate in such a discussion?

14           MR. FAZIO: Yes, sir, we would be willing not only  
15 to participate, but to host such a discussion on a date that  
16 would be convenient to everyone.

17           CHAIRMAN CLARK: Mr. Goddard.

18           MR. GODDARD: That would be fine.

19           Before we proceed on this basis, I would like to  
20 ask Mr. Grimes if, since the last meeting of all of the  
21 parties, there has been any change in the expected issuance  
22 date of either the environmental or safety documents from  
23 the staff?

24           MR. GRIMES: There has been no change in the  
25 review schedule or the projected dates that we provided to

1 the Board in April for issuance of the safety evaluation  
2 report, or the final environmental impact statement.

3 CHAIRMAN CLARK: April the first?

4 MR. GRIMES: When we met in April, I provided a  
5 schedule for the safety evaluation report, and the  
6 environmental impact statement to the Board.

7 CHAIRMAN CLARK: What is your estimate of the  
8 dates for the supplement to the safety evaluation?

9 MR. GRIMES: Our estimated issuance date for the  
10 supplement to the safety evaluation report is in February,  
11 1982.

12 CHAIRMAN CLARK: On the environmental?

13 MR. GRIMES: The final environmental impact  
14 statement is scheduled to be issued March 15, 1982.

15 CHAIRMAN CLARK: Is there any possibility of that  
16 schedule being improved?

17 MR. GRIMES: No, sir. To the best of my knowledge  
18 that is going to be tight as it is. If the schedule  
19 changes, I would expect it to move out in time, and not to  
20 get any better.

21 CHAIRMAN CLARK: I hope that we will not have any  
22 slippage.

23 This means, of course, that we will not be able to  
24 take up matters covered in these reports until after we get  
25 them. This also means that because of the extended time

1 that we now face, it certainly is highly desirable that all  
2 the matters which can be fully explored by discovery, and  
3 which can be disposed of by negotiations and discussions,  
4 should be done before that time.

5           In other words, it is now apparent that with  
6 regard to one contention, Prairie Alliance would be willing  
7 to abandon that one phase of one question as stated in its  
8 reply. It may well be that after discovery there may be  
9 other areas where the scope of disagreement between the  
10 parties can be limited or in some cases eliminated.

11           This is one reason that I think the parties should  
12 get together and talk about all of these matters, and try to  
13 work together so as to save time in the end, and save work,  
14 also.

15           JUDGE PARIS: Judge Clark, you were asking the  
16 parties if they could meet to work on a schedule for  
17 discovery, and got through Goddard, and I think Wilman and  
18 Lang still have to answer.

19           CHAIRMAN CLARK: Mr. Wilman.

20           MR. WILMAN: Yes.

21           CHAIRMAN CLARK: You will be glad to participate?

22           MR. WILMAN: We are willing to sit down with the  
23 other parties and discuss a schedule.

24           CHAIRMAN CLARK: Ms. Lang?

25           Ms. LANG: Yes, we also would be willing to do

1 that.

2           CHAIRMAN CLARK: Ms. Lang, while I am talking to  
3 you, I note that you have not filed a notice of appearance  
4 in this case. You will find in the files notice of  
5 appearance by all the other counsel, and I believe you  
6 should file one for yourself in a similar form.

7           Ms. LANG: Are you saying that I should file a  
8 notice of appearance as counsel for Prairie Alliance?

9           CHAIRMAN CLARK: That is right. -

10          JUDGE PARIS: Are you a lawyer?

11          Ms. LANG: No, I am not a lawyer.

12          JUDGE PARIS: She is appearing pro se.

13          CHAIRMAN CLARK: Are you a member of Prairie  
14 Alliance?

15          Ms. LANG: I am a member of Prairie Alliance.

16          CHAIRMAN CLARK: You are?

17          Ms. LANG: Yes.

18          CHAIRMAN CLARK: Then, are you substituting for  
19 Mr. Samuelson from here on out?

20          Ms. LANG: I and others are working on this  
21 together. Mr. Samuelson is still providing some help, but  
22 not as much as before. I would not like to put myself in  
23 that position. I would deny that I am counsel for Prairie  
24 Alliance.

