



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF:

COMMONWEALTH EDISON COMPANY,  
et al.,

(Carroll County Site)

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Docket Nos. S50-599  
S50-600

C O N T E N T I O N S

The PEOPLE OF THE STATE OF ILLINOIS, by WILLIAM J. SCOTT, Attorney General of the State of Illinois, herein supplement their Petition for Leave to Intervene and set forth the following contentions:

1. Approval of the suitability of the proposed site and the subsequent construction permit application will be major actions of the Commission significantly affecting the quality of the human environment of Illinois. The National Environmental Policy Act of 1969, as amended, requires the Commission to submit an environmental impact statement with respect to the proposed site suitability review and construction permit application.

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2. The requested early site review is premature, unnecessary, unwarranted, and contrary to the public interest, health and safety.

(a) Applicant's Table 1.1-32 CCS-SS-ER, p. 1.1-50, fails to show a need for the two unit Carroll County Station.

(b) In January, 1979 Commonwealth Edison reduced its estimate of peak load growth downward, from 5.1% to 4.5% over the next ten years. Commonwealth has experienced reserve margins of energy capacity substantially beyond what has been necessary for the past five years and according to its projections will do so until at least 1985.

(c) Applicant's projection of need for the Carroll County Stations by 1987 is speculative. Past inaccurate predictions indicate no basis to rely upon the present projection which fails to adequately factor in (1) the affect of implementation of conservation measures upon energy demand levels; (2) the impact of governmental

policies regarding energy sources and pricing upon energy demand; and (3) the current general declining trend in energy demand growth levels in Illinois and Iowa.

(d) The Applicant's need projection fails to adequately consider:

- i. possible continued use of existing facilities due to improved technology or lessened environmental standards.
- ii. alternative energy sources.

(e) The Illinois Commerce Commission which regulates Commonwealth Edison's rates, will investigate the need for and the reasonableness of Carroll County construction (I.C.C., No. 78-0646) this Fall, and may order delay of construction, and can also refuse the request for a rate increase to help finance the construction.

(f) NRC Staff has admitted that Carroll County Construction cannot reasonably occur until at least 1981 and that, therefore, "[i]n short, there is no reason to proceed with haste given the above circumstances." NRC Staff's Motion for Reconsideration of Licensing Board's Denial of NRC Staff's Motion to Defer Special Prehearing Conference, July 23, 1979, p. 2.

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(g) Early site review is contrary to the public interest because there is no imminent need for the Carroll County site; delays, whether self imposed or involuntary, are probable; and decisions on site suitability which are conclusive and remain in effect for five years may not adequately cover all problems regarding the site when the construction permit is sought. Later site review will allow newer

technologies and information regarding nuclear plant construction to be incorporated into the site suitability review to assure greater compliance with 10 CFR Parts 50, 51 and 100.

(h) Later site suitability review will allow for more accurate analysis of the actual cost effectiveness of nuclear power and more accurate determination of the cost benefit analysis required by NEPA and the NRC regulations, 10 CFR Parts 2, 50, 51.

(i) The continuing NRC administrative stay on consideration of construction permits for new nuclear facilities announced by Harold Denton, Director of the NRC Office of Nuclear Reactor Regulation on August 26, 1979 draws into question the wisdom and the legality of an early site review.

3. Applicants have not considered cost benefit balancing ("Proposed Findings," paragraph 117). Cost benefit balancing is necessary and desirable before conclusive decisions of site suitability and irreversible and irretrievable commitments to this proposed expansion of nuclear power are made. Furthermore cost benefit balancing is necessary in order to comply with the National Environmental Policy Act, and 10 CFR Part 2, §2.101(a-1), Part 50, §50.30(f) and Part 51, §51.20(b).

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4. 10 CFR §51.20(a)(5) requires that the Applicant's Environmental Report be "sufficiently complete to aid the Commission in developing and exploring - pursuant to Section 102(2)(E) of National Environmental Policy Act - appropriate alternatives. Applicant's, in CCS-SS-ER Ch. 9.1, have not met the required standard in that they have failed to provide adequate discussion of

alternative energy sources and alternative sites.

5. Applicants have failed to adequately show that the Plum River fault, which runs within 5.5 miles of the site, is not a capable fault in determining site geologic suitability and necessary safety measures for the proposed reactors.

