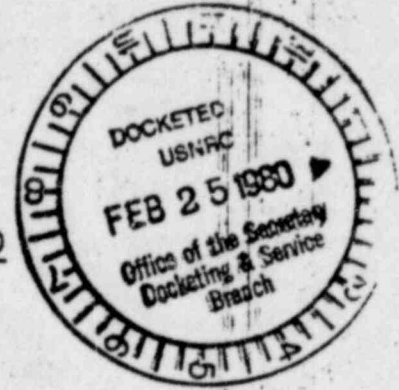


February 20, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter Of)	
)	
NORTHERN INDIANA PUBLIC)	DOCKET NO. 50-367
SERVICE COMPANY)	
(Bailly Generating Station,)	(Construction Permit
Nuclear 1))	Extension)

STATEMENT OF ROBERT J. VOLLEN

I, Robert J. Vollen, hereby state as follows:

1. In a telephone conversation on February 19, 1980, I was informed by William H. Eichhorn, one of the attorneys for NIPSCO in the above-captioned matter, that he had learned that Steven C. Goldberg, counsel for the NRC Staff in this matter, had expressed the Staff's position concerning the State of Illinois' Motion for Continuance to Herbert Grossman, Chairman of the Board, in an ex parte conversation between Messrs. Goldberg and Grossman.

2. In a telephone conversation on February 20, 1980, I was informed by Susan Sekuler, one of the attorneys for the State of Illinois in this matter, that she had returned a telephone call placed to her by the Chairman of the Board and that in an ex parte conversation, the Chairman informed her that he had ruled on and denied the State of Illinois' Motion for Continuance. Ms. Sekuler told me that the Chairman had said that among his reasons for the ruling was information

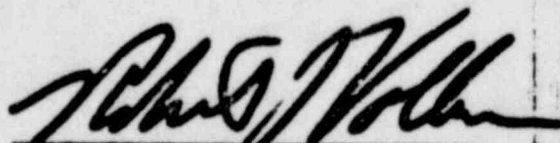
given to him by the Staff as to the Staff's unavailability on the date sought by the Motion and the scheduling preferences of the Staff. Ms. Sekuler also told me that because of the ex parte nature of the conversation, she felt constrained from making legal and factual arguments concerning what the Chairman had told her that she would otherwise have made.

3. At approximately 2:35 p.m., Central Standard Time, on February 20, 1980, following my telephone conversation with Ms. Sekuler, I placed a telephone call to phone number 301-492-7948, the number she had given me as the Board Chairman's. When the phone was answered, I asked for the office of Mr. Grossman, and Mr. Grossman responded that I was talking to him. I identified myself and told the Chairman that the purpose of my call was to request that he initiate a conference call through the NRC facilities among all of the parties to this proceeding. The Chairman asked me the purpose for a conference call. I responded that it was for the purpose of giving all the parties an opportunity to present their positions concerning the State of Illinois' Motion for Continuance, and answering several ex parte conversations which I understood the Chairman had participated in. The Chairman stated that he had already ruled on the Motion; I responded that I had been informed that he had, and that I thought a conference call should be held to discuss the ex parte conversations and to give all parties a chance to present their positions. I told the Chairman that we were treading unfair and dangerous ground for decisions to

be made based on ex parte conversations and that I thought it inappropriate to say anything more in this ex parte conversation. The Chairman said that he would have to check with the other Board members, and then said that in view of my position on ex parte communications it might be inappropriate for him to get back to me. I said that I hoped he would get back to me in the form of the NRC switchboard initiating a conference call. The Chairman said that it was not up to me to initiate a conference call. I repeated that I was requesting that he do so. The Chairman stated that if I wanted anything to be done, including the conference call, I should file a motion requesting that. I thanked the Chairman and the conversation ended.

I hereby affirm that the foregoing statements are true to the best of my recollection.

Dated: February 20, 1980

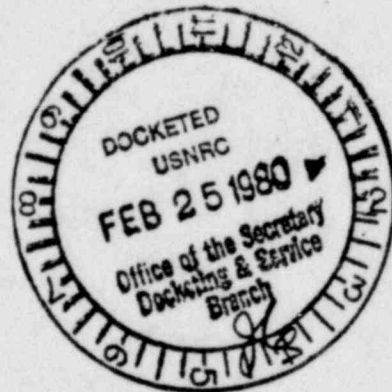

Robert J. Vollen

CERTIFICATE OF SERVICE

I hereby certify that I have served copies of the foregoing Joint Intervenors' Motion for (1) Reconsideration of Denial of State of Illinois Motion for Continuance, and (2) Continuance, dated February 20, 1980, upon each of the persons named on the attached Service List, by causing copies to be deposited in the U. S. Mail, in envelopes properly addressed and sealed, first class postage prepaid, this 20th day of February, 1980.



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