

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



IN THE MATTER OF ILLINOIS POWER)
COMPANY, SOYLAND POWER COOPERATIVE,)
INC and WESTERN ILLINOIS POWER)
COOPERATIVE, INC.)
(Operating Licenses for Clinton)
Power Station, Units 1 and 2)

9,21/81

Dockets Nos. 50-461 OL
50-462 OL

PRAIRIE ALLIANCE MOTION TO COMPEL DISCOVERY

Pursuant to 10 CFR §2.740(f), Prairie Alliance ("P.A." or "Intervenor") hereby moves for an order compelling Illinois Power Company ("IP" or "Applicant") to respond to a number of interrogatories and requests to produce as set forth in PA's First Round of Discovery previously filed herein. In support of this motion, Intervenor states as follows:

1. On June 28, 1981 Prairie Alliance served its First Round of Discovery upon Illinois Power Company requesting answers to interrogatories and the production of documents pertaining to PA's Contention Nos. 1, 4, 6, 7, 11.

2. On July 27, 1981 IP served its "Response of Illinois Power Company to Prairie Alliance's First Round of Discovery" (hereafter "Response").

3. As more fully explained in the attached memorandum in support of this motion, IP has failed to respond to numerous interrogatories, has evasively or incompletely answered numerous others and has objected to a number of the interrogatories. Further, IP has failed to identify and produce documents specifically requested in PA's First Round of Discovery.

WHEREFORE, Prairie Alliance moves for an order as follows:

A. That IP be compelled to answer the interrogatories identified in the attached memorandum.

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B. That IP be compelled to list the documents identified in the attached memorandum.

C. For such other relief as may be appropriate.

Memorandum In Support of
Prairie Alliance's Motion to Compel

Introduction:

As required by 10 CFR §2.740(f), in the following memorandum PA sets forth a description of (1) the nature of PA's discovery request or the request itself, (2) IP's response or objection and (3) arguments in support of each discovery request for which PA seeks to compel a response.

At the outset, PA notes that, in general, IP's Answers to PA's first round of discovery are wholly unresponsive, sometimes evasive and often incomplete. Further, IP has failed in some instances to even state an objection to some requests for which it provides no response. As called for under the NRC's rules, PA treats such omissions as failures to respond. 10 CFR §2.740(f).

In response to PA's request for the production of documents identified in or relevant to the Interrogatories, IP repeatedly states that the "Documents are available for inspection at IP offices". While PA will avail itself of the opportunity to review such documents at IP offices, PA expressly reserves the right to move to compel the production of any such documents. Additionally, PA reserves the right to compel IP to identify by title, author, date and number of pages, all documents it requested in its First Round of Discovery and all those documents which IP has stated are "available for inspection" in response to each specific interrogatory. It may not be possible for PA to travel to IP offices for the length of time necessary to review all the documents relevant to PA's discovery requests. PA does have the right to know which documents in the control of IP are relevant to its stated discovery requests; IP has the obligation to produce the requested material. A listing or index of the documents requested for a particular interrogatory will at least allow PA to assess the potential magnitude of its task on a particular request, as well as, the feasibility of having IP reproduce any portion of the requested material.

PA reminds the Board that it is still acting without the benefit of counsel. Quite frankly, some of its members are working evenings and weekends in their contribution to this effort. It is impossible for these members to review documents at IP offices located over 35 miles from Champaign or during business hours only. An indexing of the requested material would be helpful in assisting these members and would partially fulfill IP's duty to produce the requested documents.

What follows immediately below is PA's motion to compel responses to specific interrogatories and its arguments in support of this motion.

Contention 1

PA Interrogatory No 2:

Provide all internal memoranda, studies and reports, including calculations, which analyze or determine the plume E.P.Z. and the ingestion E.P.Z. for the C.P.S.

IP Response:

The documents requested are available for inspection at the offices of Illinois Power.

Argument: PA adopts and incorporates here in their entirety the arguments of the General Remarks set forth above.

PA Interrogatory No 3:

Provide copies of all studies, reports, documents and internal memoranda which discuss, supplement or update the emergency plan delineated in the F.S.A.R.

IP Response:

The documents requested are available for inspection at the office of Illinois Power.

Argument: PA adopts and incorporates here in their entirety the arguments of the General Remarks set forth above.

PA Interrogatory No 4:

This interrogatory requests information concerning what provisions IP has made in its Emergency Plan (EP) for the effective termination of activities

at outdoor recreation facilities within the plume E.P.Z. and the ingestion E.P.Z. of the Clinton Power Station. In a list of subparagraphs (a)-(j), PA requests such information as the names of each facility for which the EP has made provision, the number of people expected to be involved in such actions, the number and qualifications of IP personnel expected to be involved in such actions, and the estimated time required to accomplish such actions.

IP Response:

"The specific information requested in subparagraphs (a)-(j) of Interrogatory No 4 concerns matters outside the scope of IP's emergency planning responsibility and authority." IP justifies this conclusion on the ground that its "primary responsibility" under 10 CFR Part 50, Appendix E, is to notify appropriate governmental agencies; "termination of activities at recreational facilities will be accomplished under the appropriate governmental agency's public notification system."

Argument: IP has totally failed to provide any of the information requested in this interrogatory. IP's justification for this is that emergency response actions pertaining to outdoor recreational facilities within the plume and ingestion E.P.Z.s are simply not its responsibility.

