

Docket Nos. 50-461
and 50-462

FEB 24 1976

Illinois Power Company
ATTN: Mr. L. J. Koch
Manager of Nuclear Projects
500 South 27th Street
Decatur, Illinois 62525

Gentlemen:

Pursuant to the Atomic Safety and Licensing Board's Partial Initial Decision, dated September 30, 1975, and its Initial Decision dated February 20, 1976, the Nuclear Regulatory Commission has issued the enclosed Construction Permit Nos. CPPR-137 and CPPR-138 for Clinton Power Station, Units 1 and 2, respectively.

A related Federal Register Notice is also enclosed for your use. Copies of the Partial Initial Decision were forwarded for your use when issued. The Initial Decision is being transmitted to you under separate cover.

Sincerely,

Original Signed by

John F. Stolz, Chief
Light Water Reactors Branch No. 1
Division of Project Management

Enclosures:

- Construction Permit Nos.
CPPR-137 and CPPR-138
- Federal Register Notice

cc: see next page

Distribution
 ↗ Docket File
 LWR-1 File
 NRC PDR
 I/PDR
 OELD (2)
 IE (3)
 N. Dube
 M. Jinks
 R. DeYoung
 A. Braitman, OAI
 S. Burwell
 H. Smith (2)
 B. Scott
 R. Heineman
 H. Denton
 V. Moore
 W. Miller, ADM
 S. Echols
 P. Kreutzer
 J. Stolz
 K. Kniel
 W. Butler
 D. Vassallo
 ACRS (16)
 D. Muller
 B. Scharf (15)
 K. Goller
 D. Skovholt
 E. Hughes
 R. Boyd
 V. Stello
 D. Eisenhut

EP
 V. Moore/
 D. Echols / B. Youngblood
 2/1/76

OFFICE →	LWR-1	LWR-1	LWR-1	OELD	LWR/AD	DPM/D
SURNAME →	H. Smith/ms	S. Burwell	J. Stolz	Rutberg	R. DeYoung	R. Boyd
DATE →	2/20/76	2/23/76	2/19/76	2/23/76	2/23/76	2/24/76

FEB 24 1976

Illinois Power Company - 2 -

cc: Mr. Peter V. Fazio, Jr.
Schiff, Hardin & Waite
7200 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606

Mr. George Wuller
Illinois Power Company
500 South 27th Street
Decatur, Illinois 62525

Robert W. Dodd, Esq.
201 West Springfield Street
Champaign, Illinois 61820

Vespasian Warner Public Library
120 West Johnson Street
Clinton, Illinois 61727

Mr. Leroy Stratton
Bureau of Radiological Health
Illinois Department of Public Health
Springfield, Illinois 62706

Mr. Gary Williams
Federal Activities Branch
Environmental Protection Agency
1 North Wacker Drive, Room 822
Chicago, Illinois 60606

Mr. James Higgins
Chairman of DeWitt County Board
c/o County Clerk's Office
DeWitt County Courthouse
Clinton, Illinois 61727

Mr. Bruce Blanchard
Environmental Projects Review
Department of the Interior
Room 5321
18th and C Streets, N. W.
Washington, D. C. 20240

Mr. Neil Thomasson
ATTN: Loretta Long
Office of Radiation Program
Environmental Protection Agency
Room 647A East Tower Waterside Mall
401 M Street, S. W.
Washington, D. C. 20460

CHECKLIST FOR ISSUANCE OF CONSTRUCTION PERMIT

Applicant Illinois Power Company Docket No. 50-461/462

Facility Clinton Power Station, Units 1 and 2

Project Manager Spots Burwell Licensing Assistant Hazel Smith

Date

Initial Decision or Order February 20, 1976

Safety Review:
Safety Evaluation March 1975
ACRS Letter April 8, 1975

Environmental Review:
Final Environmental Statement October 1974
Published in Federal Register October 9, 1974 (39 FR 36369)

Notifications Required by Act & Commission Rules*:
State Official November 26, 1973
Local Official "
FPC "
State Regulatory Agencies "

Water Quality Certification: 401 Type
Submitted by Applicant August 25, 1975
Transmitted to EPA October 3, 1975

Antitrust Review:
Attorney General's Advice Published in Federal Register May 6, 1974 (39 FR 15898)
Hearing and/or Decision (no hearing recommended) April 29, 1974

License Fee:
Amount \$ 878,800 Paid February 23, 1976

Public Announcement (to be released):
(attach copy if available) _____

Issuance Package: ELD Concurrence
1. Permit February 23, 1976
2. Federal Register Notice February 23, 1976
3. Letter to Applicant February 23, 1976
4. Information Report covered by Highlights Report