25          CHAIRMAN CLARK: I see, you are not a lawyer.

1 Ms. LANG: That is right.

2 MR. FAZIO: Mr. Chairman, I think that it is  
3 important, however, that from time to time, and I am not  
4 suggesting that it can't change from time to time, that  
5 there be at any given time a spokesperson for Prairie  
6 Alliance that will serve as a point, if you will, who the  
7 various parties can contact.

8 We have had some difficulty in being able to  
9 contact Prairie Alliance, and I think that this is one point  
10 of communication that would be very helpful if we could  
11 resolve it today.

12 CHAIRMAN CLARK: This is the reason that I brought  
13 the matter up, Mr. Fazio.

14 Ms. Lang, would you be willing to undertake to be  
15 the contact for Prairie Alliance until we are notified to  
16 the contrary?

17 Ms. LANG: What I would like to do is to, one,  
18 apologize for any inconvenience for communication matters.  
19 The Prairie Alliance office just got a new phone number, and  
20 apparently the rerouting of the phone number is not working,  
21 so that if people try to call they have not been able to get  
22 through. I would like to give you our new phone number. It  
23 is area code 217-367-3527.

24 As far as being spokesperson for Prairie Alliance,  
25 I would like to undertake that along with three other people

1 who are now working with me. We are working as a  
2 committee. I will give you those names and phone numbers,  
3 if you would like to know them.

4           CHAIRMAN CLARK: Yes, but we would like to be able  
5 to contact one person. In setting meetings, in setting up  
6 telephone conferences, and asking and answering questions,  
7 there should be one person who will act as spokesman. You  
8 can have as many others as you want working with you, but we  
9 cannot look to four different persons.

10           Ms. LANG: I would like to give you another  
11 person's names a spokesperson for Prairie Alliance.

12           CHAIRMAN CLARK: Would you rather discuss it with  
13 your group, and supply that information later, but really  
14 promptly?

15           You see, right now we are trying to see whether  
16 Prairie Alliance would be willing to sit down with this  
17 discussion group.

18           Ms. LANG: Right.

19           CHAIRMAN CLARK: Are you prepared to speak for  
20 them?

21           Ms. LANG: I am willing to speak for Prairie  
22 Alliance in that I know we would be interested in sitting  
23 down and discussing a schedule for discovery. I am just not  
24 willing to take on being the spokesperson for Prairie  
25 Alliance. I will be the spokesperson until further

1 notification.

2 CHAIRMAN CLARK: That is good. You will notify  
3 all parties if there is a new spokesperson?

4 Ms. LANG: Yes.

5 CHAIRMAN CLARK: Very well.

6 Does that satisfy you, Mr. Fazio?

7 MR. FAZIC: Yes, sir, it does. I am assuming that  
8 we can reach Ms. Lang at the number that she has just given  
9 us.

10 Ms. LANG: That is correct.

11 CHAIRMAN CLARK: You will be at that number, and  
12 not at the number that I have for you?

13 Ms. LANG: The number that I gave is the number  
14 for the Prairie Alliance office, which has a tape recording,  
15 so that if I was not there, I could catch the message.

16 What number do you have for me?

17 CHAIRMAN CLARK: We also have a number for you  
18 when you are at work at the office, which area code  
19 312-525-2357; is that correct?

20 Ms. LANG: No.

21 CHAIRMAN CLARK: You can't be reached there?

22 Ms. LANG: No. That was never my number. Is that  
23 a Chicago number?

24 CHAIRMAN CLARK: That is the number that appeared  
25 on your answers to interrogatories, given with you name.



1           Ms. LANG: I believe that was the phone number for  
2 one of the members of Prairie Alliance, but it was not my  
3 number. I can't give you an office phone number because I  
4 am not working at that office anymore. So it would be best  
5 just to stick with this Prairie Alliance number, if that  
6 would be all right.

7           JUDGE PARIS: At the Prairie Alliance number,  
8 then, if you are not there, and no one is there, there is a  
9 tape recorder that you will pick up messages from; is that  
10 correct?

