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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Hugh K. Clark, Chairman
Dr. George A. Ferguson
Dr. Oscar H. Paris

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In the Matter of
ILLINOIS POWER COMPANY, et al.
(Clinton Power Station, Unit No. 1)

Docket No. 50-461-0L

February 14, 1985

MEMORANDUM AND ORDER
(Terminating Proceeding)

I. INTRODUCTION

On January 28, 1985 a Joint Stipulation, signed by all parties to these proceedings, requested withdrawal of all remaining contentions (Contentions II and III) and dismissal of the proceeding. By this Memorandum and Order, the Board approves the withdrawal of said contentions and terminates the proceedings.

II. PROCEDURAL HISTORY

1. On September 8, 1980 the Nuclear Regulatory Commission (NRC) received an application for facility operating licenses to possess, use, and operate the Clinton Power Station (CPS) Units 1 and 2, two boiling

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water nuclear reactors located in Harp Township, DeWitt County, approximately six miles east of the city of Clinton, in east-central Illinois. The application for CPS Unit 1 was filed by the Illinois Power Company on behalf of itself and Soyland Cooperative, Inc. and Western Illinois Power Cooperative, Inc. (Applicants). Illinois Power Company is the sole applicant and owner of CPS Unit 2. Each of the reactors is designed to operate at a core power level of 2894 megawatts thermal, with an electrical output of approximately 933 megawatts. Construction of the Clinton units was authorized on February 24, 1976. Unit 1 was originally scheduled for completion in 1983 and Unit 2 was scheduled for completion in 1995.

2. Petitions to intervene were filed on October 27, 1980 by Prairie Alliance (PA) and on October 29, 1980 by the Illinois Attorney General (IAG) on behalf of the People of the State of Illinois. On November 7, 1980 an order was issued establishing an Atomic Safety and Licensing Board (Board) for Dockets No. 50-461 OL and No. 50-462 OL.

3. On May 29, 1981 the Board issued an order admitting PA as an Intervenor and allowing IAG to participate as an Interested State pursuant to 10 C.F.R. 2.715(c). The Board also admitted twelve contentions.

4. Between May 29, 1981 and November 10, 1982 negotiations among the parties resulted in a reduction in the number of contentions, to six. (Board Order of November 10, 1982)

5. On November 13, 1981 the Board granted an unopposed motion by the Applicants for Severance and Stay of proceedings as to Unit 2 (Docket No. 50-462 OL). Thereafter this proceeding related only to Unit 1 of CPS (Docket No. 50-461 OL).

6. As a result of Special Prehearing Conferences on June 6, 1983 and October 18, 1983 three of the six contentions were withdrawn. The remaining contentions had to do with Emergency Planning (identified henceforth as Contention I), Quality Assurance and Quality Control (henceforth, Contention II), and Control Room Design (henceforth, Contention III). By agreement between PA and IAG, PA took the lead responsibility for Contention I and IAG took lead responsibility for Contentions II and III.

7. Thereafter the parties engaged in vigorous negotiations as to the remaining contentions and subparts thereof. By Order dated April 26, 1984 the Board approved the withdrawal of five of the ten subparts of Contention III. IAG, by letters dated March 30, 1984 and May 4, 1984 indicated willingness to withdraw an additional subpart of Contention III based upon discussions among the parties and upon data furnished to the IAG by Applicants and by the NRC Staff.

8. On November 19, 1984 the withdrawal of Contention I was stipulated by all parties except IAG. The latter indicated during a telephone conference on November 30, 1984 that it had no objection to the withdrawal of Contention I. (Tr. 4818) The withdrawal was approved by the Board in an Order issued January 4, 1985.

III. RESOLUTION OF REMAINING CONTENTIONS

A Joint Stipulation executed by all parties on January 28, 1985 seeks (1) to withdraw all remaining issues before the Board as set forth in Contentions II and III and (2) to terminate this proceeding. The Stipulation identifies programs and plans of action by the Applicants and the NRC Staff that are intended to address the concerns raised by the remaining Contentions. The Stipulation also provides for the IAG to continue to be involved in these programs and plans, in order to assure satisfactory resolution of the concerns raised by the Contentions. In the event of disputes between the Applicants and the IAG, the Stipulation provides for a resolution of the dispute by the NRC Staff, whose decision will be binding upon Applicants and the IAG.

IV. DESIRE OF MEMBERS OF THE PUBLIC TO BE HEARD

The Board has been informed orally by counsel for the NRC Staff that a number of citizens living in the vicinity of CPS had indicated a

desire to express their views by making a limited appearance pursuant to 10 C.F.R. § 2.715(a) during the anticipated hearing. Termination of this proceeding will eliminate that opportunity. The Board, therefore, encourages the Staff to consider providing an opportunity for members of the public to speak during future public meetings which may be held in the vicinity of CPS by the Staff or by the Staff in conjunction with the Federal Emergency Management Agency (FEMA).

FINDINGS

The Board finds that the programs, plans, commitments, and agreements described in the Joint Stipulation will resolve the concerns which are the basis of the remaining contentions (Contentions II and III) and that the withdrawal of said Contentions should be approved. The Board further finds that after withdrawal of said contentions there will be no issues before the Board and, accordingly, this proceeding should be terminated.

CONCLUSIONS

For all the foregoing reasons and upon consideration of the entire record in this matter, the withdrawal of Contentions II and III as requested by the Joint Stipulation of January 28, 1985 is granted and this proceeding is terminated.

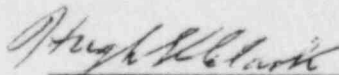
ORDER

Upon consideration of the findings and conclusions in the foregoing Memorandum and the entire record in this matter, and pursuant to 10 C.F.R. Part 2, it is this 14th day of February 1985

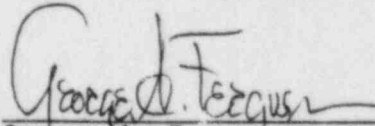
ORDERED

1. That withdrawal of all remaining Contentions as set forth in the Joint Stipulation is approved.
2. That this proceeding is terminated.

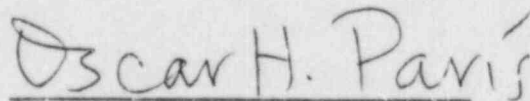
THE ATOMIC SAFETY
AND LICENSING BOARD



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Bethesda, Maryland