

11/18/81

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

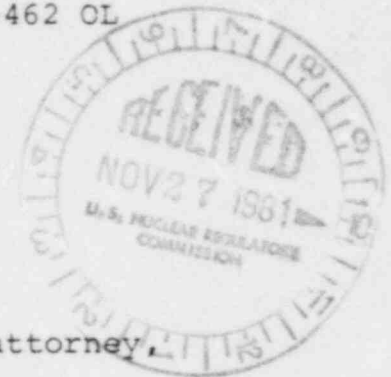
IN THE MATTER OF )  
ILLINOIS POWER COMPANY, )  
SOYLAND POWER COOPERATIVE, INC. )  
and WESTERN ILLINOIS POWER )  
COOPERATIVE, INC. )  
)  
)  
)  
)  
)  
)  
)  
(Operating Licenses for Clinton )  
Power Station, Units 1 and 2) )

'81 NOV 23 A11:30

Docket Nos. 50-461 OL  
50-462 OL

OFFICE OF SECRETARY  
REGULATING & SERVICE  
ATTORNEY

THE STATE OF ILLINOIS'  
MOTION TO REQUIRE NRC  
STAFF TO ANSWER INTERROGATORIES



The State of Illinois (Illinois), by its attorney, Tyrone C. Fahner, Attorney General of the State of Illinois, hereby moves the presiding officer in the above captioned proceeding to require the Nuclear Regulatory Commission (NRC) Staff to answer interrogatories, pursuant to Section 2.720(h)(2)(ii) of the NRC Rules of Practice. In support of this motion Illinois states as follows:

1. On November 16, 1981, pursuant to a discovery schedule agreed to by the parties, Illinois filed and served interrogatories to be answered by the NRC Staff.
2. Illinois believes that answers to these interrogatories are necessary to a proper decision in the proceeding. Each interrogatory propounded to the NRC Staff is related to a contention that is before the Atomic Safety and Licensing Board in this proceeding. Illinois has asked a series of interrogatories requesting NRC to state its position on various aspects of the Quality Assurance and Quality Control construction program of the Clinton Power Station, Unit 1 (CPS-1), which is at issue in

8111300248 811118  
PDR ADOCK 05000461  
G PDR

DSAB  
80/1

Contention 2. Illinois has also asked a series of interrogatories requesting NRC to state its position on the operating capability and predicted performance of the CPS-1 Emergency Core Cooling System, which are issues found in Contention 10. Finally, there are a series of interrogatories on the NRC Staff's position with respect to the operating capability and radiation protection measures of the spent fuel transfer tube, the subject of Contention 12. Without answers to these interrogatories Illinois does not know what the NRC Staff's position is on each of these contentions.

3. Illinois believes that the answers to these interrogatories are not reasonably obtainable from any other source. The NRC Staff has not yet issued its Safety Evaluation Report (SER) for CPS-1. Moreover, the SER is not expected to be issued until after the close of discovery on the presently admitted contentions, January 15, 1982. The answers are also not available from any other source of information available to Illinois, such as the Public Document Room.

WHEREFORE, Illinois moves the presiding officer of the Board to require the NRC Staff to answer interrogatories, filed by Illinois on November 16, 1981, upon a finding that answers to the interrogatories are necessary to a proper decision in the proceeding and that answers to the interrogatories are not reasonably obtainable from any other source, pursuant to Section 2.720(h)(2)(ii) of the NRC Rules of Practice.

Respectfully submitted,

TYRONE C. FAHNER  
Attorney General  
State of Illinois

BY: Philip L. Willman  
PHILIP L. WILLMAN  
Assistant Attorney General  
Environmental Control Division  
188 West Randolph Street  
Suite 2315  
Chicago, Illinois 60601  
(312) 793-2491

DATED: November 18, 1981

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF )  
ILLINOIS POWER COMPANY, )  
SOYLAND POWER COOPERATIVE, INC.)  
and WESTERN ILLINOIS POWER )  
COOPERATIVE, INC. )  
) Docket Nos. 50-461 OL  
(Operating Licenses for Clinton) 50-462 OL  
Power Station, Units 1 and 2) )

NOTICE

TO: Hugh K. Clark, Esq., Chairman  
P.O. Box 127A  
Kennedyville, Maryland 21645

Dr. George A. Ferguson  
School of Engineering  
Howard University  
2300 Sixth Street, N.W.  
Washington, D.C. 20059

Dr. Oscar H. Paris  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Richard J. Goddard  
Office of the Executive Legal Director  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

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

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

Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing Appeal Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

PLEASE TAKE NOTICE that today I have caused to be filed with the Secretary, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Section, one original and two conformed copies of the State of Illinois' Motion to Require NRC Staff to Answer Interrogatories. Copies of these documents are attached and served upon you.

Respectfully submitted,

TYRONE C. FAHNER  
Attorney General  
State of Illinois

BY:

*Philip L. Willman*

PHILIP L. WILLMAN  
Assistant Attorney General  
Environmental Control Division  
188 West Randolph Street  
Suite 2315  
Chicago, Illinois 60601  
(312) 793-2491

DATED: November 18, 1981

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF	)	
ILLINOIS POWER COMPANY,	)	
SOYLAND POWER COOPERATIVE, INC.	)	
and WESTERN ILLINOIS POWER	)	
COOPERATIVE, INC.	)	
	)	Docket Nos. 50-461 OL
	)	50-461 OL
(Operating Licenses for Clinton	)	
Power Station, Units 1 and 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that I served copies of the State of Illinois' Motion to Require NRC Staff to Answer Interrogatories on the persons on the attached Notice by causing them to be deposited in the United States mail, first class, postage prepaid, on this 18th day of November, 1981.

*Philip L. Willman*

\_\_\_\_\_  
PHILIP L. WILLMAN