

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF ILLINOIS)
POWER COMPANY, SOYLAND POWER)
COOPERATIVE, INC. and WESTERN)
ILLINOIS POWER COOPERATIVE, INC.)
(Clinton Power Station Unit 2))

Docketed
USNRC
Docket No. 50-462 OL

'85 JUN -3 A11:37

ANSWER TO APPLICANT'S MOTION TO
TERMINATE PROCEEDING

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Comes now PEOPLE OF THE STATE OF ILLINOIS, by Neil P.

Hartigan, Attorney General of Illinois, and pursuant to 10 C.F.R.
sec. 2.730, answers Applicant's Motion to Terminate Proceeding,
as follows:

1. People of the State of Illinois have no objection to
the termination of this operating license proceeding, per se,
since Unit 2 has in fact been cancelled. (See Exhibit 1 to
Applicant's Motion.)

2. However, People of the State of Illinois question
the method Applicant has proposed for remediating the Unit 2
excavation area. Approval of this remediation plan is part of
Applicant's request in the instant motion that this ASLB
authorize the Director, Office of Nuclear Reactor Regulation to
rescind the Unit 2 Construction Permit no. CPPR-138 on the terms
stated in Exhibit 2 to Applicant's motion. In Exhibit 2,
Applicant states that "no actions beyond those already taken are
necessary for stabilization of the Unit 2 excavation."

3. More specifically, Applicant intends to leave the
Unit 2 excavation area unfilled, with the addition of a revetment
on the slopes of the backfill adjacent to the Unit 1 structures,

a berm around the perimeter of the area and a drainage system. (See FSAR subsection 2.5.4.14.4.) The Unit 2 excavation area is approximately 40 feet deep, 1,050 feet in length and over 300 feet wide. (See FSAR Figure 2.5-484.)

4. People of the State of Illinois question the environmental, safety and financial impacts of leaving an excavated area of these dimensions unfilled for an indefinite period of time.

For these reasons, People of the State of Illinois request that this ASLB:

A. Deny that portion of Applicant's motion which requests authorization for the Director of Nuclear Reactor Regulation to rescind the Unit 2 Construction Permit no. CPPR-138 on the terms proposed by Applicant; and

B. Order that a detailed environmental, safety and cost assessment be conducted of Applicant's proposed method for remediating the Unit 2 excavation area, before that method is approved.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

BY: NEIL F. HARTIGAN
ATTORNEY GENERAL

BY: Allen Samelson
One of the Attorneys for the
People of the State of Illinois

John McCaffrey
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DATED: May 29, 1985

CERTIFICATE OF SERVICE

I hereby certify that an original and two conformed copies of the foregoing document were served upon the following:

Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Docketing and Service Branch

DOCKETED
USNRC

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and that one copy of the foregoing document was served upon each of the following:

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by deposit in the United States Mail, postage prepaid on May 29,
1985.

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