Form Letter has been prepared for JCAE

*Date initial application forwarded

FEB 7 1975



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

ILLINOIS POWER COMPANY

DOCKET NO. 50-461

CLINTON POWER STATION, UNIT NO. 1

CONSTRUCTION PERMIT

Construction Permit No. CPPR-137

1. The Nuclear Regulatory Commission (the Commission) having found that:
 - A. The application for construction permit complies with the requirements of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the permit will be conducted in compliance with the rules and regulations of the Commission; and all required notifications to other agencies or bodies have been duly made;
 - B. The Illinois Power Company (the Applicant) has described the proposed design of the Clinton Power Station, Unit No. 1 (the facility), including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;
 - C. Such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;
 - D. Safety features or components, if any, which require research and development have been described by the Applicant and the Applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components;

- E. On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;
 - F. The Applicant is technically qualified to design and construct the proposed facility;
 - G. The Applicant is financially qualified to design and construct the proposed facility;
 - H. The issuance of a permit for the construction of the facility will not be inimical to the common defense and security or to the health and safety of the public; and
 - I. After weighing the environmental, economic, technical and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of a construction permit subject to the conditions for protection of the environment set forth herein is in accordance with Appendix D to 10 CFR Part 50 of the Commission's regulations and all applicable requirements have been satisfied.
2. Pursuant to Section 103 of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the Atomic Safety and Licensing Board's Partial Initial Decision, dated September 30, 1975, and Initial Decision dated February 20, 1976, the Nuclear Regulatory Commission (the Commission) hereby issues a construction permit to the Applicant for a utilization facility designed to operate at 2894 megawatts thermal as described in the application and amendments thereto (the application) filed in this matter by the Applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Clinton Power Station, Unit 1, will be located on the Applicant's site in Harp Township, DeWitt County, Illinois.
 3. This permit shall be deemed to contain and be subject to the conditions specified in Sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and

orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

- A. The earliest date for the completion of the facility is October 1, 1980, and the latest date for completion is October 1, 1981,
- B. The facility shall be constructed and located at the site as described in the application, in Harp Township, DeWitt County, Illinois.
- C. This construction permit authorizes the Applicant to construct the facility described in the application and the hearing record, in accordance with the principal architectural and engineering criteria and environmental protection commitments set forth therein.
- D. The Applicant is subject to the following antitrust conditions:

(1) Definitions

(1)(a) "Applicant" means Illinois Power Company and includes each present or future wholly-owned subsidiary of the Illinois Power Company and any successor to it;

(1)(b) "Neighboring electric system" means (i) a financially responsible business corporation, not-for-profit corporation, rural electric cooperative, municipal corporation organized under the laws of the State of Illinois, company, association, joint stock company, firm, partnership, or person owning or operating, or proposing bona fide and in good faith to own or operate, facilities for the generation, transmission or distribution of electricity for bulk power supply, (ii) whose facilities are or will be located in the State of Illinois, (iii) whose facilities are interconnected, or are proposed to be interconnected, for the purpose of carrying out one or more of the transactions referred to herein with facilities of the Applicant (provided that any proposed interconnection shall be lawful and feasible), and (iv) which is or will be a public utility under the laws of the State of Illinois or the Federal Power Act and is or will be providing electric service under a contract or rate schedule on file with and subject to the regulation of the Illinois Commerce Commission or the Federal Power Commission. The requirement that a neighboring electric system shall be a public utility does not apply to a rural electric cooperative or a municipal corporation but will apply to a rural electric cooperative or a municipal corporation if at a future date it is included within the definition of "public utility" under the Illinois Public Utilities Act or under a similar act. (The definition of neighboring electric system includes systems which meet the above requirements either now or in the future.);

- (1)(c) "Costs" means all operating and maintenance expenses, capital costs and a reasonable return on investment which are properly applicable to the particular transaction and the facilities involved in that transaction;
- (1)(d) "Neighboring entity" means a neighboring electric system owning or operating, or proposing bona fide and in good faith to own or operate, facilities for the generation of electricity for bulk power supply;
- (2) The broad purposes of any interchange or other arrangement for bulk power supply transactions between the Applicant and a neighboring electric system are to improve the reliability and quality of service, to avoid the duplication of facilities, and to minimize costs. Any such arrangements will involve planning by the parties and should be technically and economically feasible and practical. The arrangement should also be reciprocal as nearly as may be although it is recognized that, in any particular arrangement, the benefits may not be equal or identical for each party and that a smaller electric system may realize benefits which are greater than those realized by a larger system. No party should be obligated to enter into an arrangement if it would realize no net benefits from the arrangement, or if the arrangement would result in net burdens to the party. The policies herein expressed cannot be implemented unilaterally by the Applicant. If an arrangement between the Applicant and a neighboring electric system is to be successful and is to operate in the public interest, it must be negotiated and performed in good faith and with full cooperation by the parties to it. No party should capriciously reject a proposal submitted by another party and the Applicant and neighboring electric systems should give reasonable consideration to proposals made by each other;
- (3) The Applicant will interconnect with any neighboring entity in order that the parties may seek and realize all benefits practicable to be effected through the coordination and development of their respective systems and in carrying out various interconnection services and transactions. The Applicant will assist to the fullest extent feasible any neighboring entity in the coordination of reserves through the sale and purchase of emergency energy and maintenance power upon terms that will provide for the full compensation of the Applicant's costs. No party shall be required to provide emergency energy or maintenance power if to do so will impair the supplying party's ability to render adequate and reliable service to its customers or to discharge its prior commitments, if any, to other electric systems.

