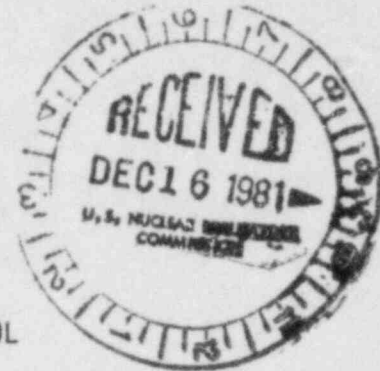


12/15/81

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )  
ILLINOIS POWER COMPANY, et al. ) Docket No. 50-461 OL  
(Clinton Power Station, Unit 1) )

NRC STAFF'S RESPONSE TO STATE OF ILLINOIS'  
MOTION TO REQUIRE NRC STAFF TO ANSWER INTERROGATORIES

On November 18, 1981, the State of Illinois (Illinois), participating as an interested state pursuant to 10 C.F.R. § 2.715(c) in the above-captioned proceeding, moved the presiding officer of the Atomic Safety and Licensing Board to require the NRC Staff to answer its Second Round of Interrogatories, pursuant to 10 C.F.R. § 2.720(h)(2)(ii). The Staff opposes this motion.

10 C.F.R. § 2.720(h)(2)(ii) provides:

In addition, a party may file with the presiding officer written interrogatories to be answered by NRC personnel with knowledge of the facts designated by the Executive Director for Operations. Upon a finding by the presiding officer that answers to the interrogatories are necessary to a proper decision in the proceeding and that answers to the interrogatories are not reasonably obtainable from any other source, the presiding officer may require that the staff answer the interrogatories.

Thus, an order may be issued compelling the Staff to answer interrogatories only when (a) the information sought is necessary for a proper decision in the proceeding, and (b) the information is not obtainable from other sources. See Pennsylvania Power and Light Company (Susquehanna Steam

DESIGNATED ORIGINAL

Certified By

*[Signature]*  
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Electric Station, Units 1 and 2), ALAB-613, 12 NRC 317, 323 (1980), and Consumers Power and Light Company (Palisades Nuclear Power Facility), ALJ-80-1, 12 NRC 117 (1980).

Illinois has not demonstrated non-availability of the requested information or that the material sought is necessary to a proper determination in the proceeding. While the Staff, in a spirit of cooperation, has today provided informative response to many of the proposed interrogatories, the information sought in many of them is elsewhere available through the Applicant (e.g., Interrogatory 3), the FSAR (e.g., Interrogatory 15), as well as generic reports cited in the Staff's responses, the Public Document Room and Local Public Document Room maintained by the NRC (e.g., I&E reports), and through voluntary responses by, and regularly scheduled meetings with, the NRC Staff and Applicant, such as occurred in October, 1981, and as scheduled for January, 1982.

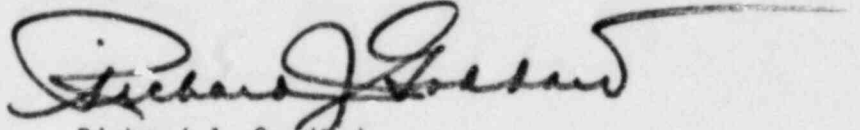
The motion is premature as to many of the NRC Staff positions sought. The Safety Evaluation Report for Clinton Power Station, Unit 1 will be published in January, 1982; at that time, many of the NRC positions sought will be formalized and, of course, open to further discovery if appropriate. Further, disclosure of Staff positions at this time is not shown to be necessary to a proper determination in this proceeding.

In addition, the subject matter of several of the Interrogatories is not at issue in this proceeding. For example, possible complaints by disgruntled workers, not identified with specificity, are not within the scope of Contention 2. Further, the identities of complainants (if any) are not shown to be necessary for a determination in this proceeding and

thus need not be revealed. See Houston Lighting and Power Company (South Texas Project, Units 1 and 2), ALAB-639, 13 NRC 469 (1981).

In summary, the NRC Staff position on Illinois' Motion is that it is non-meritorious in that it fails to show that the material sought is necessary for a decision herein, or that the material is not otherwise available. Accordingly, the Staff submits that Illinois' Motion should be denied by the Presiding Officer.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard J. Goddard", with a long horizontal flourish extending to the right.

Richard J. Goddard  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 15th day of December, 1981.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

ILLINOIS POWER COMPANY, et al.

(Clinton Power Station, Unit 1)

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO STATE OF ILLINOIS' MOTION TO REQUIRE NRC STAFF TO ANSWER INTERROGATORIES" 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 15th day of December, 1981:

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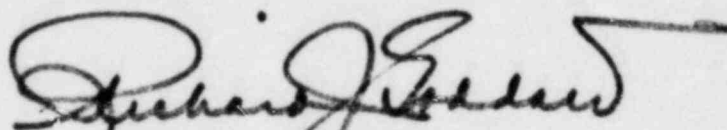
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Counsel for NRC Staff

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

ILLINOIS POWER COMPANY, et al.

(Clinton Power Station, Unit 1)

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)  
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Docket Nos. 50-461 OL

CERTIFICATE OF SERVICE

"I hereby certify that copies of NRC STAFF'S INFORMAL ANSWERS TO STATE OF ILLINOIS' SECOND SET OF INTERROGATORIES TO NRC STAFF 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 15th day of December, 1981.

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