In response PA first contends that the requested information falls within that information needed to demonstrate compliance with the elements set forth below, i.e., organization for coping with radiation emergencies, assessment action, ... "10 CFR Part 50, App. E, IV. Additionally, Appendix E, Subpart IV specifically states that "the emergency response plans submitted by an applicant for an operating license shall contain information needed to demonstrate compliance with the standards described in 10 CFR 50.47(b). Among the standards included in §50.47(b) is subparagraph (10): "a range of protective actions (which) have been developed for the plume exposure pathway EPZ... and guidelines for the choice of protective actions for the ingestion exposure pathway EPZ...". Thus, information regarding recreational facilities within the plume and ingestion EPZs and the means by which protective actions are to be accomplished are clearly within the applicant's responsibility in demonstrating compliance with NRC regulations.

Secondly, assuming arguendo that implementation of protective actions at outdoor recreational facilities is not within IP's responsibility and authority, that information regarding it remains true. Under the NRC's rules of practice, such information, unless privileged, is discoverable and the applicant has a duty to respond. Such actions is certainly "relevant to the subject matter involved in the proceeding". 10 CFR §2.740(b). IP states no valid reason for its failure to produce the requested information--its only justification is that effectuating the actions about which the information is sought is allegedly not within its responsibility. Nevertheless, information concerning protective actions at outdoor recreational facilities within the plume and ingestion EPZs is most certainly available to the applicant. At a minimum, the applicant should be compelled to provide names of the governmental agency possessing such information and the names of agency personnel with whom it ^{has} had contact, if any, on this point so that a subpoena to persons or parties, pursuant to 10 CFR §2.740(f)(3), can be requested.

PA Interrogatory No 5:

This interrogatory requests information concerning what provisions IP has made in its EP for the implementation of emergency response action at "special facilities" such as schools, hospitals, nursing homes, and the like within the plume and ingestion EPZs. This interrogatory further requests a number of specific items such as the names of "special facilities" for which the EP has made provision, the number of people expected to be involved in such actions, etc. as in interrogatory No 4 above.

IP Response:

In its entirety, IP responded: "For the reasons explained in the Answer to Interrogatory No 4, the specific information requested in subparagraphs (a)-(j) of Interrogatory No. 5 concerns matters outside the scope of IP's emergency planning responsibility and authority."

Argument: PA adopts in their entirety its arguments set forth above in its response to IP's Answer to PA Interrogatory No 4.

PA Interrogatory No 6:

This interrogatory seeks information concerning what provision IP has

made in the EP for any severe weather conditions as may be expected to occur in the site vicinity and plume and ingestion EPZs throughout the year.

IP Response:

Since on-site emergency responses described in the Draft Emergency Plan can be carried out inside CPS buildings, they are not affected by severe weather conditions. With respect to off-site responses, for the reasons explained in the Answer to Interrogatory No 4, the specific information requested in subparagraphs (a)-(j) of Interrogatory No 6 concerns matters outside the scope of Illinois Power's emergency planning responsibility and authority.

Argument: PA adopts in their entirety its arguments as set forth above in its response to IP's Answer to Interrogatory No 4.

PA Interrogatory No 7:

This item requests information concerning any agreements IP has executed or intends to execute with state and local agencies in the area of emergency planning and responsive actions. PA requests the production of all such agreements plus copies of all IP communication with all such agencies.

IP Response:

All required letters of agreement with state and local agencies have been executed. The general agreements with ESDA and the Illinois Department of Conservation will be worked out in greater detail prior to the exercises referred to in the Answer to Interrogatory No 13(8). Other information requested by Interrogatory No 7 appears in the letter agreements, which are presented as Appendix B to the Draft Emergency Plan.

Argument: To the extent IP remains under an affirmative obligation to produce all the existing and intended letters of agreement, PA has no objection to IP's response.

PA does move to compel an answer to subparagraph (e) of interrogatory 7 which requests copies of all communication between IP and all such agencies related to the execution of the agreements. IP has totally failed to respond or state an objection to subparagraph (e) of this interrogatory.

PA Interrogatory No 9:

This requests information concerning the training plans for all accident assessment personnel and (what IP has labeled; the "Emergency Response Organization". The request is further described below in PA's arguments in support of its motion to compel.

IP Response:

IP responds generally that accident assessment personnel and the emergency response organization will be employees or contractors" of IP. IP provides the total number of persons who will have "some role in assessment, response or security". IP also provides an estimate of the dollar cost of "all training up to the time of fuel load," which includes some training activities not specific to emergency training. IP makes available for inspection the various training "manuals, lesson plans and other documents".

Argument: (1) PA moves to compel IP to respond in the first instance to subparagraph (b) of PA interrogatory 9 which requests when and how often training for accident assessment personnel will occur. (2) PA moves to compel IP to respond in the first instance to subparagraph (e) which requests IP to identify who will bear the cost of the training programs for accident personnel and the emergency response organization.

PA Interrogatory No 10:

This requests information concerning the emergency preparedness training of the security personnel at the CPS. Its requests inter alia, in subparagraphs (a)-(e), an identification of the personnel to be trained, the frequency of such training, the number of people involved and the cost of such training.

IP Response:

In its entirety, IP's response is as follows: "See the Answer to Interrogatory No 9."