11          Ms. LANG: That is correct.

12          JUDGE PARIS: Fine.

13          CHAIRMAN CLARK: How frequently would you check  
14 that?

15          Ms. LANG: We check that every other day.

16          CHAIRMAN CLARK: That means that we will have to  
17 allow some time in giving notices to you, and things of that  
18 sort.

19                 Thank you so much for your cooperation.

20          Ms. LANG: I hope I have been cooperative. I am  
21 not trying to be uncooperative.

22          CHAIRMAN CLARK: I would also, Ms. Lang, like to  
23 call your attention to the fact that the rules of practice  
24 with regard to discovery, and with regard to contentions is  
25 undergoing a scrutiny by the Commission which may result in

1 tightening them up quite considerably. I think this will  
2 probably happen before the end of this year.

3           One of the things which is anticipated, and which  
4 may be of interest to you is the fact that when presenting  
5 new contentions, you must also give the basis for your  
6 contentions, and not just make a flat statement as you have  
7 been able to do in the past.

8           The other thing that is being considered is ruling  
9 out the power company's financial responsibility on the  
10 basis that that has been thoroughly explored before the  
11 construction permit was issued, and it is sort of silly  
12 after all the money is spent to go into it again at the  
13 operating stage.

14           As I say, these are proposals at the present time,  
15 but I want to tell you that so you may wish to consider in  
16 planning your time how much time you spend on the financial  
17 part of the matter, because it may be wasted. Do you  
18 understand?

19           Ms. LANG: Yes, sir.

20           CHAIRMAN CLARK: Does anyone else have any  
21 comments they wish to make at this time, then I will have  
22 one last comment.

23           Ms. LANG: I would like to make a few comments, if  
24 I could.

25           CHAIRMAN CLARK: Certainly, go ahead.

1 Ms. LANG: I see that you have allowed for Mr.  
2 Wilman to have 10 more days for the motion to compel answers  
3 to objected questions.

4 CHAIRMAN CLARK: Right.

5 Ms. LANG: I would like to ask if you meant also  
6 for Prairie Alliance?

7 CHAIRMAN CLARK: Yes, I will grant the same to  
8 Prairie Alliance. Prairie Alliance gets the same 10 days.

9 Ms. LANG: Thank you.

10 I just want to say that we are trying to make a  
11 good faith effort. This is a citizens group acting without  
12 counsel, and we are acting to the best of our ability. We  
13 are trying to cooperate, and act in good faith. We are  
14 sorry for the inconveniences that might have occurred  
15 because of the fact that we are acting without counsel.

16 CHAIRMAN CLARK: That is fine. We appreciate your  
17 remarks. Please feel free to call us at any time you feel  
18 in doubt as to how you should proceed.

19 MR. GODDARD: This is Mr. Goddard.

20 CHAIRMAN CLARK: Yes, sir.

21 MR. GODDARD: I would like to ask Ms. Lang if she  
22 is able to give me a date certain as to when the Prairie  
23 Alliance will respond to the interrogatories which were  
24 served on the Prairie Alliance by the NRC staff, please.

25 Ms. LANG: Mr. Goddard, I would like to say that I

1 don't have a date at this time, but I believe to the best of  
2 our ability they will be out within the next two weeks. As  
3 I understand it, you have been very considerate in not  
4 pressing for immediate response. You have said at various  
5 times that it would be all right if we did not answer quite  
6 within the limit. I realize that it is over the limit. We  
7 concentrated during the time limit on answering IP's  
8 questions. We had a great deal of trouble dealing with them  
9 within the time constraint of one month. So it has been  
10 taking us that long, if not more, to answer the questions  
11 from the NRC also.

12 MR. GODDARD: The staff will hold its tongue for  
13 two weeks.

14 Ms. LANG: Thank you.

15 MR. FAZIO: If it is appropriate, I don't want to  
16 cut off anybody else, but I would hope that we might make  
17 use of having everyone in one place before the conference is  
18 concluded to try and arrive at a date for this meeting. It  
19 would just facilitate matters tremendously.

