

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

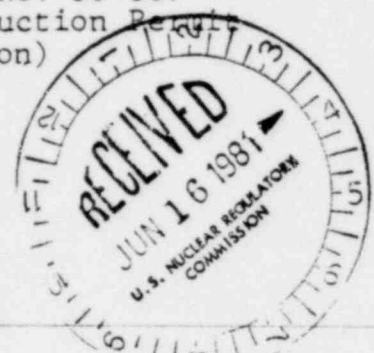
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

NORTHERN INDIANA PUBLIC)
SERVICE COMPANY)
(Bailly Generating)
Station, Nuclear-1))

Docket No. 50-367
(Construction Permit
Extension)

PORTER COUNTY CHAPTER INTERVENORS'
SECOND APPLICATION PURSUANT TO
10 CFR § 2.720(h)(2)(i)



Porter County Chapter Intervenor ("PCCI"), by their attorneys, hereby apply to the Board, pursuant to 10 CFR § 2.720(h)(2)(i), for an order requiring the attendance and testimony at their depositions of Owen Thompson and E.L. Jordan, pursuant to Porter County Chapter Intervenor's Notice of Depositions of Owen Thompson and E.L. Jordan being filed simultaneously with this application.

In support of this application, PCCI state as follows:

Ten CFR § 2.720(h)(2)(i) provides that named NRC personnel may be required to give deposition testimony, in certain circumstances:

[T]he presiding officer may, upon a showing of exceptional circumstances, such as a case in which a particular named NRC employee has direct personal knowledge of a material fact not known to the witnesses made available by the Executive Director for Operations require the attendance and testimony of named NRC personnel.

Porter County Chapter Intervenor submit that the requisite circumstances are present in this case to require Mr. Jordan's and Mr. Thompson's attendance and deposition testimony.

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The testimony of Mr. Thompson and Mr. Jordan is required by PCCI for the adequate preparation of its case. Attached hereto are two memoranda: a memorandum dated May 14, 1981 from Owen Thompson to George Lear ("Thompson memorandum") and a memorandum dated May 5, 1981 from E.L. Jordan to R.L. Tedesco ("Jordan memorandum"), concerning the subjects on which their testimony is desired.

Mr. Thompson is a Geotechnical Engineer, Hydrologic and Geotechnical Engineering Branch, Division of Engineering and has direct personal knowledge of the October 9, 1980 meeting referred to in his memorandum */ and presumably of developments subsequent to the meeting. Similarly, Mr. Jordan is Deputy Director, Division of Resident and Regional Reactor Inspection, Office of Inspection and Enforcement and has personal knowledge of the IE position and requirements concerning inspection of pile driving at the Bailly site. Testimony of both of these persons is directly related to the reasonableness of the requested extension and to NIPSCO's technical competence, both of which are in issue in this proceeding.

For the foregoing reasons, a finding of exceptional circumstances under 10 CFR §2.720(h)(2)(i) should be made, and Mr. Jordan and Mr. Thompson should be required to appear for their depositions as set forth in the Notice.

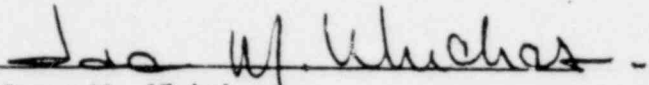
*/ Although M. David Lynch, Bailly Project Manager for the NRC Staff was also present at the meeting, according to the memoranda, his deposition has not been taken due to illness in Mr. Lynch's family. See PCCI Response to NRC Staff Motion for Protective Order, filed November 19, 1980.

DATED: June 9, 1981

Respectfully submitted,

Robert J. Vollen
Jane M. Whicher

By:


Jane M. Whicher

Attorneys for Porter County Chapter
Intervenors

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAY 14 1981

Docket No. 50-367

MEMORANDUM FOR: George Lear, Chief
Hydrologic and Geotechnical Engineering Branch
Division of Engineering

THRU: Lyman Heller, Leader, Geotechnical Engineering Section
Hydrologic and Geotechnical Engineering Branch
Division of Engineering

FROM: Owen Thompson, Geotechnical Engineer
Hydrologic and Geotechnical Engineering Branch
Division of Engineering

SUBJECT: SUMMARY OF MEETING BETWEEN IE AND NRR, OCTOBER 9, 1980,
REGARDING INSPECTION AND MONITORING OF THE INSTALLATION
OF BAILLY PILE FOUNDATION

On October 9, 1980, a meeting was held in R. Tedesco's office. Present were:

H. Thornburg, IE, RCI
R. Tedesco, NRR, DL
B. J. Youngblood, NRR, DL
M. D. Lynch, NRR, DL
J. Knight, NRR, DE
O. Thompson, NRR, DE, HGEB

The purpose of the meeting was to discuss the augmented inspection and field monitoring of the pile installation at the Bailly site that the HGEB staff and its consultants have determined is necessary for reasonable assurance of foundation adequacy.