Argument: PA moves to compel IP to respond directly to this Interrogatory as it has not even attempted to (1) identify as requested in subparagraph (a), by name or position, the security personnel for whom such training is planned; (2) as requested in subparagraph (b), state when and how often that training will be provided; (3) as requested in subparagraph (d), the number of security personnel involved in such training; (4) as requested in subparagraph (c), identify who, if anyone, will training local services personnel.

PA Interrogatory No 11:

This requests a description or outline and the production of documents of the radiological training program for local services personnel, including news media persons, as required by 10 CFR Part 50, Appendix E. In a series of subparagraphs, PA requests specific information concerning this aspect of IP's emergency plan.

IP Response:

In its entirety: "See the Answer to Interrogatory No 8."

Argument:

PA moves to compel IP to respond in the first instance to this interrogatory. IP has totally failed to provide any information responsive to subparagraphs (a), (b), (c), and (e). As to subparagraph (c), which requests IP to identify who will train local services personnel in emergency preparedness, PA moves to compel IP to state with more definiteness whether its answer to Interrogatory No 8 applies here, i.e. whether the Illinois ESDA will provide this training.

PA Interrogatory No 14:

This requests specific information concerning IP's preparedness for assessing isolation of the public from the plume and ingestion EPZs in case of an offsite or general emergency or other serious accident.

IP Response:

In its entirety: "For the reasons explained in Answer to Interrogatory No 4, the information requested concerns matters outside the scope of IP's emergency planning responsibility and authority."

Argument:

PA adopts its arguments set forth in its motion to compel IP to respond to PA Interrogatory No 4 above.

Contention 4PA Interrogatories Nos 1-36 and 50-63:

These interrogatories request information concerning whether IP has demonstrated that the CPS security plan complies with 10 CFR 73.55. They seek to elicit responses to measure whether specific items required by 10 CFR 73.55 have been included in IP's security plan.

IP Response:

"IP objects to Interrogatories 1-36 and 50-63 on the grounds that the information requested is beyond the scope of the admitted contention, and is therefore irrelevant.

PA Revised Contention 4 alleged that the FSAR 'does not give adequate assurance that all regulatory requirements have been or will be met prior to operation,' citing generally as follows: 'See, e.g., FSAR Regulatory Guide 1.17, Rev. 1.' In admitting this contention, the Board narrowed the general FSAR citation as follows: 'See FSAR, p. 1.8-25, Regulatory Guide 1.17, Revision 1.' Page 1.8-25 of the FSAR contains Illinois Power's project positions with respect to compliance with Regulatory Guide 1.17. Recognition of issues raised by specific project positions citing specific Regulatory Guide standards does not justify a general inquiry into every aspect of the CPS security plan."

Argument: PA moves to compel IP to respond to Interrogatories 1-36 and 50-63. IP Objection No 1 seeks, in effect, to limit all discovery on contention No 4 to its project positions as stated on page 1.8-25 of the FSAR. This objection rests on an assumption that is directly contrary to the Board's ruling of 5/29/81 in this proceeding.

PA revised contention No 4 was stated as follows:

Clinton Power Station should not be licensed to operate until IP has developed and demonstrated an adequate security plan which complies with 10 CFR 73.55. The FSAR does not give adequate assurance that all regulatory requirements have been or will be met prior to operation. See, e.g., FSAR Regulatory Guide 1.17, Rev. 1.

By its very terms, PA revised contention No 4 calls into question whether the CPS security plan meets the requirements of 10 CFR 73.55. The second sentence provides the factual basis for the contention, namely, the lack of demonstrated assurance of compliance with 10 CFR 73.55 in the FSAR, citing as an example, IP's project positions on Regulatory Guide 1.17, Rev. 1 at p. 1.8-25 of the FSAR. The gravamen of this contention is plainly

apparent: IP must develop, and demonstrate that it has done so, a security plan which complies with 10 CFR 73.55.

In its ruling dated 5/29/81, this Board ruled that: "This contention challenges the Applicant's security planning. This matter deserves consideration. The contention is allowed." (First emphasis supplied.) Thus, this Board recognized the plain meaning of PA revised contention No 4: "this matter," which deserves consideration, is "the Applicant's security planning," not merely the Applicant's project positions on Regulatory Guide 1.17, Rev. 1. Significantly, in the Appendix to the Board's ruling, the Board did not delete or rephrase the principle wording of PA revised contention No 4; instead the Board merely made a technical alteration in the cite to the FSAR which provides the factual basis for this contention. If this Board had desired to limit this contention to IP's project positions on Regulatory Guide 1.17, Rev. 1, it certainly could have rephrased Contention No 4 to reflect that desire, by, for example, deleting the first sentence of the contention and by moving the reference to FSAR p. 1.8-25 to the outset of the contention. The Board chose not to do so. Thus, IP's objection No 1 runs directly contrary to the plain meaning of the Board's ruling on Contention No 4 as allowed in this proceeding. Since PA's interrogatories nos 1-36 and 50-63 are directly related to the question of whether IP has demonstrated compliance with 10 CFR 73.55, they are directly relevant to Contention No 4 as admitted in this proceeding. PA therefore moves to compel answers to them.

PA Interrogatories Nos 39-41, 50, 51, 59, and 60:

These request information concerning (1) the electronic components purchased for the security system, (2) the breaches of security that were considered in preparation of the plant security system, and (3) the security program review required by 10 CFR 73.55 (g) (4).

