

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

11/6/80

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))	

AFFIDAVIT OF M. DAVID LYNCH

I, M. David Lynch, being duly sworn, state as follows:

1. I am employed by the U. S. Nuclear Regulatory Commission as a Project Manager in the Division of Licensing, Office of Nuclear Reactor Regulation.
2. I have been the project manager assigned to the Bailly Generating Station since 1973. The NRC Staff evaluation of the Bailly construction permit extension application is being performed under my direction and supervision.
4. I have no plans to be in the Chicago area in the foreseeable future. My required deposition in Chicago on one or more occasions, including travel time, could significantly limit my ability to adequately meet my responsibilities to the agency and my family in the respects explained below.

8011070169

5. I am the Staff's Project Manager on two active projects, Bailly and WNP-2. I am required to support both projects equally in general, and each project fully as the need dictates. Construction of the WNP-2 project, which is in the operating license stage of review, has been halted pending staff approval of the proposed resolution of problems affecting a major plant structure, the biological shield wall. It is my responsibility to direct the Staff's review leading to a decision on the proposed resolution and, thereafter, write the official response to the licensee.

6. This particular review effort, which is extremely critical in the construction schedule of the WNP-2 project, may be completed before the matter of the specific location for my deposition is resolved. However, it is typical of many other outstanding items concerning this project for which I am personally responsible. These include:
 - (a) Guiding the review of the recently discovered capable fault in Gable Mountain, a geologic structure within 12 miles of the WNP-2 site;
 - (b) Initiating and completing the start of the second round of our review questions for the WNP-2 project;
 - (c) Evaluating the completeness and thoroughness of input for the Staff's Draft Environmental Statement and, thereafter, preparing this document; and
 - (d) Evaluating the completeness and thoroughness of the input for the Staff's Safety Evaluation Report for WNP-2 and, thereafter, preparing this document.

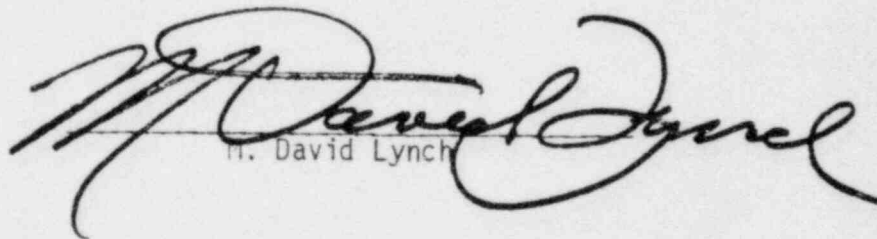
7. I am charged with similar duties on the Bailly project. Giving my deposition(s) in Chicago could also lead to a significant delay in performing and executing my functions on the Bailly project. These review functions include:
 - (a) Guiding the continuing Staff review of the Bailly pile proposal, including the revisions to the QA/QC manual and completion of the structural review leading to the acceptance of the licensee's pile loads;
 - (b) Evaluating the effectiveness of the placement of the production piles, if this function is authorized;
 - (c) Responding to frequent Congressional, Commission and public inquiries regarding the Bailly project;
 - (d) Guiding the preparation of the staff's evaluation of the construction permit extension request, including the Environmental Impact Assessment; and
 - (e) Assist in the staff's production of documents pursuant to the Intervenors' discovery request.

8. While it is possible to have other project managers within the Division of Licensing fulfill some of my duties while I am on travel, the amount of such assistance that can be provided is severely limited by two main considerations. First, many of my responsibilities require detailed knowledge of project-specific information which cannot be communicated in the short period of time available for reassigning a given task. Secondly, each of the other project managers is extremely overloaded with responsibilities for their own projects.

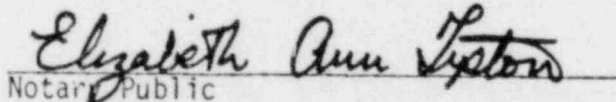
9. My branch chief could assume a limited amount of my duties while I am on travel but the amount of this assistance is limited since he is responsible for the management of 11 people under him as well as assuring the proper management of the 25 cases within his branch. Such assistance would also be limited since the branch chiefs depend on the project managers for the detailed knowledge of any single project.
10. In recognition of the intense pressures placed on my time by the steadily escalating demands of the Bailly project, my management has assigned an intern, Kenneth Kiper, to assist me. While he can assume some of my responsibilities during my absence, this assistance is limited by his relative inexperience. He has been a member of the NRC Staff for eight months and joined us immediately upon graduation from school. Accordingly, my absence from Bethesda would reduce the effectiveness of Mr. Kiper's contribution since part of his effectiveness is dependent on my guidance.
11. Apart from my job requirements, I am presently faced with an intensely personal problem which dictates that I minimize, to the maximum extent possible, my absence from the Washington metropolitan area. My mother is afflicted with cancer and has less than eight months to live. She has undergone intensive radiation therapy during the first half of 1979 which injured her health but was unsuccessful. She is presently receiving chemotherapy using an experimental combination of chemicals, including the use of platinum, which has further damaged her health but has not had, nor will it have, any therapeutic value. The main

purpose of the present treatment is palliative (i.e., to minimize the otherwise intense pain) recognizing that death may be hastened as a consequence. Accordingly, it is my intention to maintain close communication with my mother and to be with her during her last few days. This goal will be best achieved by limiting my absence from the Washington area during the next few months.

12. When professional travel, such as site visits, are required in the future, I intend to schedule them at the end of the week, thereby minimizing the impact. Where possible, site visits will be made by other staff members as was recently done on the WNP-2 project.
13. A copy of my professional qualifications is already on record in this proceeding.


H. David Lynch

Subscribed and sworn to before me
this 6th day of November, 1980


Notary Public

My Commission expires: July 1, 1982

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) (Construction Permit Extension)
)
(Bailly Generating Station,)
Nuclear-1))

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO PORTER COUNTY CHAPTER INTERVENORS' MOTION TO COMPEL DISCOVERY AND MOTION FOR PROTECTIVE ORDER" 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 6th day of November, 1980.

*Herbert Grossman, Esq., Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Edward W. Osann, Jr., Esq.
Suite 4600
One IBM Plaza
Chicago, Illinois 60611

*Dr. Richard F. Cole
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Robert L. Graham, Esq.
One IBM Plaza
44th Floor
Chicago, Illinois 60611

*Mr. Glenn O. Bright
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

George and Anna Grabowski
7413 W. 136th Lane
Cedar Lake, Indiana 46303

Kathleen H. Shea, Esq.
Lowenstein, Newman, Reis, Axelrad
and Toll
1025 Connecticut Avenue, N.W.
Washington, D.C. 20036

Dr. George Schultz
867 East Cool Spring Street
Michigan City, Indiana 46360

Robert J. Vollen, Esq.
c/o BPI
109 North Dearborn Street
Chicago, Illinois 60602

Diane B. Cohn, Esq.
Suite 700
2000 P Street, N. W.
Washington, D. C. 20036

John Van Vranken, Esq., Chief
Northern Region
Environmental Control Division
188 West Randolph Street
Chicago, Illinois 60601

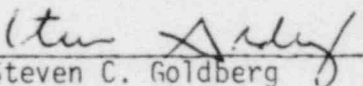
Clifford Mezo, Acting President
Local 1010
United Steelworkers of America
3703 Euclid Avenue
East Chicago, Indiana 46312

William H. Eichhorn, Esq.
Eichhorn, Norrow & Eichhorn
5243 Hohman Avenue
Hammond, Indiana 46320

*Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

*Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

*Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Steven C. Goldberg
Counsel for NRC Staff