The DE staff discussed the HGEB requirements as described in the staff evaluation of the applicant's proposed pile driving program (memorandum from J. Knight to R. Tedesco, dated September 25, 1980). Because of the unique characteristics of the Bailly site and the proposed pile foundation, the staff needs to review and approve numerous activities during the course of pile driving because errors made at this stage of construction often cannot be corrected later. Additionally, the staff made a commitment to the Commission to closely monitor the pile driving during construction (see memo referenced above). These monitoring activities cannot be accomplished effectively unless the technical review staff has intimate contact with the field operations. Concurrently, the NRC regulatory duties of inspection and enforcement must be performed.

duped

George Lear

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Mr. Thornburg stated that he would be satisfied having the NRR staff or its representative e.g., U.S. Army Corps of Engineers (COE), monitor such technical aspects as hammer blows. However, Mr. Thornburg stated that extensive (i.e., full-time or almost full-time) monitoring by IE personnel would not be possible because the necessary staff are not available and that such monitoring activities are not in accordance with normal IE practice. He stated that IE involvement during foundation preparation for nuclear plants is normally quite limited. Mr. Thornburg indicated that the normal IE activities could be expanded to provide an IE Inspector at the site a few times each month during pile installation.

The DE staff stated that an NRR representative should not, and would not preempt IE duties and responsibilities, and that IE would retain the enforcement mandate.

Mr. Thornburg requested that a letter describing the coordination between NRR and IE be issued by NRR after the inspection and monitoring program has been finalized.

Mr. Knight stated that the DE staff would explore alternatives for providing the required on-site NRC representation, other than using IE exclusively. The alternatives at this time for monitoring the work at the site include using: a) NRR staff; b) COE staff under their existing contract or a modification to that contract; and c) another independent consultant, under a competitive bid contract.

It was agreed that after finalization of the on-site NRC program, a meeting should be held with NRR (DL and DE), the NRR consultants (COE and Dr. Davisson) IE, and the applicant to obtain mutual agreement on the implementation of the NRC program. In this meeting, the duties and responsibilities of the involved parties would be clearly delineated.

ISI
Owen Thompson, Geotechnical Engineer
Hydrologic and Geotechnical
Engineering Branch
Division of Engineering

cc: See page 3

PRICE	HGEB:DE	HGEB:DE	HGEB:DE	AD:DE	DL	AD:DL	HT:DE
NAME	OThompson/nc	LHeiler	GLear	JRKnight	DLynch	RTedesco	HTThornburg
DATE	4/3/81	4/3/81	4/3/81	4/4/81	4/6/81	4/6/81	4/30/81

FORM 318 (10-80) NRC-8240

OFFICIAL RECORD COPY

George Lear

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cc: H. Denton
L. Thornburg
J. Snizek
D. Eisenhut
R. Vollmer
R. Tedesco
J. Knight
B. Youngblood
F. Schauer
R. Jackson
W. Haass
G. Lear
D. Lynch
L. Heller
J. Ma
S. Goldberg
P. Crane
O. Thompson
E. Gallagher
P. Barrett
ACRS
PDR
H. Thompson



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

*4228-
B. D. Henderson*

Docket No. 50-367

MAY 5 1981

MEMORANDUM FILE

MEMORANDUM FOR: R. L. Tedesco, Assistant Director for Licensing, Division of Licensing, NRR

FROM: E. L. Jordan, Deputy Director, Division of Resident and Regional Reactor Inspection, IE

SUBJECT: BAILLY PILE DRIVING

My apology for the delay in returning the enclosed memo but it was mis-distributed in IE due to organizational change since the October 9, 1980 meeting. The terms documented in the meeting summary are acceptable to RRRI and RIII.

IE will provide augmented inspection effort at Bailly for the first several weeks of construction. At that point we will evaluate our findings and determine what the future course of action should be.

E. L. Jordan
Deputy Director
Division of Resident and
Regional Reactor Inspection
Office of Inspection and Enforcement

Enclosure: 1 - 105-100-162

cc: J. G. Keppler, RIII
J. H. Sniezek, IE
E. B. Blackwood, IE
J. B. Henderson, IE

CONTACT: J. B. Henderson, IE
49-24872

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dupe db

105-100-162

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