IP Response:

"Objection No 2: IP further objects to Interrogatory Nos. 39-41, 50, 51, 59, and 60 on the grounds that the information requested (1) is not relevant, and (2) is exempted from disclosure under 10 CFR 2.790(d)(1), and disclosure is not necessary to a proper decision in this proceeding."

Argument:

(1) On IP's claim that these interrogatories are not relevant: In light of IP's Objection No. 1, which seeks to limit the discovery on Contention No. 4 to IP's project positions on Regulatory Guide 1.17, Rev.1, IP's claim of irrelevance borders on bad faith. Interrogatories No. 39-41 specifically seek information concerning the electronic components for which IP does not intend to meet the Regulatory Guide. IP cannot argue in good faith that on the one hand, Contention No. 4 is limited to the matter raised on FSAR p. 1.8-25 and then on the other hand, that discovery directly aimed at those matters is either irrelevant or unnecessary to a proper decision in this proceeding. In any event, PA moves to compel IP to answer Interrogatories No. 39-41, 50, 51, 59, and 60 on the ground that (1) these interrogatories are relevant to the question of IP's compliance with 10 CFR 73.55 and (2) Nos. 39-41 are relevant to FSAR p. 1.8-25 cited in the contention.

(2) On IP's claim that the information is exempted from disclosure under 10 CFR 2.790(d)(1): the NRC rules of practice specifically require that a failure to answer or respond not be excused on the ground that the discovery sought is objectionable unless the party failing to answer has applied for a protective order. (10 CFR 2.740(f)(1)). In the absence of such an application, which would state the "good cause" upon which the application is based, it is impossible to respond to IP's claim of confidentiality on Interrogatories No. 39-41, 50, 51, 59, and 60. PA therefore moves that IP's objection No. (2), ground (2) be overruled due to IP's failure to either answer or reply for a protective order as required by 10 CFR 2.740(f)(1).

Contention 6PA Interrogatory No 1:

Describe and provide IP's, BWR Owners' Group's, and any other research and studies pertaining to the CPS central water level monitoring system.

IP Response:

Studies have been performed by GE and the BWR Owners' Group with respect to the requirements contained in NUREG-0660, NUREG-0694, and NUREG-0737. These studies have verified the reliability and adequacy of the BWR water level monitoring instrumentation system. Relevant documents are available for inspection at the offices of IP.

Argument:

PA adopts and incorporates here, in their entirety, the arguments in paragraph 3 of the introduction of the memorandum, set forth above.

PA Interrogatory No 2:

What has IP done to address the need for level monitoring to the dome in BWRs? Provide relevant documents.

IP Response:

The reactor water level monitoring system presently provided on CPS is capable of measuring reactor water level up to the dome. The shutdown range indicator provides this capability. Documents discussing the shutdown range level instrumentation and other relevant documents are available for inspection at the offices of IP.

Argument:

PA adopts and incorporates here, in their entirety, the arguments in paragraph 3 of the introduction of the memorandum, set forth above.

PA Interrogatory No 3a:

What instrumentation is proposed for detecting inadequate core cooling in case of an abnormal occurrence? Provide relevant documents.

IP Response:

The installed reactor vessel water level instrumentation, as described in CPS FSAR Sections 7.4 and 7.5, will be used for detecting inadequate core cooling. Other relevant documents are available for inspection at the offices of IP.

Argument:

PA adopts and incorporates here, in their entirety, the arguments

in paragraph 3 of the introduction of the memorandum, set forth above.

PA Interrogatory 3c:

If so, describe and provide the tests and studies which have been conducted pertaining to the efficiency of this instrumentation.

IP Response:

The GE tests and studies concerning water level instrumentation are not in the possession, custody, or control of IP. They are in the possession of GE.

Argument:

Even though GE has possession of these documents, if IP has access or control of these documents, Intervenor requests that IP obtain them and make them available to Intervenor.

PA Interrogatory 3d:

Does IP plan on following the NRC's recommendation of further instrumentation, specifically incorporation of core-exit thermocouples, for BWR's? If so, provide the documents and studies justifying ip's position, and also other relevant documents and studies.

IP Response:

It is IP's understanding that the NRC is still reviewing the question of incore thermocouples for BWR's. See NUREG-0519, "Safety Evaluation Report Related to the Operation of LaSalle County Station Units 1 and 2," dated March, 1981. Since installation of incore thermocouples is not required by the NRC, IP does not currently plan to install them. Also, as discussed in response to Interrogatory No. 3a above, the instrumentation provided at CPS is full capable of detecting inadequate core cooling. Relevant documents are available for inspection at the offices of IP.

Argument:

In regard to the relevant documents, PA adopts and incorporates here, in their entirety, the arguments in paragraph 3 of the introduction to the memorandum, set forth above.

PA Interrogatory 4b:

If so, how will this qualify as a direct monitoring instrument? Provide documents explaining the acoustical monitoring system and how it qualifies as a direct monitoring system, if it does.

IP Response:

NUREG-0737 requirement II.D.3 states: "Reactor coolant system relief and safety valves shall be provided with a positive indication in the control room derived from a reliable valve-position detection device or a reliable indication of flow in the discharge pipe." (emphasis added) The acoustical monitoring system ("AMS") purchased for the safety/relief valves at the CPS will satisfy this requirement by providing a reliable indication of flow in the discharge pipe. The AMS for the CPS is described in the specification and proposal utilized in the procurement of this system and other related correspondence. Relevant documents are available for inspection at the offices of IP.

