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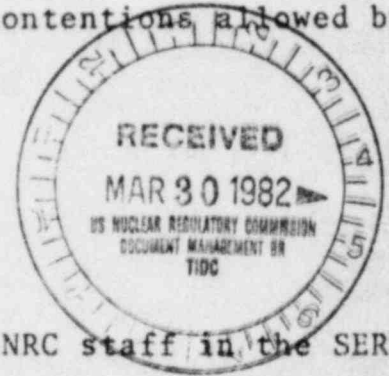
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION '82 MAR 30 AM 10:07

IN THE MATTER OF:)
ILLINOIS POWER COMPANY, et al) Docket No. 50-461 OL
(Clinton Power Station, Unit 1))

PRAIRIE ALLIANCE'S PROPOSED
SUPPLEMENTAL CONTENTIONS

INTRODUCTION

On March 17, 1982, this Board, by oral order entered during a conference call, granted PRAIRIE ALLIANCE leave to submit proposed supplemental contentions. In accordance with said Order, PRAIRIE ALLIANCE respectfully submits the following contentions in supplementation of those contentions allowed by this Board's Order of May 29, 1981.



PROPOSED SUPPLEMENTAL CONTENTIONS

1. BEYOND BASIS ACCIDENTS

Neither the Applicant nor the NRC staff in the SER or DES disclose what measures have been taken or are planned to assure public health and safety in the event of "beyond design basis accidents", formerly known as "Class 9" accidents, especially as regards additional safety features and such cases as might warrant such features.

2. ALTERNATIVES

The Applicant and staff fail to comply with the National Environmental Policy Act of 1969, in that there is

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inadequate consideration of alternatives to the nuclear plant. The DES and SER present no examination or disclosure as to the economic and environmental improvements in coal, conservation, solar and wind energy technologies from the time of construction permit to the present.

3. NEED FOR FACILITY AND PRODUCTION COSTS

The Applicant and staff inaccurately assess the need for the facility and production costs of same in that they (a) grossly overestimate the expected average annual rate of growth in electricity consumption; (b) fail to adequately consider all costs of the nuclear plant, including backfitting and other safety modifications requiring capital expenditures, costs of repair, and/or decommission and/or decontamination, and/or purchase of replacement electricity in event of accidental occurrence, such as Three Mile Island (1979), Browns Ferry (1975), or Indian Point (1980-1981), or costs of nuclear waste disposal; and (c) overestimate the reliability and performance of the plant. See DES, Chapter 2.

4. GENERAL ELECTRIC WITHDRAWAL FROM MARKET

General Electric recently announced that it will withdraw from the nuclear hardware market. The effects of this withdrawal have not been considered by the Applicant nor the staff. This withdrawal is especially germane in light of Applicant's lack of experience in operating nuclear plants and its future needs relative to plant servicing and design modifications mandated by present and future Commission regulations and orders.

5. SYSTEMS INTERACTION

The Applicant and the NRC staff inadequately consider the interaction of systems installed by engineers with differing functional specialties, such as civil, electrical, mechanical and nuclear. The SER reveals that the Applicant has not yet described a comprehensive program that separately evaluates all structures, systems and components important to safety for the three categories of adverse systems interaction (spatially coupled, functionally coupled and humanly coupled). These problems are especially significant in light of Applicant's quality assurance and quality control problems during construction of the Clinton Plant.

6. HYDROGEN CONTROL

The Applicant and staff fail to adequately protect against hydrogen accumulation and hydrogen explosions or burns in the Clinton reactor. No system has yet been installed. There is no consideration of the continuity of GE'S role in the owner's group formed to evaluate the hydrogen concerns for Mark III containments, in light of GE'S announced withdrawal from the nuclear marketplace.

