

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

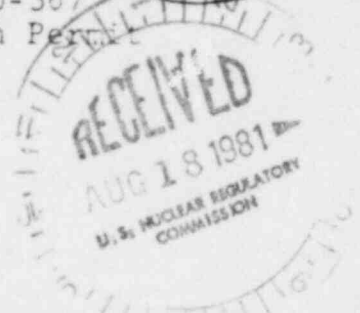
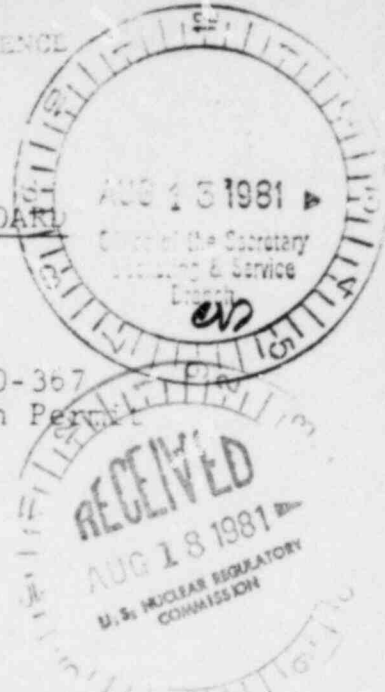
NORTHERN INDIANA PUBLIC)
SERVICE COMPANY)
(Bailly Generating Station,)
Nuclear-1))

Docket No. 50-367)
(Construction Permit)
Extension))

PORTER COUNTY CHAPTER INTERVENORS'
FIFTH SET OF INTERROGATORIES TO NIPSCO

Porter County Chapter Intervenor (PCCI), by their attorneys, pursuant to 10 CFR §2.740b, hereby serve upon Northern Indiana Public Service Company (NIPSCO) the following interrogatories to be answered separately and fully in writing under oath by its officer or agent, within 14 days of the date of the Board's granting of PCCI's application for discovery filed August 11, 1981.

The term "document" means any writing or recording of any kind, however produced or reproduced, including but not limited to letters, telegrams, memoranda, reports, studies, tape recordings, computer printouts, photographs, calendar and diary entries, minutes, pamphlets, notes, charts, tabulations, and records of meetings, conferences and telephone or other conversations or meetings, which are in the actual or constructive possession, custody or control of NIPSCO or its agents. The term "you" and "NIPSCO" include Northern Indiana Public Service Company, its agents, employees, representatives, subsidiaries, and those consultants, attorneys, contractors or subcontractors over whom NIPSCO retains control. The terms "staff" and "NRC" include the



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United States Nuclear Regulatory Commission, Atomic Energy Commission, its staff, members, attorneys, employees, consultants, divisions or subdivisions, contractors and subcontractors, and consultants. The term "evaluation" refers to the "NRC Staff Evaluation of the Request for an Extension of Construction Permit No. CPPR-104 for the Bailly Generating Station, Nuclear-1, Docket No. 50-367" dated July 17, 1981. The term "negative declaration" refers to the "Negative Declaration Supporting the Extension of the Expiration Date for Construction Permit No. CPPR-104 Bailly Generating Station Nuclear-1, Docket No. 50-367". The term "appraisal" or "EIA" refers to the "Environmental Impact Appraisal Prepared by the Division of Licensing Regarding the Extension of Construction Permit No. CPPR-104 Bailly Generating Station, Nuclear-1, Docket No. 50-367" dated July 17, 1981.

1. With respect to the "evaluation", the "negative declaration", and the "appraisal", please state:

(a) Whether NIPSCO has had any communication, either orally or in writing, with any member of the NRC staff or its consultants concerning the contents of those reports.

(b) If your answer to (a) is yes, for each such communication, please state:

- i. The date of the communication
- ii. The person(s) at NIPSCO who participated in the communication
- iii. The person(s) at the NRC staff who participated in the communication
- iv. The substance of the communication

- v. Whether the communication was oral or in writing
- vi. A description of all documents relating to the communication

2. In the "appraisal", at page 10, is stated:

While the permittee has verbally agreed to submit the appropriate program modifications to the NRC staff for review, it has not yet done so.

With respect to this statement, please state:

- (a) The manner in which NIPSCO has "verbally agreed to submit the appropriate program modifications to the NRC staff for review".
- (b) The person(s) at NIPSCO who participated in making this verbal agreement.
- (c) The person(s) at the NRC staff who participated in making this verbal agreement.
- (d) The date of the agreement.
- (e) The substance of all conversation during which this verbal agreement was made, discussed, or negotiated.
- (f) Whether the agreement is memorialized or referred to in any document and, if so, a description of each such document.

3. With respect to the sentence quoted in Interrogatory 2, please state a description of the "program modifications" which you have agreed to submit. If there exist any documents pertaining to the "program modification", please describe each document.

4. In the "evaluation", at p. 3 it is stated:

To have kept specialized, capital intensive contractors "on call" for either an 18 month or a 25 month period attributable to the judicial stay of construction would have resulted in inordinately large economic penalties.

With respect to this statement, please state:

(a) What you contend it would have cost to keep such contractors "on call" for an 18 month period.