Argument:

PA adopts and incorporates here, in their entirety, the arguments in paragraph 3 of the introduction to the memorandum, set forth above.

PA Interrogatory 4c:

Have any studies been made to assure that reliability and accuracy can be maintained, given specific conditions of BWR, for instance, core vibration that could result in deterioration of devices and/or spurious signals? If so, describe and provide such studies. If not explain why not.

IP Response:

Since 1978, Technology for Energy Corporation ("TEC") has been performing research for the Electric Power Research Institute ("EPRI") in Research Project 1246 entitled "Acoustic Monitoring for Power Plant Valves." In May 1979, the scope of that project was amended to include "Extended Relief and Safety Valve Monitoring." As part of the amended scope, TEC performed tests on various types of relief and safety valves. TEC's measurements showed that acoustic monitoring can unequivocally indicate valve position. The project verified that it is possible to differentiate positively between ordinary background noise in the plant when a valve is shut and the higher level of noise when steam is flowing through it. The technique was shown to be sufficiently sensitive that a clear distinction can be made even when the valve is slightly open. Due to the success of this test program, acoustical monitoring systems similar in design to the one to be used at the CPS have been supplied to approximately 20 operating nuclear power station units.

Argument:

IP should provide documents referred to in this interrogatory, "Acoustic Monitoring for Power Plant Valves" and "Extended Relief and Safety Valve Monitoring," as requested in Intervenor's Interrogatory 4c.

PA Interrogatory 6a:

Describe fully the planned instrumentation for monitoring accident conditions.

IP Response:

All currently planned instrumentation for monitoring accident conditions except the post-accident sampling system, is described in CPS FSAR Chapters 7, 11, and 12. The post-accident sampling system is described in the specification and proposal utilized for its procurement and other related correspondence. Relevant documents are available for inspection at the offices of IP.

Argument:

In regard to relevant documents, PA adopts and incorporates here, in their entirety, the arguments set forth in paragraph 3 of the introduction above.

PA Interrogatory 6b:

Provide documentation of in-house, industry and contractor studies that relate to IP's compliance to NRC directives of additional instrumentation for monitoring accident conditions (the installing of extended range monitors and improving post-accident sampling capability). Provide the substance of design changes.

IP Response:

Relevant documents are available for inspection at the offices of IP.

Argument:

In regard to relevant documents, PA adopts and incorporates here, in their entirety, the arguments set forth in paragraph 3 of the introduction above.

PA Interrogatory 7:

Describe and provide any IP, BWR Owner's TMI Group, or contractor studies to identify and correct control room design deficiencies.

IP Response:

Relevant documents are available for inspection at the offices of IP.

Argument:

Same as for 6a.

PA Interrogatory 8:

Describe and provide any in-house, industry, or contractor evaluations as to control room design and instrumentation and their interaction with human factors.

PA Interrogatory No 8:

This interrogatory seeks information regarding the emergency procedures training to be provided for local services personnel. In a series of subparagraphs, PA requests IP to identify, by agency or organization, the local personnel for whom training is planned, who will train these personnel, the frequency of the training, and the cost involved. PA also requests IP to provide documentary evidence of the training programs.

IP Response:

IP identifies the documents in which its training programs are described. IP's response then outlines in very general terms the "focus" of the planned training and further states that (1) "a consultant" will provide training for physicians and medical personnel; (2) the Illinois Emergency Services and Disaster Agency (ESDA) will carry out general training for off-site emergency response agencies; (3) "periodic drills" are planned for the "many independent organizations" that will participate in emergency activities and (4) "The number of personnel involved in each training activity will depend on the type of training provided, the existing experience and qualifications of personnel, and the off-site agency itself."

Argument: (1) PA moves that IP be compelled to produce, as previously requested, the documents identified in IP's answer, namely, the "Draft Emergency Plan", "CPS Procedure No. OAP 1102.32N, Emergency Plan Training" and the "Lessons plans" IP has developed to date. (2) PA moves that IP be compelled to answer subparagraph (a) as IP has totally failed to identify the agencies for whom training is planned. (3) PA moves to compel a more specific answer to subparagraph (b) as IP has failed to state the dates and frequency of the planned training. (4) PA moves to compel a more specific answer to subparagraph (d) as IP has failed to provide any of the information requested concerning the number of people involved in the training. IP's general "it depends" response is completely unresponsive and unhelpful. (5) PA moves to compel IP to respond in the first instance to subparagraph (e) as IP has totally failed to answer the request for information concerning the cost of such training including the identification of who will be responsible for such costs.

- (b) State whether Illinois Power Company wishes to increase the radiation levels in lockout zones. If so, state the amount by which Illinois Power Company wishes to increase such levels (over the level specified in 10 CFR 20.203) and the reasons why the Company wishes to increase such levels.
- (c) State the type of Administrative controls which will be utilized to insure the safety of plant workers if an exception from 10 CFR 20.203 is granted. Include in your answer the name(s), address(es), and qualifications of the person(s) who formulated the Administrative Controls.
- (d) State whether the administrative controls referred to in 9.9(c) have ever been tested. If so, state the date and location of any such tests, and the name(s), address(es), and qualifications of the person(s) who formulated and/or administered, and/or evaluated such tests.
- (e) State what is meant by "radiation levels requiring locking." Include in your answer an explanation of locking, and state what level of radiation requires locking.
- (f) State the maximum amount of time that plant workers or personnel will be allowed in any lockout zone or area where radiation levels require locking.
- (g) State in detail the location of any lockout zone or area where radiation levels require locking. Include a map of such areas in relation to the rest of the plant.