6. Applicants have failed to adequately account for and evaluate the effects of the proposed reactors upon terrestrial and aquatic life in the area, and specifically in the Upper Mississippi River Fish and Wildlife Refuge.

(a) Applicants have not adequately shown that the birds considered endangered species, including the bald eagle, which inhabit the proposed site will be able to relocate without significant increases in competition or significant effect on their populations.

(b) Applicants have failed to adequately evaluate the effects of the noise, dust, vibration and vehicular traffic during construction on wildlife and the ecology of the area.

(c) Applicants have failed to adequately evaluate the effects of the proposed water intake system which will cross the Refuge on terrestrial and aquatic habitats. Specifically they have not adequately considered the effects of the intake on spawning grounds of the Upper Mississippi, among other possible effects.



(d) Applicants have failed to adequately evaluate the effects of radioactive water discharge upon the terrestrial and aquatic life in the vicinity of the site, and in particular, the spawning grounds of the Upper Mississippi.

7. Applicants have failed to establish that operation of the proposed station 2.3 miles from Stansky Airport does not present an undue risk to the public's health and safety.

8. In determining public health and safety, applicants have failed to adequately consider or take into account the effect on the proposed reactor of explosions which could occur at the Savanna Army Depot, which is 13.2 miles from the proposed site and is used for the storage of artillery ammunition, bombs and their components, grenades, rockets, mine and engineering explosives, riot control agents, fuses, primers, pyrotechnics, and missile warheads. (CCS-SS-SSR §2.2.2.2).

9. In determining public health and safety, applicants have failed to adequately consider or take into account the effects on the proposed reactors of explosions which could occur during the transportation of such ammunitions as mentioned above on either the Burlington Northern Railway or on Illinois Route 84. 1146 240

10. Applicants have failed to sufficiently demonstrate their financial qualifications to carry out their proposed construction in accordance with applicable regulations, as required in early site suitability reviews by 10 CFR §§2.101(a-1) (2) and 50.33(f). Commonwealth Edison, the major owner of the proposed station, and the one responsible for design, licensing and construction, is incapable of sufficiently showing that it is financially qualified to carry out the construction since its current request for a rate increase, a substantial portion of which would be devoted to construction, is pending before the Illinois Commerce Commission.

11. Applicants have failed to discuss the transportation of uranium fuels to the proposed site, its effect on public health and safety, and the effects of transportation of spent fuels from the site. Such analysis is necessary in order to comply with the National Environmental Policy Act, and 10 CFR Parts 2, 50 and 51.

12. Applicants have not sufficiently considered all things necessary to insure that they will be able to meet their obligations to carry out decommissioning activities upon termination of the Carroll County Stations useful life as required by the Atomic Energy Act and the regulations of the NRC 10 CFR §50.82.

(a) With regard to decommissioning Applicants state merely that "full scope of the final disposition...cannot be developed at this early date," and that a plan will be developed during the life of the station. Therefore, applicants have failed to demonstrate and are incapable of presently demonstrating that decommissioning of the stations and disposal of its nuclear wastes will result in little "adverse impact upon the environment" or that they will not be "inimical to the common defense and security or health and safety of the public" (Proposed Findings, #131; CCS-SS-ER §5.8).

(b) Applicants have failed to include in their cost/benefit analysis any consideration of the costs which will be incurred by decommissioning and decontamination of the Carroll County Station.

(c) Applicants have failed to demonstrate that they will be financially capable to decommission the Carroll County Station.

(d) Applicants have failed to demonstrate that they will be technically capable to decommission the Carroll County Station.

13. In determining site environmental suitability applicants have failed to adequately consider the extent and type of effects of transmission lines from the proposed site, on the ecology of the right-of-ways which will be crossed.

14. Neither Chapter 3 nor 5 of the CCS-SS-ER discuss the impact on the environment of "non-routine" or accidental radiological emissions into the ground water.

(a) There is no discussion of control mechanisms to prevent leaks of radioactive materials from being absorbed into the ground water.

(b) There is no calculation of the effects of a "non-routine" release of radioactivity into the ground water on:

- i. drinking water sources
- ii. recreation areas on the Mississippi River
- iii. grazing lands surrounding the plant



- iv. the Mississippi River fish and Wildlife Refuge
- v. local agriculture
- vi. local flora and fauna

15. The proposed Carroll County Station is located in a unique part of Illinois. It is topographically unique (CCS-SS-ER 2.6-6) and historically significant. (CCS-SS-ER 2.6). Therefore there is considerable use of the area for vacationing and recreation.

