

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF:

ILLINOIS POWER COMPANY, et al

(Clinton Power Station, Unit 1)

)  
)  
) Docket No. 50-461 OL  
)  
)

PRAIRIE ALLIANCE'S ANSWER TO APPLICANTS'  
MOTION THAT EVIDENTIARY HEARINGS BE  
HELD IN CLINTON, ILLINOIS

On May 4, 1982, during the second special prehearing conference, Applicants served upon the parties a Motion for evidentiary hearings in the above proceedings to be held in Clinton, Illinois. For reasons described below, Intervenor PRAIRIE ALLIANCE vigorously opposes said Motion, and submits that the primary reason for the Motion is to cause and maximize inconvenience to the Intervenor.

Most of the construction permit hearings and all special prehearing conferences at the operating license stage have been held in Champaign, Illinois. Suddenly, Applicants feel it would be more appropriate that the hearing(s) be held in Clinton, or Decatur . . . anywhere but Champaign. Seven purported reasons are advanced by Applicants for the proposed shift. All are without merit. Applicants correctly state that the Rules of Practice provide:

"The time and place of hearing will be fixed with due regard for the convenience of the parties or their representatives, the nature of the proceeding and the public interest."

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10 C.F.R. Section 2.703(b). 10 C.F.R. Part 2, Appendix A I states:

" . . . It is the Commission's policy and practice to begin the evidentiary hearing in the vicinity of the site of the proposed facility."

Nowhere do the regulations define what is meant by "vicinity of the site". Apparently the issue has never been discussed by a Licensing or Appeals Board.

Persons residing within 40 miles of a nuclear plant are held to be within the zone of interest, conferring upon them standing to intervene. Virginia Electric & Power Co. (North Anna Power Station, Units 1 & 2), ALAB-146, 6 AEC 631 (1973). This zone of interest clearly is in the vicinity of the site. Within said zone are the metropolitan areas of Champaign-Urbana and Clinton. This Board and the Construction Permit Board implicitly have recognized that Champaign-Urbana is within the vicinity of the site, by holding most of the proceedings therein.

The question then becomes which metropolitan area (Champaign-Urbana vs Clinton) is preferable. All members of the PRAIRIE ALLIANCE reside and work in Champaign-Urbana, not Clinton. It would cause severe hardship upon PRAIRIE ALLIANCE to require its members to commute to Clinton and back each day during the lengthy hearings at hand, and could wreak havoc with their respective employment situations. With proceedings in Champaign-Urbana, PRAIRIE ALLIANCE members would retain greater flexibility and would therefore be better equipped to participate in the proceedings. All parties would be greatly inconvenienced

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if the hearings are held in Clinton. Parties, representatives and witnesses will need adequate transportation, lodging and dining facilities. Clinton clearly is not equipped, nor desirable, on any of these counts, especially since the hearings may last for several weeks. With a population of 92,000, and the University of Illinois therein, Champaign-Urbana enjoys an airport, numerous hotels and motels, restaurants, recreational and cultural facilities simply not available at Clinton or any other metropolitan area in the vicinity. See e.g. 1981 Mobil Travel Guide. Champaign-Urbana is unquestionably preferable in terms of the convenience of the parties and their representatives.

The public interest will also be better served if the hearings are held in Champaign-Urbana. Much of the electronic and print media in the area is located in Champaign-Urbana. The public depends greatly on these sources to be made aware of the hearings and for information as to the testimony therein. Many environmental groups (e.g. local chapters of Isaac Walton League, Audobon Society, Students for Environmental Concern, Sierra Club, Physician's for Social Responsibility, anti nuclear weapons groups, National Lawyers Build) and concerned individuals (e.g. PRAIRIE ALLIANCE approximate mailing list of 300) are located in Champaign-Urbana, and at the University, and would undoubtedly be keenly interested in the proceedings. The ability of same to follow, and to participate through limited appearances, in the hearings would be greatly diminished if the hearings would be held in Clinton. Applicants have produced five letters from

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Clinton civic organizations and governmental bodies in support of their Motion. Due to the brief period of time within which the parties have to respond to the Motion, PRAIRIE ALLIANCE has not attempted to "line up" as many, if not more, letters from organizations to support Champaign-Urbana as a location. Because the hearings have not yet been scheduled and appear to be several months off, it would in any event be premature and meaningless to engage in a numbers game of this sort with Applicants.

Other points raised by Applicants are without merit. As Applicants indicate in their Motion, Clinton is pretty much centrally located as between Champaign-Urbana, Bloomington-Normal and Decatur. However, Champaign-Urbana is easily accessible to all areas because of interstate super highways 72 and 74, whereas Clinton is serviced only by two lane local roads, making traffic much slower. Applicants therefore incorrectly assert that Champaign-Urbana would be "much less convenient" than Clinton for the persons living within the 50-mile radius of the station.

Applicants have had no trouble producing documents and personnel relative to the proceedings at any other point therein. They cannot now complain of inconvenience in returning to Champaign-Urbana once again for the hearings. While Clinton or Decatur may be more convenient to Applicants, its superior resources make it easily able to participate in hearings located in Champaign-Urbana. With the obvious disparity in resources as

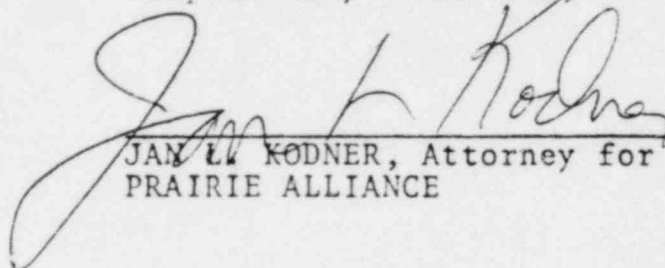
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between Applicants and PRAIRIE ALLIANCE, and the hardships a Clinton hearing would work upon PRAIRIE ALLIANCE, fundamental fairness requires that the hearings be held in Champaign-Urbana.

For reasons aforesaid, PRAIRIE ALLIANCE respectfully requests that Applicants' Motion be denied.

DATED: May 13, 1982

Respectfully Submitted,



JAY L. KODNER, Attorney for  
PRAIRIE ALLIANCE

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ILLINOIS POWER COMPANY, et al  
(Clinton Power Station, Unit 1)

NOTICE OF FILING

PLEASE TAKE NOTICE that on this date, May 13, 1982,  
I am filing on behalf of PRAIRIE ALLIANCE, INC., an original and  
two copies of PRAIRIE ALLIANCE'S ANSWER TO APPLICANTS' MOTION  
THAT EVIDENTIARY HEARINGS BE HELD IN CLINTON, ILLINOIS,  
with the Secretary of the United States of America Nuclear Regu-  
latory Commission, a copy of which is attached hereto and is  
herewith served upon you.

[illegible]

The undersigned certifies that he caused a copy of PRAIRIE ALLIANCE'S ANSWER TO APPLICANTS' MOTION THAT EVIDENTIARY HEARINGS BE HELD IN CLINTON, ILLINOIS, filed on behalf of PRAIRIE ALLIANCE, INC., to be served upon:

by depositing in the U.S. Mail at 173 West Madison Street,  
Chicago, Illinois, with proper postage prepaid, on \_\_\_\_\_  
May 13, \_\_\_\_\_, 1982.

Subscribed and Sworn to before me  
this 13th day of May, 1982.

Victoria Lindstrom  
Notary Public

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