IP Response:

Illinois Power objects to Interrogatory No. 9.9 on the grounds that the information sought is beyond the scope of the admitted contention, and is therefore irrelevant. The information requested in Interrogatory No. 9.9 does not relate to the accuracy of ARMs or the number or sensitivity of CAMs. The information requested relates to precautionary procedures under 10 C.F.R. §20.203. Prairie Alliance revised Contention 13(a), which raised issues concerning compliance with 10 C.F.R. §20.203, was specifically rejected by the Board in its Order of May 29, 1981.

Argument:

This question is within the scope of Contention 9, as it involves a question of occupational safety (and e) particularly because IP seeks an exception to the normal safety standard in lockout zones as set forth in 10 CFR 20.203.

PA Interrogatory 9.10:

In reference to CPS FSAR page 1.8-161(3) concerning deviations from positions stated in the Regulatory Guide:

- (a) State the nature of any deviations from the Regulatory Guide specified in CPS FSAR, page 1.8-161(3), and explain why such deviations are justified.
- (b) State the name(s), address(es), and qualifications of the person(s) who formulated and/or approved any procedures deviating from the Regulatory Guide.

IP Response:

Illinois Power objects to Interrogatory 9.10 on the grounds that the information sought is beyond the scope of the admitted contention, and is therefore irrelevant. The information requested in Interrogatory No. 9.10 relates to the use of pressure gauges instead of transmitters at instrument read-out locations. The information requested does not relate to the accuracy of the ARMs or the number or sensitivity of CAMs.

Argument:

Contention No. 9, while specifically mentioning radiation monitoring equipment, is not limited thereto. The contention states that "the FSAR does not adequately consider occupational radiation exposure." The information requested in this interrogatory relates to occupational radiation exposure and is, therefore, within the scope of contention 9, in spite of being monitored by pressure gauges rather than by monitors.

Contention 11Interrogatory 11.1:

In reference to CPS FSAR 12.3.4.4.2.1 page 12.3-24:

- (a) State the highest and lowest anticipated radiation levels at CPS, the method by which such levels were computed, and the name(s), address(es), and qualifications of the person(s) who made the computations.
- (b) State what is meant by the "sufficient margin" mentioned on page 12.3-24 in the second paragraph.

- (c) State the method by which "a sufficient margin" is determined, and the qualifications and job titles of the person(s) who would make such a determination.
- (d) Identify and attach any documents or other papers relating to the determination of a sufficient margin.

IP Response:

Illinois Power objects to Interrogatory No. 11.1 on the grounds that the information requested is beyond the scope of the admitted contention, and is therefore irrelevant. The issues raised under Contention 11 concern the effects of low level radiation releases from the CPs. Interrogatory 11.1 requests information concerning occupational radiation exposures at the CPS site. Although Contention 9 relates to occupational radiation exposures, the information requested in Interrogatory 11.1 is also beyond the scope of Contention 9 for the reasons set forth in the Answer to Interrogatory Nos. 9.1-9.3.

Argument:

PA adopts and incorporates here the remarks set forth in its argument to IP's response to Interrogatory 9.1-9.3 as set forth above. We note that Contention 9 requests that "the CPS should not be licensed to operate until applicants have demonstrated that radiation exposure levels will be maintained ALARA as required by 10 CFR 20.1"

If it is acceptable to the Board for PA to request a demonstration of ALARA radiation levels, then certainly it is reasonable to ask by what methods the demonstration was arrived at. Hence the Interrogatory 11.1 is within the scope of Contention 9 and 11.

Since the Board accepted Contention 11 as distinct from Contention 9, IP's response, using their objections to 9 as objections to 11, should not exclude the particular interrogatories of Contention 11.

IP has not answered a request for a clarification of its own term "sufficient margin" from FSAR 12.3-24. Further, if the name, qualifications and job title are supplied in fulfillment

of the answer to general interrogatory No. 3, then that employee presumably has made the necessary calculations establishing ALARA and "sufficient margins."

PA therefore moves to compel IP to answer to Interrogatory No 11.

PA Interrogatory 11.1:

In reference to estimated population doses of radiation:

- (a) State the method by which estimated population doses were calculated. Include in your answer the name(s), address(es), and qualifications of the person(s) making such calculations.

IP Response:

Illinois Power objects to Interrogatory No. 11.2(a) on the grounds that the information requested is beyond the scope of the admitted contention, and is therefore irrelevant. Prairie Alliance Revised Contention 15 contained five subparagraphs relating to low-level radiation releases. Three of these subparagraphs were admitted; the first addressed the consideration of releases from CPS Unit 2 in estimating population doses, the second addressed the validity of estimates used in calculating atmospheric effluents, and the third addressed the consideration of the effects of low-level releases in the cost-benefit analysis of the Environmental Report.

Interrogatory No. 11.2(a) requests general information concerning the calculation of estimated population doses. It is not limited to information concerning anticipated releases from CPS Unit 2, and it therefore exceeds the scope of the admitted contention.

Argument:

Contention 11(a) is limited to estimates of population dosage of gaseous effluents from CPS Unit 2. The information requested is relevant to this contention since it requests the method of calculation of such release. The fact that such calculations would also apply to Clinton Unit 1 does not make such a request irrelevant. A discovery request must be related to the matters in controversy.