(a) The Galena area, just north of the proposed Station has been preserved as an historical monument. It relies on tourists for much of its economic support and provides tourists with an historical and educational experience which is unobtainable in any other area of the state. There has been no consideration of the effect of the Carroll County Station will have on the tourist population and economic well being of areas relying on tourist trade.

(b) The Galena Territory and Apple Canyon situated north of the proposed station are "second home communities". Residents have been attracted to the area because of its aesthetic and historical attributes. There has been no consideration of the effect of the Carroll County Station on real estate values of communities which are dependent on preservation of the aesthetic quality of the region.

(c) Mississippi Palisades State park just north of Savanna provides natural woodlands for recreation and camping. There has been no consideration of the effect the proposed Carroll County Station on the use of this facility as a source of recreation.

16. Potential areas of archeological value were not investigated in Site Suitability Environment report (CCS-SS-ER 8.3-29). The Sauk and Fox Indian Tribes occupied Carroll County along the Mississippi River until the last century and the final retreat following the Blackhawk War. Many artifacts of Indian civilization are extant. There has been no consideration of whether utilization of the Carroll County Site will cause disturbance of Indian Burial grounds and loss or destruction of archeological knowledge and artifacts significant to past and present Native American Culture.

17. The Applicants have not discussed how this application and site suitability review have been affected by and must be altered to conform to the more stringent NRC standards which are being adopted in light of the Three Mile Island event.

(a) Applicant does not indicate how it will utilize the NRC staff and ACRS reactor safety recommendations contained in "Interim Reports on Three Mile Island Nuclear Station Unit 2", NUREG-0560 and NUREG-0578.

(b) There is no assessment of how implementation of lessons learned from TMI-2 will effect the following:

- i. additional capital investment
- ii. delay in construction start-up
- iii. design changes
- iv. plant operation and maintenance
- v. emergency evacuation plans
- vi. environmental monitoring
- vii. reduction in capacity factor

(c) The TMI-2 event and the NRC disavowel of the Rasmussen report, WASH-1400, illustrate the need for a more realistic assessment of risks in nuclear facility reviews. Applicants have applied the old standard in compiling the Carroll County Station Report and have therefore not discussed a "Class 9" hypothetical. Applicants should revise §7.1-22 of the CCS-SS-ER to include a realistic assessment of credible severe failures.

18. The Carroll County Station Site Suitability Site Safety Report (CCS-SS-SSR) does not identify or discuss unresolved safety issues which will affect the plant construction and operation. Seventeen such issues have been identified by the NRC Staff in NUREG-0410. Of particular significance to the proposed construction permit review are those unresolved safety issues which involve the Westinghouse

Pressurized Water Reactors.

RESPECTFULLY SUBMITTED,

PEOPLE OF THE STATE OF ILLINOIS

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CERTIFICATE OF SERVICE

I, NANCY J. BENNETT hereby certify that copies of State of Illinois Contentions in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 4th day of September, 1979.

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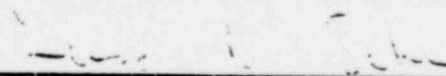
COMMONWEALTH EDISON COMPANY  
INTERSTATE POWER COMPANY,  
IOWA-ILLINOIS GAS AND ELECTRIC  
COMPANY, Carroll County Site.

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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with §2.713(a), 10 CFR Part 2, the following information is provided:

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ADMISSIONS	Supreme Court of Illinois United States District Court Northern District of Illinois United States Court of Appeals, District of Columbia United States Court of Appeals Seventh Circuit
NAME OF PARTY	People of the State of Illinois

  
\_\_\_\_\_  
SUSAN N. SEKULER  
Assistant Attorney General

DATED AT CHICAGO, ILLINOIS  
THIS 4th DAY OF SEPTEMBER, 1979.

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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NAME OF PARTY	People of the State of Illinois

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JOHN VAN VRANKEN  
Assistant Attorney General

DATED AT CHICAGO, ILLINOIS  
THIS 4th DAY OF SEPTEMBER,  
1979.