(b) What you contend it would have cost to keep such contractors "on call" for a 25 month period.

(c) Whether it is your position that your answers to (a) and (b) amount to "inordinately large economic penalties" and the basis for your position.

(d) The amount of expenditure which NIPSCO attributes to any delay caused by the judicial stay referred to.

5. Is it your position that, if the staff review of the short pilings proposal had been initiated at some time prior to March 1978, the review would have been completed prior to the date upon which it was completed? Please state the basis for your answer.

6. Is it your position that, had the accident at Three Mile Island not occurred, the NRC staff review of the NIPSCO short pilings proposal would have taken less time than it did in fact take? If your answer is yes, please state:

(a) The basis for your answer.

(b) The length of time which you contend the staff review would have taken if the accident at Three Mile Island had not occurred.

7. In the "appraisal", at page 2, is stated:

- That permittee estimates that at the time of peak labor demand, there would be 1200 construction workers entering the Bailly facility through this intersection for the morning shift in about 800 vehicles in addition to those vehicles used by the Bethlehem Steel work force.

With respect to this statement, please state:

- (a) Whether the described "estimates" are memorialized in any writing, and if so, a description of each document.
- (b) The basis for your estimate that there would be 1,200 construction workers entering the Bailly facility through this intersection.
- (c) The basis for your estimate that there would be 1,200 construction workers entering the Bailly facility through this intersection for the morning shift in about 800 vehicles.
- (d) The number of vehicles used by the Bethlehem Steel work force as referred to in the above quoted sentence.
- (e) The capacity of the intersection.
- (f) The basis for your answer to Interrogatories 7(d) and (e).

8. In the "appraisal", at page 3, is stated:

Specifically, construction dewatering of the excavation will be performed while the safety-related foundation piles are placed, the concrete base mat is poured and the outer walls of the various buildings are built above the "natural" level of the groundwater at the Bailly site. These construction phases should be completed about two to three years after construction has resumed.

With respect to these statements, please state:

- (a) Whether you agree or disagree with each of these statements.
- (b) The basis for your agreement or disagreement.
- (c) What you contend is the "natural" level of the groundwater referred to in the sentence.

9. In the "appraisal", at page 5, is stated:

The permittee has undertaken a number of activities which have altered groundwater movement.

With respect to this statement, please state:

- (a) Whether you agree or disagree with the statement.
- (b) The basis for your agreement or disagreement.

10. Is it your position that "reactor facility excavation" has altered groundwater movement? If your answer is yes, please state in what respect groundwater movement has been altered, and the location of the alterations referred to in your answer.

11. Is it your position that "foundation pilings" have altered groundwater movement? If your answer is yes, please state in what respect groundwater movement has been altered, and the locations of the alterations referred to in your answer.

12. Is it your position that the "slurry and sheet pile walls" have altered groundwater movement? If your answer is yes, please state in what respect groundwater movement has been altered, and the locations of the alterations referred to in your answer.

13. Is it your position that the 'ash ponds' have altered groundwater movement? If your answer is yes, please state in what respect groundwater movement has been altered, and the locations of the alterations referred to in your answer.

14 (a) Is it your position that the dewatering program assessed in the construction permit hearing is identical to the dewatering program considered in the "appraisal"?

(b) If your answer is no, state in what respects they differ.

(c) Please state the basis for your answers to (a) and (b).

15 (a) Is it your position that the mitigation program considered in the construction permit hearing is identical to the mitigation program considered in the "appraisal"?

(b) If your answer is no, state in what respects they differ.

(c) Please state the basis for your answers to (a) and (b).

16. Is it your position that the proposed extension of the Bailly construction permit is a "major federal action" as that term is used in the "negative declaration" and the "appraisal"? Please state the basis for your answer.

17. Is it your position that the proposed extension of the Bailly construction permit "significantly affects the quality of the human environment" as that term is used in the "negative declaration" and the "appraisal"? State the basis for your answer.

18 (a) Is it your position that the proposed extension of the Bailly construction permit affects the quality of the human environment in any respect?

(b) If your answer to (a) is yes, state in what respect.

(c) Please state the basis for your answer to (a).

19. Please give the following information for the person swearing to the answers to these Interrogatories:

- (a) Name
- (b) Address
- (c) Title
- (d) Capacity

20. Please give the following information of each person who has provided or furnished information to the person identified in Interrogatory 19, consulted with that person in the preparation of the responses to these Interrogatories, or otherwise aided in the preparation of the responses:

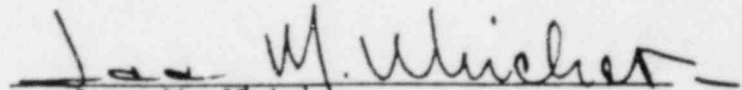
- (a) Name
- (b) Address
- (c) Title
- (d) Number (including subpart) of each Interrogatory with respect to which that person consulted, aided or provided or furnished information; and
- (e) The nature of the information or aid furnished.

21. For each of the above Interrogatories, please describe each document referred to or relied on in formulating your responses.

DATED: August 11, 1981

Robert J. Vollen
Jane M. Whicher

By:


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Attorneys for Porter County Chapter
Intervenors

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