- (4) The Applicant and the neighboring entity shall each provide sufficient capacity (which may include firm contracted-for capacity) in its system to enable it to carry its planned-for-peak demand plus an adequate reserve. An adequate minimum reserve requirement shall be mutually determined from time to time as a percentage of planned-for-peak demand (unless otherwise agreed) and shall take into account such reserve criteria as the nature of the respective systems and planned-for-peak demand required in order to assure reliability of service and an equitable sharing of reserve responsibility. Each party shall provide such amount of spinning reserve as shall avoid the imposition of an unreasonable demand on the system of the other party. However, such spinning reserve requirement shall not exceed the minimum installed reserve requirement. If over a reasonable period, a party has failed to deliver emergency energy, or if a party has appeared to make excessive calls for emergency energy, the parties shall jointly study the matter for the purpose of determining the adequacy or inadequacy of the reserve generating capacity and transmission facilities being provided to meet the requirements of the interconnected systems and of determining the manner of correcting any deficiencies;
- (5) The agreement for the interchange arrangement between the Applicant and a neighboring entity will not include restrictive provisions which would preclude a party from engaging in interconnection and coordination arrangements with others, but may include appropriate provisions to assure (i) that the Applicant receives adequate notice of such additional interconnection or coordination, (ii) that the parties will jointly consider and agree upon such measures, if any, as are reasonably necessary to protect the reliability of the interconnected systems and to prevent undue burdens from being imposed on any system, and (iii) that the Applicant will be fully compensated for its costs. Good industry practice as developed in the area from time to time (if not unreasonably restrictive) will satisfy this provision;
- (6) Interconnections will be available for a neighboring electric system on any of the Applicant's installed transmission and subtransmission facilities if the proposed interconnection is technically and economically feasible and the Applicant is fully compensated for its costs. Interconnections will not be limited to low voltages when higher voltages are available from the Applicant's installed facilities in the area where the interconnection is desired. Control and telemetering facilities shall be provided as required for the safety and reliability of the interconnected systems;
- (7) The Applicant will afford an opportunity to participate to any neighboring electric system that makes a timely request therefor in the ownership of, or purchase of unit participation power from, Clinton Power Station Units 1 and 2, and any additional nuclear

generating unit which the Applicant may construct, own, and operate and which in the application filed with the Commission, or any successor agency, is scheduled for commercial operation prior to January 1, 1989, to a reasonable extent and on reasonable terms and conditions and on a basis that will fully compensate the Applicant for its costs incurred and to be incurred and that will not adversely affect the financing of such power station. The request shall be deemed timely with respect to Clinton Power Station Units 1 and 2, if received by June 30, 1974, and with respect to any additional generating unit if received within a reasonable period of time from a planning and operating standpoint after the public announcement by the Applicant of the proposed installation of any such unit. As a part of any arrangement that may be reached with respect to such participation, the Applicant will interconnect with and deliver any power to which the neighboring electric system may be entitled under such arrangement at a delivery point or points on the Applicant's system on a basis that will fully compensate the Applicant for its costs;

- (8) The Applicant will sell bulk power to any neighboring electric system in accordance with rates, terms and conditions which fully compensate the Applicant for its costs, and which do not restrict use or resale except as may be necessary to protect the reliability of the Applicant's system, and as are accepted or approved by the appropriate regulatory body or bodies. The Applicant shall not be required to make any such sale if the Applicant does not have available sufficient generation to provide the requested service or if the sale would impair the Applicant's ability to render adequate and reliable service to its customers or to discharge its prior commitments, if any, to other electric systems;
- (9) The Applicant will work with neighboring electric systems to facilitate the exchange of bulk power by transmission over its transmission facilities between or among two or more neighboring electric systems and between any neighboring electric system and any other electric system engaging in bulk power supply outside the Applicant's service area between whose facilities the Applicant's transmission lines and other transmission lines would form a continuous electrical path, provided that (i) permission to utilize such other transmission lines has been obtained by the proponent of the arrangement, and (ii) the arrangements reasonably can be accommodated from a functional and technical standpoint. Such transmission shall be on terms that fully compensate the Applicant for its costs. Any neighboring electric system requesting such transmission arrangements shall give reasonable advance notice of its schedule and requirements. The Applicant shall not be required to enter into any arrangement which would impair system reliability or emergency transmission capacity, it being recognized that while some transmission

facilities may be operated fully loaded, other transmission facilities may be for emergency use and operated either unloaded or partially loaded;