PA Interrogatory 11.2(b):

State whether gaseous effluents from Clinton Unit 2 were considered in the above calculation. If not, state the reasons why Clinton Unit 2 should not be used in such calculations.

IP Response:

Gaseous effluents from Clinton Unit 2 were not presented in the FSAR. However, if Clinton Unit 2 doses were considered, the radiological consequences would be similar to those estimated for Unit 1.

Argument:

IP does not answer the second part of the question, "If not, state the reasons why Clinton Unit 2 should not be used in such calculations." A statement that the radiological consequences would be similar to those for Unit 1 is not a reason not to include such figures in calculations.

PA Interrogatory 11.3:

In reference to CPS FSAR page 1.8-20, Regulatory Guide 1.111, concerning the calculation of atmospheric effluents of routine releases:

- (a) Describe in detail the methods used in the calculation of such effluents. Include in your description the name(s), address(es), and qualifications of the person(s) who made such calculations.

IP Response:

Illinois Power objects to Interrogatory No. 11.2(a) on the grounds that the information requested is beyond the scope of the admitted contention, and is therefore irrelevant. Interrogatory No. 11.3(a) requests general information concerning the calculation of atmospheric effluents. It is not limited to information concerning the validity of estimates used in such calculations, and it therefore exceeds the scope of the admitted contention.

Argument:

PA adopts and incorporates here the remarks set forth in its argument to IP's response to Interrogatory 9.1-9.3 and 11.1 as set forth above.

IP Response:

Relevant documents are available for inspection at the offices of IP.

Argument:

Same as for 6a.

PA Interrogatory 9:

Describe the criteria used to arrange the physical layout of instruments and control panels in the control room. Include descriptions of any accessibility problems.

IP Response:

The criteria used to arrange the physical layout of instruments and control panels in the control room are described in documents available for inspection at the offices of IP. No accessibility problems have been noted.

Argument:

In regard to relevant documents, same as 6a.

Contention 9PA Interrogatory 9.1 - 9.3:

In reference to CPS FSAR IL 3.4.1 concerning the design objectives of the Area Radiation Monitor (ARM), state what is meant by "maintaining exposure to personnel As Low As is Reasonably Achievable." (ALARA) Include (but do not limit your answer to) the radiation level in millirems per hour which Illinois Power considers ALARA, and the method by which such a level was calculated.

Identify the person or persons who determined the level of radiation which Illinois Power considers ALARA. As to each person, state their name, address, and qualifications (including educational and occupational experience).

Identify all documents connected in any way with the determination of the ALARA level, and attach a copy of each such document.

IP Response:

Illinois Power objects to interrogatory Nos. 9.1 through 9.3 on the grounds that the information sought is beyond the scope of the admitted contention, and is therefore irrelevant. Prairie Alliance Revised Contention 13 contained five subparagraphs relating to maintenance of occupational radiation exposure levels "as low as reasonably achievable" ("ALARA"). Only two

of these subparagraphs were admitted; one addressed the accuracy of area radiation monitors ("ARMS"), and the other addressed the number and sensitivity of continuous air monitors ("CAMS"). The selective admission of two narrowly defined issues relating to the adequacy of radiation monitors does not justify a general inquiry into all potential ALARA issues.

The definition of ALARA requested in Interrogatory 9.1 is set forth in 10 C.F.R. §50.34a(a). ALARA means "as low as is reasonably achievable taking into account the state of technology, and the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to the utilization of atomic energy in the public interest.

A definition of ALARA cannot be provided in terms of an exposure rate in millirems per hour because the concept of ALARA is based on maintaining cumulative exposure "as low as is reasonably achievable." Similarly, it is not feasible to calculate an ALARA "radiation level." Therefore there are no persons responsible for, or documents connected with, calculations of an "ALARA level."

Argument:

While IP does give the definition of "as low as reasonably achievable" (ALARA) from 10 C.F.R. §50.34a(a), intervenor requests to know how IP interprets this standard and how it is applied in the design of the area radiation monitors (ARM'S). Such a question is within the scope of Contention 9, which begins "the CPS should not be licensed to operate until applicants have demonstrated that radiation exposure levels will be maintained as-low^was-reasonably-achievable as required in 10 CFR 20.1"

Applicants state in their response to 9.2 that there is no "radiation level." While this term may not be scientifically accurate, it should be kept in mind that intervenors are not experts in this field. Intervenor is seeking to determine by this interrogatory what the average expected cumulative exposures will be, how the ARM will be used to control such exposure and who is responsible for making decisions and maintaining levels of exposure.

The same argument applied to the request for documents in 9.3. While the precise language may not be accurate, the nature of the information requested is now clear and within the scope of Intervenor's Contention No. 9.

PA Interrogatory 9.5(d):

Identify and attach all documents and other papers which are connected in any way with the accuracy of the ARM.

IP Response:

Relevant documents are available for inspection at the offices of Illinois Power.

Argument:

Same as reply to No. 6 in Contention 7.

PA Interrogatory 9.6(a):

State the frequency or amount of monitoring which Illinois Power considers to be "minimum monitoring."

IP Response:

A continuous air monitor ("CAM") by definition samples continuously. The reference to "frequency" or "amount" is therefore unclear.

Argument:

This interrogatory was intended to elicit information regarding the number of monitors in a given area.

