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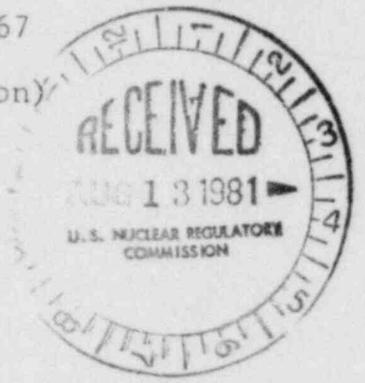
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
NORTHERN INDIANA PUBLIC)
SERVICE COMPANY)
(Bailly Generating Station,)
Nuclear-1))

Docket No. 5-367
(Construction
Permit Extension)



PORTER COUNTY CHAPTER INTERVENORS'
MOTION TO COMPEL NRC STAFF ANSWERS
TO PCCI'S FIRST SET OF INTERROGATORIES

On May 19, 1981, Porter County Chapter Intervenors ("PCCI"), submitted their First Set of Interrogatories to the NRC Staff, and the staff responded on July 24, 1981. Certain of the staff's answers are deficient and PCCI hereby move the Board to order the staff to provide adequate answers, as more fully set forth below.

1. Interrogatory 8(f)(ii) and (f)(iii)

Interrogatory 8(f)(ii) requests, with respect to an oral report given by L.G. Hulman, a summary of that report. The staff response states:

(ii) No formal summary of the oral report is available, but the contents of the oral report were subsequently contained in the final report, which is being produced in the Staff's response to PCCI's second document request.

The interrogatory requests a summary of an oral report. Merely because such a summary has not previously been prepared

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for some other reason is no excuse for the staff's failure to provide such a summary. The inclusion of the "contents of the oral report" in another report is unhelpful. The staff should be ordered to provide the requested summary.

Interrogatory 8(f)(iii) asks:

State whether any notes or memoranda concerning the report have been prepared, and, if so, describe each document containing such notes or memoranda, giving the date, the author, and the custodian of such document.

The staff responded:

No notes or memoranda concerning the oral report have been prepared. At least one of the participants in the meeting (George Lear) made handwritten notes at the meeting which he has retained (uncirculated) in his files.

The staff's response to this is inconsistent. It first states that there are no notes, but then goes on to describe one set of such notes. Since at least one set of notes obviously exist, the staff should be ordered to state the date and description of the document containing such notes as requested in the Interrogatory, and whether any other such notes exist, in order to respond fully to Interrogatory 8(f)(iii).

2. Interrogatory 9(d)

Interrogatory 9(d) asks, with respect to documents relied on by the three named persons whom the staff expects to call as experts, that the staff:

(d) describe each document relied upon or examined by the expert witness in answering subparagraph 9(c) above, giving the date, author, custodian and a summary of the contents of each document;

As to one witness, Mr. Hulman, the staff response indicates these documents will be made available. (See staff response to Interrogatory 8(d).) As to the two other witnesses, however, the response indicates that the documents relied on or examined are "identified" in the "Staff Evaluation" and the "Environmental Impact Appraisal." However, no documents are identified in those reports. Thus, the staff answer is incorrect and non-responsive. It should be ordered to answer the Interrogatory by identifying the documents as requested.

3. Interrogatory 9(f)

Interrogatory 9(f)(i) through 9(f)(iii) is a question parallel to Interrogatory 8 concerning oral reports by persons whom the staff expects to call as expert witnesses. That Interrogatory asks the staff to:

- (f) State whether the witness has given anyone an oral report and, if so:
 - (i) identify each person to whom such oral report was given;
 - (ii) give a summary of the contents of the oral report; and
 - (iii) state whether any notes or memoranda concerning the report have been prepared and, if so, describe each document containing such notes or memoranda, giving the date, the author and the custodian of each such document.

In its response the staff merely states that:

(f) Mr. Lynch and Mr. Bykoski have not given any oral reports to anyone. Mr. Hulman, during the time he was employed by Tetra Tech, Inc., gave an oral report. See Answer to Interrogatory 8(f).

PCCI assume that the referenced oral report is the same oral report referred to in the answer to Interrogatory 8(f). In any event, the staff has failed to answer the interrogatory concerning Mr. Hulman's oral report and should be ordered to do so.

* * *

For the above reasons, the staff should be ordered to provide further and complete responses to Interrogatories 8(f)(i) and (f)(iii), 9(d), and 9(f).

DATED: August 10, 1981

Respectfully submitted,

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