

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:)
)
COMMONWEALTH EDISON COMPANY,)
INTER-STATE POWER COMPANY,) DOCKET NOS. S50-599
ICWA-ILLINOIS GAS AND) S50-600
ELECTRIC COMPANY, Carroll)
County Site.)

BRIEF IN SUPPORT OF COMMENTS IN OPPOSITION TO
EARLY SITE REVIEW

The People of the State of Illinois (hereinafter the "People")
by WILLIAM J. SCOTT, Attorney General of the State of Illinois, hereby
submit a brief supporting their comments in opposition to an early site
review with regard to the proposed Carroll County nuclear generating
stations.

BASES FOR DENYING EARLY SITE REVIEW

The People contend that an early site review would be un-
warranted, untimely and unnecessary for the following reasons:

A. The need for expansion of energy generation capacity at
this point in Illinois is highly questionable. Currently, Commonwealth
Edison's construction program and proposals are under investigation by
the Illinois Commerce Commission.¹ Phase one of the proceedings is

¹"In the Matter of Investigation of the Plant Construction Program
of Commonwealth Edison Company", ICC No. 78-0646.
Aside from the hearings which have already begun the Illinois
Commerce Commission has also granted a request for hearings
under the same docket number in Ogle County, Illinois.

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considering the reasonableness of continuing or delaying the construction schedule of Byron and/or Braidwood. Phase two which will begin this summer will consider planned construction after 1984, which would include Carroll County proposals.

The hearings were ordered pursuant to Illinois Commerce Commission's findings that "Edison has experienced reserve margin substantially in excess of its target for the last five years and according to its proposed projections will continue to experience high reserve margins through 1985." (Emphasis added).²

Commonwealth Edison has already admitted that their peak load growth rate has not increased as predicted, and that they have now revised their prediction of growth downward for the next ten years. They have also stated that if construction continues as currently planned they will continue to have excess margins of reserve power (beyond the recommended 14%, which is probably already a liberal reserve margin), and that reliable service could be provided to their customers with delay in Byron construction of one year, and in Braidwood construction of three years.³ In fact, on June 1, 1979 Commonwealth announced a two year delay in their Carroll County plans, mainly because of transfer of NRC resources and employees from normal work priorities to investigation of the Harrisburg incident.⁴

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²ICC Docket No. 78-0045, December 13, 1978 Order, p. 16.

³Written Direct testimony of John C. Bukovski, p. 2, and written direct testimony of Hubert H. Nexon, p. 7, ICC No. 78-0646

⁴Commonwealth has also testified that this NRC action will cause a one year delay in the Byron and Braidwood units. Written testimony of Byron Lee, Jr., p. 8, ICC No. 74-2046. 343

Therefore, since the Carroll County stations may result in unneeded generating capacity, since Commonwealth has already delayed the project two years, and since the Illinois Commerce Commission may yet order further delay in the project, early site review is unwarranted and unnecessary.

B. Furthermore, the Three Mile Island incident has prompted numerous investigations, legislative proposals regarding nuclear power safety, design modification possibilities, and the evaluation of the adequacy of emergency and evacuation planning. In fact, it is the understanding of the People of Illinois that the NRC is currently reevaluating "siting" policy (an evaluation which began even before the Three Mile Island incident, and which involves extraordinarily complex problems according to Robert B. Minogue, Director of Standards Development for the Commission, and which will incorporate Three Mile Island evaluation and lessons.)

Therefore, if the need for Carroll County Stations is not as imminent as prior projections had determined, it would be in the public interest to delay site suitability determination until as many as possible of the lessons to be learned from Three Mile Island may be incorporated into the decision, and until NRC siting policy is more settled and sophisticated. It would also be wise to delay until the need for site suitability determination is indeed imminent, so that any new knowledge with regard to nuclear power generation gained from growing experience with the industry may be incorporated into the decision.

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C. An early determination of site suitability will quite probably commit part of the companies' resources, future energy planning and present contracting so as to be irreversible or at least quite costly and quite burdensome to reverse. (Only the companies themselves would know exactly what commitments would be made with regard to a particular site subsequent to site review, and prior to further legal permitting of the site, and their degrees of reversibility). Even though early site review decisions may not be conclusive, it would be in the public interest and in the interest of the parties not to make site suitability determinations, causing the companies' reliance until it is determined that the energy will be needed at the proposed date of operation, that the proposed station will not subsequently merely be delayed by the Illinois Commerce Commission, the Nuclear Regulatory Commission or by newly imposed standards on the construction or on siting requirements themselves.

D. Furthermore, an early site review will not allow intervenors adequate time to fully explore the issues which will be considered. They will not be able to adequately examine whether the proposed Carroll County design will be environmentally and safely suited to the site with respect to geology, hydrology, meteorology, terrestrial and aquatic ecology, water use, regional demography, community characteristics, economy, historical and national landmarks, land use, noise consideration and aesthetics.

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CONCLUSION

THEREFORE, since the necessity for immediate Carroll County planning is questionable, since more thorough and wiser determinations of site suitability will probably be possible at the completion of Three Mile Island investigations, and since early site determination will be a significant step toward thorough (and perhaps irreversible) commitment to the Carroll County nuclear station proposal, the People of the State of Illinois suggest that early site review is unnecessary, untimely and unwarranted.

RESPECTFULLY SUBMITTED,

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

UNITED STATES OF AMERICA
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A F F I D A V I T

I, NANCY J. BENNETT, an attorney hereby certify the following in support of the foregoing Brief in Support of Comments In Opposition to Early Site Review:

1. That I am an Assistant Attorney General with the Environmental Control Division of the Office of the Attorney General of Illinois;

2. That I am of counsel for the State of Illinois in the matter of Commonwealth Edison Company, Interstate Power Company, Iowa-Illinois Gas & Electric Company, Carroll County Site, S50-599, S50-600;

3. That all facts alleged in this Brief in Support of Comments in Opposition to Early Site Review attached hereto are true to the best of my knowledge and belief.

Nancy J. Bennett

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 15TH DAY
OF JUNE, 1979.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:)
)
COMMONWEALTH EDISON COMPANY)
INTERSTATE POWER COMPANY,) DOCKET NOS. S50-599
IOWA-ILLINOIS GAS & ELECTRIC) S50-600
COMPANY, Carroll County Site.)

CERTIFICATE OF SERVICE

I, NANCY J. BENNETT, hereby certify that I have this 15th day of June, 1979 served copies of the foregoing Brief in Support of Comments in Opposition to Early Site Review on each of the following persons by causing same to be deposited in envelopes addressed to said persons, first class, postage prepaid, and deposited with the United States Postal Service at 160 North LaSalle Street, Chicago, Illinois 60601.

Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Chief, Docketing and Service Section

Executive Legal Director
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