PA Interrogatory 9.6(b):

State the method of calculation and the name(s), address(es), and qualification(s) of the person(s) making the calculation.

IP Response:

The request for "method of calculation" is unclear. Since monitoring is continuous, there is no calculation of monitoring "frequency" or "amount," nor is there any reference to calculations in the relevant FSAR sections.

Argument:

Intervenor is requesting the method for determining how many monitors will be placed within a given area.

PA Interrogatory 9.8:

In reference to CPS FSAR 12.3.4.5.1.1. concerning representative samples:

- (a) State the method by which representative sampling will be performed in worker occupied zones, ventilation ducts, and other areas.
- (b) If the method(s) listed in 9-8(a) deviate in any manner from the recommendations of the A.N.S.I. Guides, state the nature of each such deviations and the reason for each such deviation. If Guides other than the A.N.S.I. Guides were used, identify the guide(s) used.
- (c) State the reasons why any deviation from A.N.S.I. guides are justified.
- (d) State the name(s), address(es), and qualifications of the person(s) responsible for formulating the method by which random sampling would be performed.
- (e) Identify and attach all documents or other papers connected in any manner with the method of representative sampling at CPS.

IP Response:

Illinois Power objects to Interrogatory 9.8 on the grounds that the information sought is beyond the scope of the admitted contention, and is therefore irrelevant. The information requested in Interrogatory No. 9.8 does not relate to the accuracy of the ARMS or the number of sensitivity of CAMS.

Argument:

This interrogatory is within the scope of Contention 9. The relevant part of Contention 9 states: "The FSAR does not adequately consider occupational radiation exposure to be expected from either the normal operation of CPS Units 1 and 2 or that which may occur during an abnormal occurrence or serious accident." Interrogatory 9.8 is aimed at eliciting information on methods of insuring occupational safety in worker occupied zones, etc.

PA Interrogatory 9.9:

In reference to CPS FSAR page 1.8.-161 (2) concerning Illinois Power Company's request for an exception from 10 CFR 20.203:

- (a) State the reasons why Illinois Power Company is justified in seeking an exception from 10 CFR 20.203.

PA Interrogatory 11.3(b):

State why "conservative estimates considered here are unnecessary" (CPS FSAR page 1.8-20).

IP Response:

Regulatory Guide 1.111, Position C.3.a., allows the actual half-lives of the radionuclides to be used, thereby precluding the need for estimates.

Argument:

Contention 11.3(b) states: The methods used to calculate atmospheric effluents of routine releases are inadequate in that conservative estimates were not, but should have been used by IP. This contention involves both the method of calculation and the estimate. The estimates alone have little meaning without knowing how such estimates are actually used. The method of calculation is, therefore, relevant to the contention.

PA Interrogatory 11.4:

In reference to CPS FSAR page 1.8-169, Regulatory Guide 8.19, concerning dose assessments:

- (a) State whether records of review procedures, documentation requirements, and identification of principal ALARA related changes resulting from the dose assessment will be included in the assessment. If not, explain why not in detail.
- (b) If the items in 11.4(a) are not to be included in the assessment, state the name(s), address(es), and qualifications of the person(s) who determined that such items should not be included in the dose assessment.

IP Response:

Illinois Power objects to Interrogatory No. 11.4 on the grounds that the information requested is beyond the scope of the admitted contention, and is therefore irrelevant. Interrogatory No. 11.4 requests information concerning occupational dose assessments, not the effects of low-level radiation releases. Although Contention 9 relates to occupational radiation exposures, the information requested in Interrogatory 11.4 is also beyond the scope of Contention 9 for the reasons set forth in the Answers to Interrogatory Nos. 9.1-9.3.

Argument:

PA refers to its argument to IP's answer to Interrogatory 11.1 and PA's argument to IP's answer to 9.1-9.3 to move to compel IP to answer interrogatory 11.4.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF ILLINOIS POWER)	
COMPANY, JOYLAND POWER COOPERATIVE,)	
INC. and WESTERN ILLINOIS POWER)	
COOPERATIVE, INC.)	Docket Nos. 50-461 OL
)	50-462 OL
(Operating Licenses for Clinton)	
Power Station, Units 1 and 2))	

NOTICE

TO: Hugh K. Clark, Esq. Chairman
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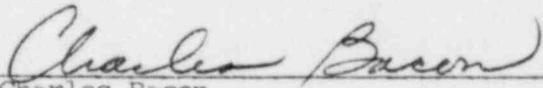
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in each case by deposit in the United States Mail, postage prepaid on September 21,
1981.



Charles Bacon
A Representative for Prairie Alliance

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing document was served upon the following:

Peter V. Fazio, Jr.
Schiff, Hardin & Waite
7200 Sears Tower
233 South Wacker Drive
Chicago, IL 60606

and three conformed copies of the foregoing document were filed with the following:

Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Docketing and Service Branch

and that one copy of the foregoing document was served upon each of the following:

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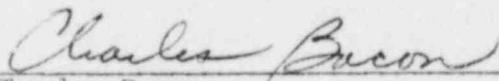
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PLEASE TAKE NOTICE that I today served upon Illinois Power Company, and have filed with the Secretary of the United States Nuclear Regulatory Commission a Motion to Compel in the above captioned matter. A copy of this document is attached hereto and hereby served upon you.

Dated: Sept. 21, 1981.



Charles Bacon
A Representative for Prairie Alliance