7. PSYCHOLOGICAL STRESS

The Applicant and the NRC staff fail to adequately consider the psychological stress and trauma, and mitigation thereof, which will be experienced by persons residing in DeWitt and surrounding counties caused by: (a) the operation of the Clinton Plant; (b) emissions of radioactivity, accidental and

planned, by the plant; (c) transportation of spent nuclear fuel from the plant through said communities; (d) on site storage of spent nuclear fuel; (e) possibility of future accidents involving occurrences, design basis accidents and beyond design basis accidents, including, but not limited to, events such as the 1979 TMI near meltdown; and (f) emergency and/or evacuation planning.

8. SOCIOECONOMIC EFFECTS

The economic and social effects of station operation have not been adequately assessed and considered by the Applicant or the NRC staff, nor have appropriate actions been taken to mitigate the following adverse socioeconomic impacts.

A. The impact of Applicant's ownership of over 15,000 acres of land in DeWitt County, a rural county in which land ownership has significant meaning in the community social structure and personal values. For example, impact of county dependency on Applicants for funding community services without proper development of community participation in said funding.

B. Impact of Illinois Power's withdrawal from the county after decommissioning of the Clinton Power Station.

C. Impact of over 500,000 visitors per year to Clinton Lake and as many as 20,000 visitors per weekend at peak time.

D. Impact of alteration and recreational opportunities in the area caused by creation of Clinton Lake, including:

(1) Drastic loss of timberland and forest land in DeWitt County, which has lead to a loss of hunting days per year.

(2) A permanent loss of days of stream fishing in the area.

(3) The effects upon local residents caused by these changes in recreational opportunities from free open use of forestland and streams to the more structured and controlled recreation at Clinton Lake.

E. Effects of recreational tourism on Clinton area, including: crowding, littering, vandalism, road and traffic problems caused by boats and trailers and forest fires.

F. Impact of reallocation of Illinois Department of Conservation funds from other recreational areas to the Clinton Lake, especially the impact on the nearby Weldon Spring State Park.

G. Impact of plants closing which may lead to a redefinition of land use of the plant site.

H. The impact of over 100 more people (plant employees) commuting to Clinton from Decatur upon transportation and social service facilities in DeWitt County.

MEMORANDUM IN SUPPORT OF PROPOSED SUPPLEMENTAL CONTENTIONS

All contentions are proffered herein on the basis of newly discovered information or the contents of the Staff's SER and DES. New information may justify admission of late filed contentions. Cincinatti Gas and Electric Co. (Zimmer Nuclear Station), 10 N.R.C. 213 (1979). These contentions should be admitted under 10 C.F.R. 2.714(a)(1) because:

(i) there is good cause for the failure to file these contentions previously, as the information was not then available or did not then exist;

(ii) there are no other means to address this issue, since this is a situation involving an applicant with no previous nuclear operating experience which hopes to operate a reactor which no one has operated as of yet. If not addressed through these licensing proceedings, it will be too late to explore the ramifications of all issues presented;

(iii) PRAIRIE ALLIANCE'S participation on these issues can reasonably be expected to assist in developing a sound record. PRAIRIE ALLIANCE intends to produce witnesses and/or cross examine those of the applicant relative to said issues. As the Staff in its SER and DES has not demonstrated that it will adequately delve into these areas, the record will be developed by PRAIRIE ALLIANCE'S and the State's efforts herein;

(iv) as neither the applicant nor the NRC staff have adequately dealt with ^{these} important issues, only PRAIRIE ALLIANCE or Illinois appears willing to pursue them. While the Staff

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represents the public interest, it cannot be expected to pursue all issues with the same diligence as an intervenor would pursue its own issue. Cincinatti Gas and Electric Co. (Zimmer Nuclear Station) 10 N.R.C. 213, 215 (1979);

(v) admission of these contentions will not unduly delay the proceedings. There is ample time to complete discovery relative thereto before the August, 1982, scheduled hearings. Even if the prehearing conference and hearing were rescheduled for several months subsequent to their present times, this should not delay start up of the facility, as the fuel loading date has already been substantially set back, and work on the facility has been halted by the NRC earlier this year.