20 CHAIRMAN CLARK: Go right ahead.

21 MR. FAZIO: Mr. Goddard, perhaps you would like to  
22 suggest a date that would be convenient to staff, we have to  
23 start somewhere.

24 MR. GODDARD: What location are you looking to,  
25 Mr. Fazio.

1 MR. FAZIO: I am suggesting some place in  
2 Illinois, but within Illinois we would be willing either  
3 Chicago or Champaign, Urbana, Clinton, any place of that  
4 nature.

5 MR. GODDARD: I would like to ask Ms. Lang if  
6 Chicago would be convenient for the Prairie Alliance. We  
7 realize that there is a question of travel and funding.  
8 However, the NRC staff finds it much easier to get in and  
9 get out of a meeting in Chicago in a short period of time  
10 than in Champaign. If this is a hardship because of the  
11 number of people involved, and the cost, then of course we  
12 would come to Champaign-Urbana area.

13 Ms. LANG: As I understand it, the meeting is to  
14 discuss specific dates as to discovery; if that correct?

15 CHAIRMAN CLARK: That is right, and all aspects of  
16 discovery yet to be performed.

17 Ms. LANG: I would think that Chicago would be a  
18 satisfactory place. I am wondering if it is possible that  
19 this meeting could occur on a weekend. Is that not  
20 possible? Otherwise, if it could be on a Monday or Friday.

21 MR. FAZIO: Chicago and the weekend is acceptable  
22 to us. It would be up to the other parties.

23 MR. WILMAN: Chicago and the weekend would be  
24 acceptable to the State as well.

25 MR. GODDARD: On behalf of myself and Mr. Grimes,

1 I would much prefer to hold the meeting on a Monday or  
2 Tuesday, even if it meant moving the meeting to Champaign  
3 from Chicago, as opposed to holding a weekend meeting in  
4 Chicago. For the next few months, I have a small problem  
5 with the weekend inasmuch as I am in an Army Reserve Unit  
6 Commander, and devote an extensive amount of time to the  
7 military preparedness of the unit on weekends.

8           Ms. LANG: Let's say a Monday in Chicago, I think  
9 that that would be amenable to Prairie Alliance.

10           MR. GODDARD: Might I suggest Monday, September  
11 21st or 28th.

12           Ms. LANG: Either date would be all right.

13           MR. GRIMES: I would like to put in a vote for the  
14 21st as being the most desirable date for me.

15           MR. GODDARD: As a possibility, what about Monday  
16 the 14th, realize that it is short notice.

17           Ms. LANG: I think that would be too short notice  
18 for me.

19           MR. GODDARD: The 21st is acceptable to the NRC  
20 staff.

21           MR. FAZIO: We would be happy to host the meeting  
22 in our offices in Chicago on the 21st at whatever time would  
23 be convenient. I would suggest that if people want to  
24 travel up from downstate on Monday morning, or something, we  
25 probably should defer beginning until about 9 or 10:30.

1           MR. GODDARD: If you will standby, I will see if I  
2 an airline schedule. I think it would be quite practical  
3 for Mr. Grimes, myself, Mr. Williams, or all involved, to  
4 grab the first flight out of Midway Airport on Monday  
5 morning, and I am trying to find a schedule to give me those  
6 times.

7           MR. WILMAN: As to the two dates, I would prefer  
8 the 28th. I can make the 21st if that is the concensus of  
9 the parties.

10          MR. FAZIO: Mr. Grimes has indicated a preference  
11 for the 21st and, frankly, given the amount of slippage we  
12 have had so far in the discovery schedule, I guess I have an  
13 advantage in that I have a better idea of how many documents  
14 are sitting in boxes ready to be looked at, I would prefer  
15 going forward sooner rather than later.

16          MR. GODDARD: I believe we could make that any  
17 time, 10 o'clock or after. The scheduled arrival is 8:35  
18 a.m., Chicago time. So any time from 10 o'clock on should  
19 be good, absent actual flying delays.

20          MR. FAZIO: Then just to get things going, let me  
21 suggest 10 o'clock in our offices in the Sears Tower on the  
22 21st, and then maybe we can go around and see if that is  
23 acceptable.