- (10) The Applicant shall include in its planning and construction programs sufficient transmission capacity as required for the transactions referred to in paragraph (9), provided any neighboring electric system gives the Applicant sufficient advance notice as may be necessary to accommodate its requirements from a functional and technical standpoint and that such neighboring electric system fully compensates the Applicant for its costs. The Applicant shall not be required to construct transmission facilities if it finds construction of such facilities infeasible, or if its costs in connection therewith would exceed its benefits therefrom, or if it finds such facilities would impair system reliability or emergency transmission capacity;
- (11)(a) This statement of policy is not intended to affect in any way the franchises, certificates of public convenience and necessity, or other rights of the Applicant or of any neighboring electric system to render electric service in the State of Illinois;
- (11)(b) Nothing herein shall be construed as a waiver by the Applicant of its right to contest whether or not and the extent to which a particular factual situation may be covered by this statement of policy or preclude the Applicant from contesting an alleged act of unfair competition;
- (11)(c) The Applicant shall recognize that the carrying out of some of the policies expressed herein in particular circumstances may not be in the mutual interest of the Applicant and a neighboring electric system. Nothing herein is intended to preclude the Applicant and a neighboring electric system from reaching an agreement which extends, varies or supplements the provisions of the foregoing paragraphs in a manner not inconsistent with the broad purposes expressed in paragraph 2 and applicable law;
- (11)(d) The Applicant does not intend by this statement of policy to become a common carrier; and
- (12) The foregoing policies are to be implemented and applied in a manner consistent with Federal, State and local laws, regulations and orders. All rates, charges, conditions, terms and practices are and will be subject to the acceptance or approval of any regulatory agencies or courts having jurisdiction over them. To the extent that such action may at the time be required in order to effect any such changes, the Applicant and any neighboring electric system affected by any of the foregoing policies reserve the right of recourse to the appropriate forum to seek such changes therein as may at the time be appropriate in accordance with law, the public interest, or good industry practices.

E. This facility is subject to the following conditions for the protection of the environment:

- (1) During the construction provided by this construction permit, the Applicant shall take the necessary mitigating actions, including those summarized on page iii, paragraph 7 and in Section 4.5 of the Final Environmental Statement (FES) dated October 1974, to avoid any unnecessary adverse environmental impacts from construction activities. Further, the Applicant shall follow the environmental monitoring programs described in Section 6 of the Environmental Report, with Amendments, and the FES; and in addition, water chemistry shall be sampled, in duplicate, at least once a month commencing with the beginning of construction for parameters described in Section 6.1.3.2.6 of the FES.
- (2) The Applicant shall operate, as a minimum, a supplemental cooling system in the following manner:
 - (a) in the late spring when the condenser discharge temperature reaches 92°F or on June 1, whichever comes first, the supplemental cooling system will begin operation with approximately one-fifteenth (1/15) of the capacity being switched on;
 - (b) each day thereafter another one-fifteenth (1/15) of the system will begin operation, until by June 15, at the latest, all modules will be operating;
 - (c) in the late summer, when the condenser discharge temperature reaches 92 F on the declining side of the time/temperature curve, or on September 19, whichever occurs last, the supplemental cooling system will begin to be sequenced off with approximately one-fifteenth (1/15) of the modules being shut down for the first six (6) days;
 - (d) each day thereafter another two-fifteenths (2/15) or less of the modules will be shut off until by September 30, at the earliest, the complete system will be off.
- (3) The effluent temperature to the lake will not exceed 96°F at any time.
- (4) The Applicant shall prior to the filling of the impoundment, submit an acceptable lake management plan for approval by the Illinois Environmental Protection Agency and the Illinois Department of Conservation, which plan will preserve the lake's recreational and fisheries value.
- (5) The Applicant shall keep the lake open to readily available public access throughout the life of the lake.

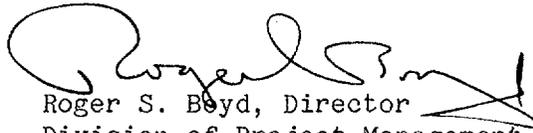
- (6) The Applicant shall develop and submit an acceptable program prior to operation showing startup and shutdown procedures which will minimize the adverse affect of such activities on aquatic life.
 - (7) If it is determined after operation of the facility or by ongoing research, that conditions in Lake Clinton will be significantly different than has been described in the 316(a) demonstration, or if it is determined that the cooling water use, recreational aspects of the lake, or that protection and propagation of indigenous aquatic life cannot be assured, the Applicant shall take whatever measures are needed to correct the problem, including backfitting of the proposed or existing plant with additional cooling facilities.
 - (8) The Applicant shall submit quarterly progress reports to:

Illinois Environmental Protection Agency,
Manager, Variance Section; Division of
Water Pollution Control
Springfield, Illinois 62706
 - (9) Before engaging in a construction activity which may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the FES, the Applicant shall provide written notification to the Director, Office of Nuclear Reactor Regulation.
 - (10) A control program shall be established by the Applicant to provide for a periodic review of all construction activities to assure that those activities conform to the environmental conditions set forth herein.
 - (11) If unexpected harmful effects or evidence of irreversible damage are detected during facility construction, the Applicant shall provide an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce the harmful effects or damage.
4. This permit is subject to the limitation that a license authorizing operation of the facility will not be issued by the Commission unless (a) the Applicant submits to the Commission the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public

will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; (c) the Commission finds that operation of the facility will be in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements were satisfied; and (d) the Applicant submits proof of financial protection and executes an indemnity agreement as required by Section 170 of the Act.

5. This permit is effective as of its date of issuance and shall expire on the latest completion date indicated in paragraph 3.A above.

FOR THE NUCLEAR REGULATORY COMMISSION



Roger S. Boyd, Director
Division of Project Management
Office of Nuclear Reactor Regulation

Date of Issuance: FEB 24 1976



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

ILLINOIS POWER COMPANY

DOCKET NO. 50-462

CLINTON POWER STATION, UNIT NO. 2

CONSTRUCTION PERMIT

Construction Permit No. CPPR-138

1. The Nuclear Regulatory Commission (the Commission) having found that:
 - A. The application for construction permit complies with the requirements of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the permit will be conducted in compliance with the rules and regulations of the Commission; and all required notifications to other agencies or bodies have been duly made;
 - B. The Illinois Power Company (the Applicant) has described the proposed design of the Clinton Power Station, Unit No. 2 (the facility), including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;
 - C. Such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;
 - D. Safety features or components, if any, which require research and development have been described by the Applicant and the Applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components;

- E. On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;
 - F. The Applicant is technically qualified to design and construct the proposed facility;
 - G. The Applicant is financially qualified to design and construct the proposed facility;
 - H. The issuance of a permit for the construction of the facility will not be inimical to the common defense and security or to the health and safety of the public; and
 - I. After weighing the environmental, economic, technical and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of a construction permit subject to the conditions for protection of the environment set forth herein is in accordance with Appendix D to 10 CFR Part 50 of the Commission's regulations and all applicable requirements have been satisfied.
2. Pursuant to Section 103 of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the Atomic Safety and Licensing Board's Partial Initial Decision, dated September 30, 1975, and Initial Decision dated February 20, 1976, the Nuclear Regulatory Commission (the Commission) hereby issues a construction permit to the Applicant for a utilization facility designed to operate at 2894 megawatts thermal as described in the application and amendments thereto (the application) filed in this matter by the Applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Clinton Power Station, Unit 2, will be located on the Applicant's site in Harp Township, DeWitt County, Illinois.
3. This permit shall be deemed to contain and be subject to the conditions specified in Sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and

orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

- A. The earliest date for the completion of the facility is October 1, 1983, and the latest date for completion is October 1, 1985.
- B. The facility shall be constructed and located at the site as described in the application, in Harp Township, DeWitt County, Illinois.
- C. This construction permit authorizes the Applicant to construct the facility described in the application and the hearing record, in accordance with the principal architectural and engineering criteria and environmental protection commitments set forth therein.
- D. The Applicant is subject to the following antitrust conditions:

(1) Definitions

(1)(a) "Applicant" means Illinois Power Company and includes each present or future wholly-owned subsidiary of the Illinois Power Company and any successor to it;

(1)(b) "Neighboring electric system" means (i) a financially responsible business corporation, not-for-profit corporation, rural electric cooperative, municipal corporation organized under the laws of the State of Illinois, company, association, joint stock company, firm, partnership, or person owning or operating, or proposing bona fide and in good faith to own or operate, facilities for the generation, transmission or distribution of electricity for bulk power supply, (ii) whose facilities are or will be located in the State of Illinois, (iii) whose facilities are interconnected, or are proposed to be interconnected, for the purpose of carrying out one or more of the transactions referred to herein with facilities of the Applicant (provided that any proposed interconnection shall be lawful and feasible), and (iv) which is or will be a public utility under the laws of the State of Illinois or the Federal Power Act and is or will be providing electric service under a contract or rate schedule on file with and subject to the regulation of the Illinois Commerce Commission or the Federal Power Commission. The requirement that a neighboring electric system shall be a public utility does not apply to a rural electric cooperative or a municipal corporation but will apply to a rural electric cooperative or a municipal corporation if at a future date it is included within the definition of "public utility" under the Illinois Public Utilities Act or under a similar act. (The definition of neighboring electric system includes systems which meet the above requirements either now or in the future.);