In its May 29, 1981, Order, this Board denied the PRAIRIE ALLIANCE contention No. 5 relative to beyond design basis accidents "without prejudice to the profer of a specific contention after PRAIRIE ALLIANCE has had a chance to study the Staff's FES and SER". Supplemental Contention No. 1 deals with such issue and is submitted on the basis of the inadequate treatment provided this problem in the SER and DES. The Commission's policy statement of June 13, 1980, 45 F.R. 40101 calls for the staff to take steps to identify additional cases that might warrant early consideration of either additional features or other actions which would mitigate the consequences of serious accidents. 45 F.R. 40103.

Supplemental contention Nos. 2, 3 and 8 are predicated upon the Commission's responsibilities under the National

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Environmental Policy Act of 1969, 42 U.S.C., Section 4332, and under 10 C.F.R., Section 51.23. The Commission should fully consider all alternatives and conduct a complete cost benefit analysis each time it undertakes a major action.

Supplemental contention No. 4 deals with a new development which may have a major impact upon Applicant's ability to operate the Clinton plant, especially in light of its inexperience.

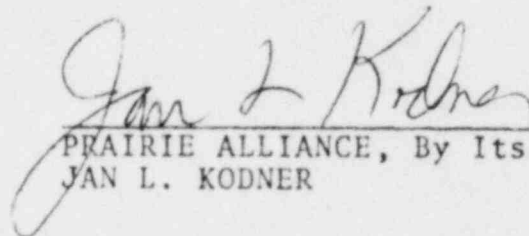
Supplemental contention Nos. 5 and 6 should be admitted for the same reasons as Supplemental contention No. 1. The May 29, 1981, Order of this Board allowed PRAIRIE ALLIANCE to raise one or more generic issues after receipt of the SER.

As to Supplemental contention No. 7, the United States Court of Appeals, DC Circuit, recently allowed a similar contention regarding psychological stress of TMI area residents. People Against Nuclear Energy vs N.R.C., ____ F. 2d ____ (DC Cir., 1982). Recent judicial decisions may provide good cause for late or subsequently filed contentions. Philadelphia Electric Co. (Peach Bottom), ALAB-389 (1977). The Board denied a differently worded contention on the same subject in its May 29, 1981, Order. However, because of the Commission's December 5, 1980, announcement, the Board was not permitted to entertain such a contention regardless of its specificity. See CL1-80-39, 12 NRC 607 (1980). The question of the old PRAIRIE ALLIANCE contention's specificity was therefore irrelevant and moot. Where an issue is moot, the trial court should refuse to

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make an adjudication of the moot issue. 6A Moore's Federal Practice, Section 57.13, e.g. Zwickler vs Koota, 389 US 241 (1967). Accordingly, the Board should consider Supplemental contention No. 7 on its own merits.

For the reasons aforesaid, PRAIRIE ALLIANCE respectfully requests that its eight Supplemental contentions be admitted to these proceedings for consideration.


PRAIRIE ALLIANCE, By Its Attorney,
JAN L. KODNER

DATED: March 26, 1982

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

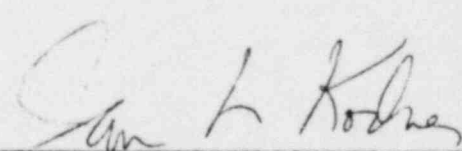
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a copy of PRAIRIE ALLIANCE'S Proposed Supplemental Contentions to be served upon:

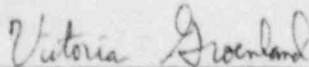
SEE ATTACHED SERVICE LIST

by depositing a copy of same in the U.S. Mail at 173 W. Madison St., Chicago, Illinois, on March 26, 1982, with the proper postage prepaid, except that an original and two copies of said document was delivered to Federal Express Co., 2 North LaSalle Street, Chicago, Illinois, on March 26, 1982, for delivery to the Office of the Secretary, U.S. NRC, by no later than March 29, 1982.



JAN L. KODNER

Subscribed and Sworn to before me
this 26th day of March, 1982.



Notary Public

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