24          Ms. LANG: I believe, as far as train schedule  
25 goes, 10:30 might be more easily reached for me.

1 MR. GODDARD: That is acceptable to the NRC  
2 staff.

3 MR. WILMAN: That is fine.

4 MR. FAZIO: We will look forward to having  
5 everyone here at the meeting to begin at 10:30. I would say  
6 to Mr. Goddard and to anyone else who find themselves here  
7 early that you should feel free to come whenever you get  
8 here. Our offices are in the Sears Tower, and if everyone  
9 would come to the 74th floor, and ask for me, then we will  
10 be able to usher you into a conference room.

11 In order to accomplish the most that we can, as  
12 many people will be travelling, we will also arrange to have  
13 lunch brought in so that we can work straight through.

14 MR. GODDARD: With regard to this meeting, might I  
15 also suggest that this would be an appropriate time to  
16 proceed to discussion and refinement or elimination of any  
17 contentions where parties feel that changes are in order  
18 based upon evidence which they might present informally to  
19 the other parties at that time, or on the basis of any  
20 changed circumstances since our prior meetings.

21 Ms. LANG: Is it all right if I leave it  
22 open-ended who exactly is going to attend for Prairie  
23 Alliance?

24 MR. FAZIO: Certainly, it is all right with us.

25 Ms. Lang, it would be helpful, however, from a



1 mechanical point of view, if you could let me know a day or  
2 two in advance as to how many people will be attending.

3           Ms. LANG: All right, I will give you the names  
4 and how many a few days beforehand.

5           MR. GODDARD: Mr. Grimes, Mr. Williams, would you  
6 both plan on attending this meeting?

7           MR. GRIMES: I will attend. Whether or not Mr.  
8 Williams will attend, we will have to determine later.

9           MR. GODDARD: Do you anticipate any other NRC  
10 staff members for planning purposes?

11          MR. GRIMES: I do not.

12          MR. GODDARD: Thank you.

13          MR. FAZIO: Mr. Goddard, will you be coming by  
14 yr rself, or will there be someone else from the Executive  
15 Legal Office?

16          MR. GODDARD: As of this moment, I expect to be  
17 coming alone. There is a new counsel who has been appointed  
18 as my back up on this case, for the record, and we will file  
19 a notice of appearance shortly. His name is J. M.  
20 Gutierrez, G-u-t-i-e-r-r-e-z. His phone number at the NRC  
21 is area (301)492-7453. Mr. Gutierrez will be participating  
22 in this case from this point forward.

23          Ms. LANG: I just have two questions to clarify.  
24 If I understand, I don't need to file a notice of appearance  
25 as counsel because I am not counsel.

1           CHAIRMAN CLARK: You are not counsel, and you are  
2 a member of the Prairie Alliance, so you will simply keep us  
3 notified that you are the spokesperson for the group, or if  
4 there is a change you will notify us of that, so we will be  
5 able to reach Prairie Alliance either with documents, or  
6 with telephone calls, and keep you in the swim of what is  
7 going on.

8           Ms. LANG: My second question would be to Mr.  
9 Fazio. Could you give me a date for when you expect the  
10 fuel loading date for Clinton to be?

11           MR. FAZIO: I think that the way we have done it  
12 now, the date you have heard of in 1983, which ranged from  
13 January until August, the current dates for fuel loading. I  
14 suspect that those dates may change and begin to firm up as  
15 time goes on, but that is the general range currently.

16           Ms. LANG: Thank you.

17           CHAIRMAN CLARK: Are there any other matters to be  
18 brought before this conference?

19           MR. GODDARD: There is one, Judge Clark, based  
20 upon your comments with regard to one portion of one  
21 contention. I trust that your reference was to Contention  
22 No. 7, subparagraph (a), dealing with the seismic  
23 situation.

24           CHAIRMAN CLARK: That is correct.

25           MR. GODDARD: Inasmuch as all parties are on the

1 line, it might be expeditious if I were to ask Ms. Lang at  
2 this time whether the Prairie Alliance is prepared to drop  
3 that contention based upon material which has been furnished  
4 them?

