

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

9/9/80

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
NORTHERN INDIANA PUBLIC)	Docket No. 50-367
SERVICE COMPANY)	(Construction Permit Extension)
)	
(Bailly Generating Station,)	
Nuclear-1))	

NRC STAFF RESPONSE TO PORTER COUNTY CHAPTER
INTERVENORS' MOTION CONCERNING ENVIRONMENTAL IMPACT STATEMENT
AND STATE OF ILLINOIS' MOTION TO COMPEL STAFF DETERMINATION

On August 25 and 26, 1980, the Porter County Chapter Intervenor and the State of Illinois, respectively, filed a motion requesting the Board to order the NRC Staff to inform the Board and parties, within some specified time period, whether or not it will prepare an environmental impact statement in connection with the captioned proceeding. The State of Illinois motion is accompanied by a letter from William J. Scott, then Illinois Attorney General, to J. Gustave Speth, Chairman of the Council on Environmental Quality (CEQ), dated May 27, 1980 and a letter response from Mr. Speth to Tyrone C. Fahner, present Illinois Attorney General, dated August 12, 1980.

There is some question whether the Board has the authority to grant the requested relief.^{*/} Nevertheless, the Staff expects to be able to determine whether an impact statement is required in this matter in early October, 1980,

^{*/} See Offshore Power Systems (Floating Nuclear Power Plants), ALAB-489, 8 NRC 194, 206-07 (1978); New England Power Co. (NEP, Units 1 and 2), LBP-78-9, 1 NRC 271, 279 (1978), Northeast Nuclear Energy Co., et al. (Montague Nuclear Power Station, Units 1 and 2), LBP-75-19, 1 NRC 436 (1975) regarding the respective roles assigned to the NRC Staff and Licensing Boards in NRC adjudications.

and will promptly inform the Board and parties of that determination. In arriving at this determination, the Staff will give due consideration to the August 12 CEQ letter with which it is familiar.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Steve Goldberg", written in a cursive style.

Steven C. Goldberg
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 9th day of September, 1980

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO PORTER COUNTY CHAPTER INTERVENORS' MOTION CONCERNING ENVIRONMENTAL IMPACT STATEMENT AND STATE OF ILLINOIS' MOTION TO COMPEL STAFF DETERMINATION" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 9th day of September, 1980.

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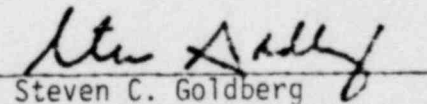
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