- (1)(c) "Costs" means all operating and maintenance expenses, capital costs and a reasonable return on investment which are properly applicable to the particular transaction and the facilities involved in that transaction;
- (1)(d) "Neighboring entity" means a neighboring electric system owning or operating, or proposing bona fide and in good faith to own or operate, facilities for the generation of electricity for bulk power supply;
- (2) The broad purposes of any interchange or other arrangement for bulk power supply transactions between the Applicant and a neighboring electric system are to improve the reliability and quality of service, to avoid the duplication of facilities, and to minimize costs. Any such arrangements will involve planning by the parties and should be technically and economically feasible and practical. The arrangement should also be reciprocal as nearly as may be although it is recognized that, in any particular arrangement, the benefits may not be equal or identical for each party and that a smaller electric system may realize benefits which are greater than those realized by a larger system. No party should be obligated to enter into an arrangement if it would realize no net benefits from the arrangement, or if the arrangement would result in net burdens to the party. The policies herein expressed cannot be implemented unilaterally by the Applicant. If an arrangement between the Applicant and a neighboring electric system is to be successful and is to operate in the public interest, it must be negotiated and performed in good faith and with full cooperation by the parties to it. No party should capriciously reject a proposal submitted by another party and the Applicant and neighboring electric systems should give reasonable consideration to proposals made by each other;
- (3) The Applicant will interconnect with any neighboring entity in order that the parties may seek and realize all benefits practicable to be effected through the coordination and development of their respective systems and in carrying out various interconnection services and transactions. The Applicant will assist to the fullest extent feasible any neighboring entity in the coordination of reserves through the sale and purchase of emergency energy and maintenance power upon terms that will provide for the full compensation of the Applicant's costs. No party shall be required to provide emergency energy or maintenance power if to do so will impair the supplying party's ability to render adequate and reliable service to its customers or to discharge its prior commitments, if any, to other electric systems.

- (4) The Applicant and the neighboring entity shall each provide sufficient capacity (which may include firm contracted-for capacity) in its system to enable it to carry its planned-for-peak demand plus an adequate reserve. An adequate minimum reserve requirement shall be mutually determined from time to time as a percentage of planned-for-peak demand (unless otherwise agreed) and shall take into account such reserve criteria as the nature of the respective systems and planned-for-peak demand required in order to assure reliability of service and an equitable sharing of reserve responsibility. Each party shall provide such amount of spinning reserve as shall avoid the imposition of an unreasonable demand on the system of the other party. However, such spinning reserve requirement shall not exceed the minimum installed reserve requirement. If over a reasonable period, a party has failed to deliver emergency energy, or if a party has appeared to make excessive calls for emergency energy, the parties shall jointly study the matter for the purpose of determining the adequacy or inadequacy of the reserve generating capacity and transmission facilities being provided to meet the requirements of the interconnected systems and of determining the manner of correcting any deficiencies;
- (5) The agreement for the interchange arrangement between the Applicant and a neighboring entity will not include restrictive provisions which would preclude a party from engaging in interconnection and coordination arrangements with others, but may include appropriate provisions to assure (i) that the Applicant receives adequate notice of such additional interconnection or coordination, (ii) that the parties will jointly consider and agree upon such measures, if any, as are reasonably necessary to protect the reliability of the interconnected systems and to prevent undue burdens from being imposed on any system, and (iii) that the Applicant will be fully compensated for its costs. Good industry practice as developed in the area from time to time (if not unreasonably restrictive) will satisfy this provision;
- (6) Interconnections will be available for a neighboring electric system on any of the Applicant's installed transmission and subtransmission facilities if the proposed interconnection is technically and economically feasible and the Applicant is fully compensated for its costs. Interconnections will not be limited to low voltages when higher voltages are available from the Applicant's installed facilities in the area where the interconnection is desired. Control and telemetering facilities shall be provided as required for the safety and reliability of the interconnected systems;
- (7) The Applicant will afford an opportunity to participate to any neighboring electric system that makes a timely request therefor in the ownership of, or purchase of unit participation power from, Clinton Power Station Units 1 and 2, and any additional nuclear

generating unit which the Applicant may construct, own, and operate and which in the application filed with the Commission, or any successor agency, is scheduled for commercial operation prior to January 1, 1989, to a reasonable extent and on reasonable terms and conditions and on a basis that will fully compensate the Applicant for its costs incurred and to be incurred and that will not adversely affect the financing of such power station. The request shall be deemed timely with respect to Clinton Power Station Units 1 and 2, if received by June 30, 1974, and with respect to any additional generating unit if received within a reasonable period of time from a planning and operating standpoint after the public announcement by the Applicant of the proposed installation of any such unit. As a part of any arrangement that may be reached with respect to such participation, the Applicant will interconnect with and deliver any power to which the neighboring electric system may be entitled under such arrangement at a delivery point or points on the Applicant's system on a basis that will fully compensate the Applicant for its costs;

