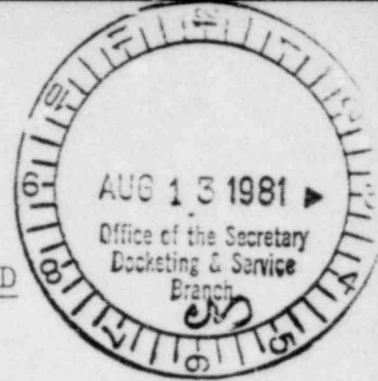


RELATED CORRESPONDENCE
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

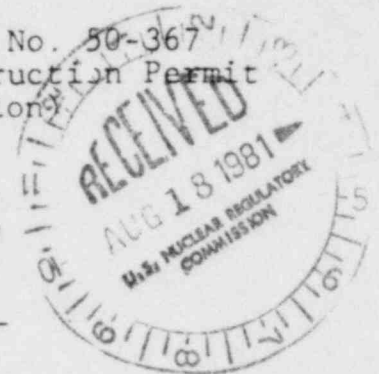


In the Matter of)

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

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

PORTER COUNTY CHAPTER INTERVENORS'
THIRD 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 deposition of L.G. Hulman, L.M. Bykowski and William F. Lovelace, pursuant to Porter County Chapter Intervenor's Notice of Depositions of L.H. Hulman, L.M. Bykoski and William F. Lovelace, being filed simultaneously with this application.

Ten CFR §2.720(h)(2)(i) provides that named NRC personnel may be required to appear and give deposition testimony upon a finding the "exceptional circumstances" exist. PCCI submit that the requisite circumstances are present in this case with respect to each of the three above-named persons, and they should be ordered to appear.

In the NRC staff documents pertaining to the staff evaluation of the requested extension of the Bailly construction permit, filed July 17, 1981 by letter of that same date from Stephen H. Lewis, Staff Counsel, Mr. Hulman and Mr. Bykoski are identified as the staff members who (in addition to M. David Lynch,

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the Bailly project manager), contributed to the "Environmental Impact Appraisal" section of the referenced NRC staff evaluation.

Mr. Bykoski is further identified in the staff's answers to PCCI's First Set of Interrogatories to the NRC Staff, dated July 24, 1981, in response to Interrogatory 2, as a person who "consulted, aided, provided and furnished information for the 'socioeconomic impacts' section of the 'environmental impact appraisal' regarding the extension of construction permit CPPR-104." In response to Interrogatory 9, Mr. Bykoski is identified as a person whom the staff expects to call as an expert witness. Therefore, the requisite "exceptional circumstances" exist and Mr. Bykoski should be ordered to appear at his deposition as stated in the notice.

L.G. Hulman is similarly identified in the staff's response to Interrogatory 2 as the person who "consulted, aided, provided and furnished information for the 'Installation of the Slurry Wall' section of the 'NRC Staff Evaluation of the Request for An Extension of Construction Permit No. CPPR-104 ... and the 'Impacts of Continued Construction Dewatering' section of the EIA." Further, Mr. Hulman is identified as a person who will be called by the staff as an expert witness. (See staff response to Interrogatory 9). Even more compelling is the statement in a memorandum, dated January 28, 1981, produced by NRC staff counsel, attached hereto as "Attachment 1", describing Mr. Hulman as "essential to the Environmental review of the Bailly CP extension action." For the foregoing reasons the requisite "exceptional circumstances" exist and Mr. Hulman should be ordered to appear at his deposition as

scheduled in the notice.

William F. Lovelace, is identified in response to PCCI Interrogatory 2, as the person who "consulted, aided, provided and furnished information on the application of the 'NRC Case-load, Planning Projections for Fiscal Years 1981-85' (March 1979) to the question of reasonable time to construct the Bailly plant." The reasonableness of the requested extension is in issue in this case, and Mr. Lovelace, as the person responsible for providing information on the staff's position on this issue, has testimony necessary to PCCI's preparation of its case. "Exceptional circumstances" thus exist with respect to him.

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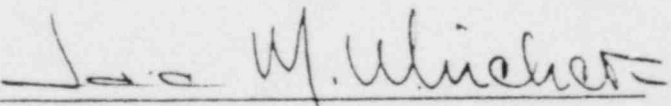
For the above reasons, finding of exceptional circumstances under 10 CFR §2.720(h)(2)(i) should be made, and Mr. Hulman, Mr. Bykoski and Mr. Lovelace should be ordered to appear for their depositions as set forth in the accompanying Notice.

DATED: August 11, 1981

Respectfully submitted,

Robert J. Vollen
Jane M. Whicher

by:



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