

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)

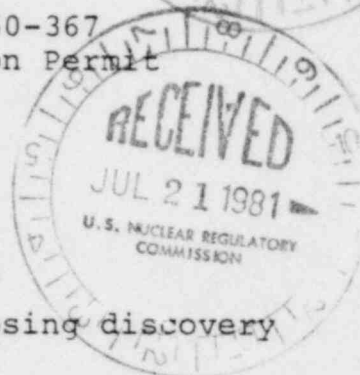
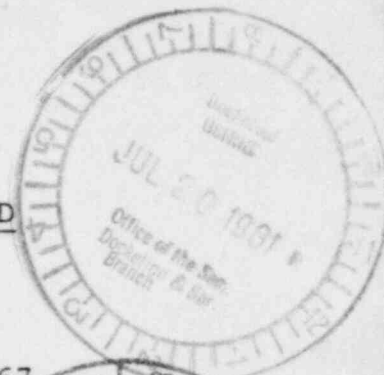
MOTION FOR CLARIFICATION OF ORDER

On July 13, 1981 the Board served an order closing discovery in this proceeding. Some of the language in that order is ambiguous. Therefore, the People of the State of Illinois, by its attorney, Tyrone C. Fahner, Attorney General, requests that the Board clarify the order in the following respects:

1. Explain whether the phrase "[A]ll depositions be scheduled by August 28, 1981" means that notices for all depositions which the parties wish to take be served by August 28, 1981 or whether all depositions which the parties wish to take be taken by August 28, 1981. (Illinois respectfully reminds the Board that depositions already noticed are scheduled into September 1981 and that, in addition, applications for several subpoenas have been submitted.)

2. Explain the meaning of the word "updated" in the phrase "[A]ll responses to discovery be updated by August 21, 1981." In particular, is the duty to "update" broader than the duty to "supplement" under the NRC's regulation, 10 C.F.R. §2.740(e)?

3. Explain whether the parties are permitted to take depositions after August 28, 1981 of expert witnesses whose identities



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are disclosed in updated discovery, where such updated discovery is not filed until late August 1981.

Respectfully submitted,

TYRONE C. FAHNER  
Attorney General  
State of Illinois

BY: 

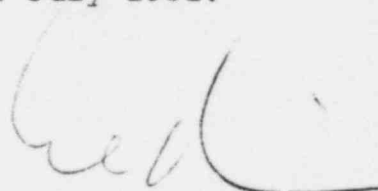
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DATED: July 17, 1981

CERTIFICATE OF SERVICE

I hereby certify that I served copies of the Motion For Clarification Of Order on the persons on the attached Service List by causing them to be deposited in the U.S. mail, first class, postage prepaid, on this 17th day of July 1981.

  
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