- (8) The Applicant will sell bulk power to any neighboring electric system in accordance with rates, terms and conditions which fully compensate the Applicant for its costs, and which do not restrict use or resale except as may be necessary to protect the reliability of the Applicant's system, and as are accepted or approved by the appropriate regulatory body or bodies. The Applicant shall not be required to make any such sale if the Applicant does not have available sufficient generation to provide the requested service or if the sale would impair the Applicant's ability to render adequate and reliable service to its customers or to discharge its prior commitments, if any, to other electric systems;
- (9) The Applicant will work with neighboring electric systems to facilitate the exchange of bulk power by transmission over its transmission facilities between or among two or more neighboring electric systems and between any neighboring electric system and any other electric system engaging in bulk power supply outside the Applicant's service area between whose facilities the Applicant's transmission lines and other transmission lines would form a continuous electrical path, provided that (i) permission to utilize such other transmission lines has been obtained by the proponent of the arrangement, and (ii) the arrangements reasonably can be accommodated from a functional and technical standpoint. Such transmission shall be on terms that fully compensate the Applicant for its costs. Any neighboring electric system requesting such transmission arrangements shall give reasonable advance notice of its schedule and requirements. The Applicant shall not be required to enter into any arrangement which would impair system reliability or emergency transmission capacity, it being recognized that while some transmission

facilities may be operated fully loaded, other transmission facilities may be for emergency use and operated either unloaded or partially loaded;

- (10) The Applicant shall include in its planning and construction programs sufficient transmission capacity as required for the transactions referred to in paragraph (9), provided any neighboring electric system gives the Applicant sufficient advance notice as may be necessary to accommodate its requirements from a functional and technical standpoint and that such neighboring electric system fully compensates the Applicant for its costs. The Applicant shall not be required to construct transmission facilities if it finds construction of such facilities infeasible, or if its costs in connection therewith would exceed its benefits therefrom, or if it finds such facilities would impair system reliability or emergency transmission capacity;
- (11)(a) This statement of policy is not intended to affect in any way the franchises, certificates of public convenience and necessity, or other rights of the Applicant or of any neighboring electric system to render electric service in the State of Illinois;
- (11)(b) Nothing herein shall be construed as a waiver by the Applicant of its right to contest whether or not and the extent to which a particular factual situation may be covered by this statement of policy or preclude the Applicant from contesting an alleged act of unfair competition;
- (11)(c) The Applicant shall recognize that the carrying out of some of the policies expressed herein in particular circumstances may not be in the mutual interest of the Applicant and a neighboring electric system. Nothing herein is intended to preclude the Applicant and a neighboring electric system from reaching an agreement which extends, varies or supplements the provisions of the foregoing paragraphs in a manner not inconsistent with the broad purposes expressed in paragraph 2 and applicable law;
- (11)(d) The Applicant does not intend by this statement of policy to become a common carrier; and
- (12) The foregoing policies are to be implemented and applied in a manner consistent with Federal, State and local laws, regulations and orders. All rates, charges, conditions, terms and practices are and will be subject to the acceptance or approval of any regulatory agencies or courts having jurisdiction over them. To the extent that such action may at the time be required in order to effect any such changes, the Applicant and any neighboring electric system affected by any of the foregoing policies reserve the right of recourse to the appropriate forum to seek such changes therein as may at the time be appropriate in accordance with law, the public interest, or good industry practices.

E. This facility is subject to the following conditions for the protection of the environment:

- (1) During the construction provided by this construction permit, the Applicant shall take the necessary mitigating actions, including those summarized on page iii, paragraph 7 and in Section 4.5 of the Final Environmental Statement (FES) dated October 1974, to avoid any unnecessary adverse environmental impacts from construction activities. Further, the Applicant shall follow the environmental monitoring programs described in Section 6 of the Environmental Report, with Amendments, and the FES; and in addition, water chemistry shall be sampled, in duplicate, at least once a month commencing with the beginning of construction for parameters described in Section 6.1.3.2.6 of the FES.
- (2) The Applicant shall operate, as a minimum, a supplemental cooling system in the following manner:
 - (a) in the late spring when the condenser discharge temperature reaches 92°F or on June 1, whichever comes first, the supplemental cooling system will begin operation with approximately one-fifteenth (1/15) of the capacity being switched on;
 - (b) each day thereafter another one-fifteenth (1/15) of the system will begin operation, until by June 15, at the latest, all modules will be operating;
 - (c) in the late summer, when the condenser discharge temperature reaches 92 F on the declining side of the time/temperature curve, or on September 19, whichever occurs last, the supplemental cooling system will begin to be sequenced off with approximately one-fifteenth (1/15) of the modules being shut down for the first six (6) days;
 - (d) each day thereafter another two-fifteenths (2/15) or less of the modules will be shut off until by September 30, at the earliest, the complete system will be off.
- (3) The effluent temperature to the lake will not exceed 96°F at any time.
- (4) The Applicant shall prior to the filling of the impoundment, submit an acceptable lake management plan for approval by the Illinois Environmental Protection Agency and the Illinois Department of Conservation, which plan will preserve the lake's recreational and fisheries value.
- (5) The Applicant shall keep the lake open to readily available public access throughout the life of the lake.

