

December 17, 1982

Ms. Jean Foy
Prairie Alliance
P.O. Box 2424
Station A
Champaign, Illinois 61820

In the Matter of
ILLINOIS POWER COMPANY, et al.
(Clinton Power Station, Unit 1)
Docket No. 50-461 OL

Dear Ms. Foy:

This letter is in reference to renumbered Clinton Contention V, regarding the effects of routine low-level radioactivity to be released from Clinton Unit 1. Because it is in the interest of all parties to avoid unnecessary expenditures of time and resources, the Staff has sought to address your concerns with the hope that Prairie Alliance will withdraw Contention V from this proceeding. Attached are copies of Staff testimony sent to you earlier this year, plus a more recent affidavit by Michael E. Wangler. It is hoped that these materials and the discussion that follows will allay your group's concerns on this issue.

Contention V(a)

Contention V(a) asserts that the methods used to calculate atmospheric effluents of routine releases are inadequate because conservative estimates were not used by Illinois Power. If this contention goes to hearing, the Licensing Board will decide it on the basis of whether Illinois Power has complied with the Commission's requirements for calculating such effluents. As is shown by the attached "NRC Staff Testimony of Jay Y. Lee", the Commission neither requires nor prefers the use of "conservative" calculations of routine releases. Rather, it is accuracy in such calculations that is desired by the Commission, and Illinois Power is required to use the best available experimental data and calculational models, which it has done. Since Illinois Power is not required to use conservative estimates in calculating atmospheric effluents of routine releases of Clinton Unit 1, it is apparent that Contention V(a) would be found to be non-meritorious if heard by the Licensing Board. The Staff therefore requests that Prairie Alliance withdraw this Contention to avoid the unnecessary expenditure of time and effort which would be involved in litigating it.

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Contention V(b)

Contention V(b) asserts that the residual risks of low-level radiation resulting from the release of radionuclides from Clinton Unit 1 have not been adequately assessed and factored into the NEPA cost-benefit analysis for Clinton Unit 1. Contrary to this assertion, the incremental risk of low-level radioactive releases at Clinton Unit 1 (that is, the additional risk which operation of the plant will contribute to the already present risk of natural background radiation and other environmental factors) was assessed by the Staff and factored into its cost-benefit analysis. See "NRC Testimony of Michael E. Wangler," attached. Having assessed this additional risk, the Staff determined it to be insignificant. The Staff estimates that routine releases of radioactivity from Clinton Unit 1 will result in an incremental risk, to the population within 50 miles of the plant, of .00013 additional cancer-related deaths over the expected 12.8 annual cancer-related deaths resulting from natural background radiation. See "Affidavit of Michael E. Wangler", attached, at paragraph 9. In other words, the risk of cancer-related deaths which the operation of this plant will contribute is one/one-hundred-thousandth of the risk already present as a result of natural background radiation.

In a similar case involving a contention asserting inadequate assessment of the effects of routine low-level radioactive discharges, a Licensing Board has ruled that these effects are negligible where routine emissions would add .002 cancer deaths to the expected number of 10 cancer deaths per year among the population within a 50-mile radius of the proposed Black Fox Station which would result from natural background radiation.^{1/} This ruling was affirmed on appeal.^{2/} This incremental risk was 1/5000 of the risk resulting from natural background radiation, as compared with an incremental risk in Clinton that is 1/100,000 of the risk of natural background levels of radiation. Since the former incremental risk was found to be too miniscule to alter the cost-benefit analysis, it is extremely unlikely that the much smaller risk involved in Clinton will be found by the Licensing Board to have significance in this proceeding. The Staff therefore requests that Prairie Alliance withdraw Contention V(b) to avoid needless litigation.^{3/}

1/ Public Service Co. of Oklahoma (Black Fox Station, Units 1 & 2), LBP-78-26, 8 NRC 102 (1978) (copy attached).

2/ Public Service Co. of Oklahoma (Black Fox Station, Units 1 & 2), ALAB-573, 10 NRC 775 (1979) (copy attached).

3/ Commission precedent suggests that a contention such as V(b) is vulnerable to a motion for summary disposition. The Commissioners have indicated that a Licensing Board may properly dispose summarily of such issues if there is no serious dispute over the negligible character of the health effects. "Even though they may be adjudicated, as a matter of policy, the Commission believes that unnecessary adjudication should be avoided. It serves no useful purpose to litigate this issue when there is no serious contest as to the result." Public Service Co. of Oklahoma (Black Fox Station, Units 1 & 2), CLI-80-31, 12 NRC 264, 277 (1980) (copy attached).

For the foregoing reasons, the Staff believes there would be no serious contest as to the result if Contention V were to be litigated, and is prepared to move for summary disposition of this contention under 10 C.F.R. § 2.749, in the event that it is not withdrawn. It is the Staff's hope that after considering this information, Prairie Alliance will agree to withdraw the contention and avoid the necessity of such a motion. If you need additional information to assist you in making this decision, we will be happy to arrange a meeting with you to present the Staff's analysis in greater detail, and to discuss any ways in which you feel the analysis is deficient.

Sincerely,

William F. Patterson, Jr.
Counsel for NRC Staff

Attachments:
As Stated

cc: (w/attachments)
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