5 Ms. LANG: We would be willing to drop 7(a).

6 MR. FAZIO: Mr. Chairman, I guess I would ask for  
7 some clarification myself. We are prepared to put out a  
8 Motion for Summary Disposition, if that is the appropriate  
9 procedural ground to follow. Obviously, if it can be done  
10 by agreement without going through that trouble, we would  
11 appreciate it.

12 CHAIRMAN CLARK: I would hope so. I would hope  
13 that as a result of this meeting, certain items will be  
14 dropped by a Joint Motion by the parties, and I would hope  
15 that as further information comes in, when Prairie Alliance  
16 and Illinois have been able to review the documents which  
17 you have made available to them, that at a subsequent  
18 meeting between the parties you may find other items which  
19 can be dropped.

20 MR. FAZIO: Very well, based on that comment, we  
21 will be prepared somewhat in advance of the meeting on the  
22 21st with a written draft of Joint Motion which we would ask  
23 the parties to consider and be prepared to address at the  
24 meeting on the 21st.

25 CHAIRMAN CLARK: Good.

1           MR. FAZIO: One other point that I would raise  
2 now, and we would propose to handle it in the same fashion  
3 because we are hoping that we will be able to get agreement  
4 of all parties on it, and that is that we will circulate in  
5 the near future a document which proposes to sever the  
6 proceedings as between the two docket numbers, one of which  
7 applies to Unit 1 and the other of which applies to Unit 2,  
8 and then to stay the proceeding relating to Unit 2 until  
9 further notice given the realities of the situation where we  
10 have Unit 1 substantially completed, and the Unit 2  
11 substantially incomplete.

12           We are hoping to give everyone something to look  
13 at within the next week or so, and then hopefully we can  
14 reach agreement on something to go to the Board with at the  
15 meeting on the 21st.

16           CHAIRMAN CLARK: I think that is an excellent  
17 idea. If something of that sort is done, I suspect the  
18 Board will have to do something on their own motion. We  
19 can't render a decision now on an operating license for a  
20 plant that is not going to be operated for so many years  
21 away. So this is a very good idea.

22           I would like to take this opportunity to thank all  
23 members of this conference for their participation, and for  
24 their cooperation. I believe that we have made real  
25 progress, and I look forward to seeing the discovery proceed

1 at a much more rapid pace.

2 I also feel that it is highly desirable that the  
3 Board be kept informed of the progress that you make. You  
4 can do that one of several ways. We can have further  
5 telephone conferences. Or, one of you can make a periodic  
6 report to the Board as to progress, so that we have our  
7 fingers on the pulse of the situation.

8 MR. FAZIO: I would like to suggest, if I might,  
9 that Mr. Goddard serve that function.

10 CHAIRMAN CLARK: Mr. Goddard, would you undertake  
11 that?

12 MR. GODDARD: I just volunteered to do so.

13 CHAIRMAN CLARK: Good.

14 These reports should be not less often than once a  
15 month. Any milestone that you reach, if it is faster than  
16 that, we would like to know about it.

17 MR. GODDARD: All right, sir. I will do that, and  
18 I will trust that Mr. Fazio will remind me at the  
19 appropriate time when such reports to the Board are due.

20 CHAIRMAN CLARK: If there is nothing further to  
21 come before this conference.

22 Oscar, do you have anything further to say?

23 JUDGE PARIS: Nothing more.

24 CHAIRMAN CLARK: George.

25 JUDGE FERGUSON: Nothing to add at this time.

1                   CHAIRMAN CLARK: Then, this meeting stands  
2 adjourned.

3                   (Whereupon, at 10:20 a.m., the telephone  
4 conference was adjourned.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

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in the matter of: Illinois Power Co., Soyland Power Cooperative, Inc., and  
Western Illinois Power Cooperative, Inc. Oper Lic for Clinton Power Sta Units  
1 & 2.      Date of Proceeding: September 10, 1981

Docket Number: 50-460 OL and to-462 OL

Place of Proceeding: Washington, D. C.

were held as herein appears, and that this is the original transcript  
thereof for the file of the Commission.

Patricia A. Minson

Official Reporter (Typed)

*Patricia A. Minson*

Official Reporter (Signature)