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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE
ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of)
)

UNITED STATES DEPARTMENT OF ENERGY)
PROJECT MANAGEMENT CORPORATION)
TENNESSEE VALLEY AUTHORITY)

Docket No. 50-537 *Q*

(Clinch River Breeder Reactor Plant))
)

INTERVENORS' RESPONSE TO
APPLICANTS' MOTION TO DISMISS PROCEEDING

Intervenors, Natural Resources Defense Council, Inc. and the Sierra Club, hereby respond to Applicants' Motion to Dismiss Proceeding, dated October 19, 1984.

In light of the recent developments described in Applicants' Motion to Dismiss Proceeding, including DOE's commitment to commence redress activities not later than May 31, 1985,^{*/} Intervenors do not oppose Applicants' motion to the Board to authorize revocation of the LWA and dismiss the proceedings without prejudice, subject to the conditions set forth in the redress plan and the NRC Staff's June 6, 1984 letter.

Intervenors nonetheless continue to maintain that Commission regulations require Applicants to restore the site to a condition

^{*/} Supplemental Agreement Between Tennessee Valley Authority and United States Department of Energy 3 (Aug. 31, 1984) (Attachment F to Applicants' Motion to Dismiss Proceeding). DOE also expects to complete redress activities by November 30, 1985. Id.

as nearly approaching its original condition as possible. In this case redress requires removal of all structures and facilities, backfilling of all excavations to the surrounding elevation, and restoration of a reasonable amount of natural contour, to ensure compatibility with the surrounding area. See Supplemental Comments of the Natural Resources Defense Council, Inc. and the Sierra Club in Opposition to Applicants' Exemption Request Under 10 C.F.R. .50.12 (Jan. 28, 1982). Applicants have made no attempt to comply with these requirements.

Even if redress to the substantially original condition is not necessary where the site is set aside for industrial use, Applicants' proposed redress plan fails to satisfy the preferences of the local community for a site which will allow flexibility in future industrial development. The City Manager of Oak Ridge, M. Lyle Lacy, III, has expressed a preference for a site redress plan "which results in level land uses for future industrial development." Attachment B to Applicants' Motion to Dismiss Proceeding (emphasis added). This preference corresponds to Alternate 1 in Applicants' redress plan. CRBR Project Site Redress Plan at 13. Applicants, in contrast, have chosen Alternate 2, which would leave 24 acres of major excavation at a level 30 feet below the general plant grade. Id. at 5, 13. Applicants admit that Alternate 2 would provide less flexibility for future industrial use than would Alternate 1. Id. at 13-14. Since Applicants claim that the redress proposal is based on the preferences of the local community for future industrial development of the site (Id. at 17) they should, at a minimum,

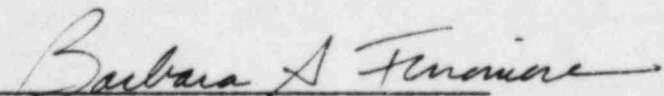
heed the preference of the community for level land use and greater flexibility in future development.

As a separate matter, Intervenor note that Applicants have committed:

- (1) to report to the NRC the status of the CRBR site, and plans and schedules for redress, at the time final disposition of the site is determined in Spring 1985; and
- (2) to submit a revised redress plan to the NRC if an alternative use for the site is found. (Attachment E).

Since Intervenor are full parties to the LWA revocation and site redress proceedings (ALAB-761, Slip Opinion (Feb. 29, 1984)), we expect to receive copies of any such reports and revisions, and to participate fully in any further proceedings regarding redress of the CRBR site.

Respectfully submitted,



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Dated: October 30, 1984

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CERTIFICATE OF SERVICE

I hereby certify that copies of INTERVENORS' RESPONSE TO APPLICANTS' MOTION TO DISMISS PROCEEDING were served this 30th day of October 1984 by first class mail upon:

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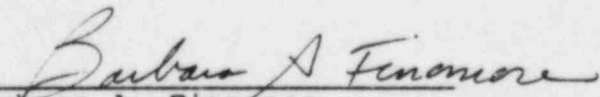
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