- (6) The Applicant shall develop and submit an acceptable program prior to operation showing startup and shutdown procedures which will minimize the adverse affect of such activities on aquatic life.
- (7) If it is determined after operation of the facility or by ongoing research, that conditions in Lake Clinton will be significantly different than has been described in the 316(a) demonstration, or if it is determined that the cooling water use, recreational aspects of the lake, or that protection and propagation of indigenous aquatic life cannot be assured, the Applicant shall take whatever measures are needed to correct the problem, including backfitting of the proposed or existing plant with additional cooling facilities.

- (8) The Applicant shall submit quarterly progress reports to:

Illinois Environmental Protection Agency,
Manager, Variance Section; Division of
Water Pollution Control
Springfield, Illinois 62706

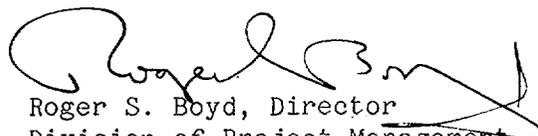
- (9) Before engaging in a construction activity which may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the FES, the Applicant shall provide written notification to the Director, Office of Nuclear Reactor Regulation.
- (10) A control program shall be established by the Applicant to provide for a periodic review of all construction activities to assure that those activities conform to the environmental conditions set forth herein.
- (11) If unexpected harmful effects or evidence of irreversible damage are detected during facility construction, the Applicant shall provide an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce the harmful effects or damage.

- 4. This permit is subject to the limitation that a license authorizing operation of the facility will not be issued by the Commission unless (a) the Applicant submits to the Commission the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public

will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; (c) the Commission finds that operation of the facility will be in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements were satisfied; and (d) the Applicant submits proof of financial protection and executes an indemnity agreement as required by Section 170 of the Act.

5. This permit is effective as of its date of issuance and shall expire on the latest completion date indicated in paragraph 3.A above.

FOR THE NUCLEAR REGULATORY COMMISSION



Roger S. Boyd, Director
Division of Project Management
Office of Nuclear Reactor Regulation

Date of Issuance: FEB 24 1976

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NOS. 50-461 AND 50-462

ILLINOIS POWER COMPANY

(CLINTON POWER STATION, UNITS 1 AND 2)

NOTICE OF ISSUANCE OF CONSTRUCTION PERMITS

Notice is hereby given that, pursuant to the Partial Initial Decision and Initial Decision of the Atomic Safety and Licensing Board, dated September 30, 1975, and February 20, 1976, respectively, the Nuclear Regulatory Commission (the Commission) has issued Construction Permits Nos. CPPR-137 and CPPR-138 to the Illinois Power Company for construction of two boiling water nuclear reactors at its site in DeWitt County, Illinois. The proposed reactors, known as the Clinton Power Station, Units 1 and 2, are each designed for a rated power of 2894 megawatts thermal with a net electrical output of about 933 megawatts.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permits are effective as of their dates of issuance. The earliest date for the completion of Unit 1 is October 1, 1980, and the

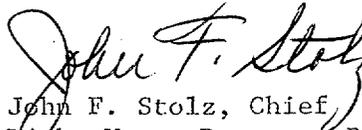
latest date for completion is October 1, 1981. The earliest date for completion of Unit 2 is October 1, 1983, and the latest date for completion is October 1, 1985. The permits shall expire on the latest dates for completion of the facilities.

A copy of (1) the Partial Initial Decision, dated September 30, 1975, and the Initial Decision dated February 20, 1976; (2) Construction Permit Nos. CPPR-137 and CPPR-138; (3) the report of the Advisory Committee on Reactor Safeguards, dated April 8, 1975; (4) the Office of Nuclear Reactor Regulation's Safety Evaluation dated March 1975 and Supplement 1 thereto, dated December 1975; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report dated October 26, 1973, and supplements thereto; (7) the Draft Environmental Statement dated June 1974; and (8) the Final Environmental Statement dated October 1974, are available for public inspection at the Commission's Public Document Room at 1717 H. Street, N. W., Washington, D. C. and the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. A copy of the construction permits may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation (Document No. NUREG-75/013) may be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 24th day of February 1976.

FOR THE NUCLEAR REGULATORY COMMISSION



John F. Stolz, Chief
Light Water Reactors Branch No. 1
Division of Project Management