

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
NORTHERN INDIANA PUBLIC	)	Docket No. 50-367
SERVICE COMPANY	)	(Construction
(Bailly Generating	)	Permit Extension)
Station, Nuclear-1)	)	

STATE OF ILLINOIS'  
SECOND APPLICATION PURSUANT TO  
10 C.F.R. §2.720(h)(2)(i)

People of the State of Illinois by Tyrone C. Fahner, Attorney General, State of Illinois, hereby applies to the Board pursuant to 10 C.F.R. §2.720(h)(2)(i) for an order requiring the attendance and testimony at their depositions of L.M. Bykoski and L.G. Hulman in accordance with the State of Illinois' Notice of Deposition of L.M. Bykoski and L.G. Hulman being filed simultaneously with this application.

According to the July 17, 1981 Staff documents, Mr. Hulman and Mr. Bykoski contributed to the preparation of the Environmental Impact Appraisal ("EIA") which discussed, among other things, the U.S.G.S. studies and the adequacy of NIPSCO's monitoring and mitigation program. The potential for groundwater drawdown in the Indiana Dunes National Lakeshore and the adequacy of NIPSCO's program for preventing or mitigating such drawdown are central questions in this proceeding, and the Staff's view on these issues will, of course, bear significantly on its outcome.

Mr. Lynch, whom the Staff will produce for a deposition in mid-August, is not a specialist in the subject areas involved in the dewatering issue, viz., hydrogeology and stratigraphy. Because

individuals with expertise in these areas must have contributed to the EIA, Illinois assumes that Mr. Hulman and Mr. Bykoski are the persons with such expertise. Their testimony will therefore be essential for preparation of Illinois' case with respect to the dewatering issue.

Illinois also notes that, under the Board's August 3 order, revised contentions on the need for an Environmental Impact Statement ("EIS") must be filed on August 28, 1981. In order to prepare these revised contentions, Illinois needs to understand in detail the scientific basis for the Staff's conclusion that a new or supplemental EIS is not needed.

For the foregoing reasons, a finding of exceptional circumstances under 10 C.F.R. §2.720(h)(2)(i) should be made, and Mr. Bykoski and Mr. Hulman should be required to appear for their depositions.

Respectfully submitted,

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DATED: August 11, 1981