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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF
ILLINOIS POWER COMPANY,
SOYLAND POWER COOPERATIVE, INC.
and WESTERN ILLINOIS POWER
COOPERATIVE, INC.

(Operating License for Clinton
Power Station, Unit 1)

Docket No. 50-461 OL

NOTICE

TO:

Hugh K. Clark, Esq., Chairman
P. O. Box 127A
Kennedyville, Maryland 21645

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Howard University
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Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

PLEASE TAKE NOTICE that I have filed with the Secretary of the United States Nuclear Regulatory Commission ANSWER OF APPLICANTS TO ILLINOIS' SUPPLEMENTAL MOTION TO COMPEL ANSWERS TO ITS SECOND ROUND REQUEST FOR THE PRODUCTION OF DOCUMENTS in the above-captioned matter. A copy of this document is attached hereto and hereby served upon you.


One of the Attorneys for
Applicants

Sheldon A. Zabel
William Van Susteren
Charles D. Fox IV
SCHIFF HARDIN & WAITE
7200 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
(312) 876-1000

Dated: April 12, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF)	
ILLINOIS POWER COMPANY,)	
SOYLAND POWER COOPERATIVE, INC.)	
and WESTERN ILLINOIS POWER)	
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)	
(Operating License for Clinton)	
Power Station, Unit 1))	

ANSWER OF APPLICANTS TO ILLINOIS'
SUPPLEMENTAL MOTION TO COMPEL
ANSWERS TO ITS SECOND ROUND
REQUEST FOR PRODUCTION OF DOCUMENTS

Illinois Power Company ("Illinois Power"), Soyland Power Cooperative, Inc., and Western Illinois Power Cooperative, Inc. ("Applicants"), pursuant to Section 2.730(c) of the Rules of Practice of the Nuclear Regulatory Commission, hereby answer the State of Illinois' (the "State") Supplemental Motion to Compel Answers to Its Second Round Request for Production of Documents to Applicants of March 31, 1982 as follows:

1. On December 15, 1981, Applicants, pursuant to 10 C.F.R. § 2.740(f), moved for a protective order to prohibit document production under the State's Second Request for Production of Documents, other than Request No. 1. On December 31, 1981, the State moved to compel answers to its Second Set of Interrogatories and Second Request for the Production of Documents.

2. In its oral ruling on February 16, 1982, the Board did not address the issue of document production.

3. The State, after failing to receive a favorable ruling on its request for production of documents, wrote to Applicants claiming that Applicants should produce the requested documents anyway. (Letter of February 16, 1982, attached as Exhibit 1).

4. Applicants, in the hope of reaching an informal accommodation with the State, after a careful review of the Board's reasoning in its oral order, responded to the State's letter on document production and agreed to answer those document requests which were specific in nature. (Letter of March 16, 1982, attached hereto as Exhibit 2).

5. For the reasons expressed in Applicants' letter of March 16, 1982, the State is not entitled to production of the documents requested.

6. Applicants also request, because of the rapidly approaching date for the pre-hearing conference, that the Board enter an Order setting a cut-off date of May 3, 1982 for all discovery in these proceedings.

WHEREFORE, for all the reasons set forth above, Applicants request that the Board deny the State's Supplemental Motion and set a cut-off discovery date.

Sheldon A. Zabel
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Respectfully submitted,

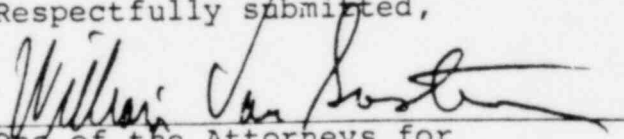

One of the Attorneys for
Applicant

EXHIBIT 1



TYRONE C. FAHNER

ATTORNEY GENERAL

STATE OF ILLINOIS

160 NORTH LA SALLE STREET

CHICAGO 60601

TELEPHONE
793-3500

February 16, 1982

Mr. William Van Susteren
Schiff, Hardin & Waite
7200 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606

Re: Illinois Power Company, et al (Operating License for
Clinton Power Station, Unit 1), 50-461 OL

Dear Bill:

After our telephone conference today I reviewed the Atomic Safety and Licensing Board's verbal ruling on Illinois' second motion to compel. The Board seems not to have ruled on a number of Illinois' discovery requests. Specifically, the Board did not rule on whether the Applicants must answer Interrogatories Nos. 5(a)-(c), 5(e), 9(a), 9(b), 34 and 40 to the extent the Applicants have not already answered. Nor did the Board state whether the Applicants must satisfy Illinois' Document Requests Nos. 2-17. In addition, the Board seems to have ruled both that the Applicants must answer Interrogatories Nos. 28 and 29, but also that the answers already provided are sufficient.

It is Illinois' position that the applicants must answer these discovery requests, in light of the Board's decision to disallow the Applicants' two general grounds for objection. Please let me know within a week whether you agree with this position. If not I would like to ask the Board for a clarification as to these discovery requests.

I look forward to your reply.

Yours truly,

Philip D. Williams

PHILIP D. WILLIAMS
Assistant Attorney General
Environmental Control Division
165 West Randolph, Suite 1001
Chicago, Illinois 60601

EXHIBIT 2

March 16, 1982

Mr. Philip L. Willman
Assistant Attorney General
Environmental Control Division
188 West Randolph Street
Suite 2315
Chicago, Illinois 60601

Re: Illinois Power Company, et al., (Operating
License for Clinton Power Station, Unit 1
50-461 OL

Dear Phil:

In your letter to me of February 16, 1982, you pointed out that the Board, in our conference call of February 16, did not specifically rule on certain interrogatories and document requests covered by the State's motion to compel. You took the position that Applicants must answer Interrogatory Nos. 5(a)-(c), 5(e), 9(a), 9(b), 28, 29, 34, and 40, to the extent not already answered, and that Applicants must produce the documents requested in item Nos. 2-17 of the State's request for production. The basis for your position was "the Board's decision to disallow the Applicants' two general grounds for objection."

The Board ordered the Applicants to answer certain second round interrogatories because these interrogatories were more narrowly focused than the State's general first round requests. Although much of the information requested was available to the State in the first round, it was available only because it was contained in the thousands of documents produced in response to the State's extraordinarily broad first round requests. Since the State's second round interrogatories asked for specific information that could be drawn from the documents and presented in a more coherent form, the Board rejected Applicants' general objections.

Following the reasoning of the Board's order, Applicants are willing to answer the State's interrogatories not specifically addressed by that order. Interrogatory Nos. 5(a)-(c), 5(e), and 9(a)-(b) were fully answered in Applicants' initial response to second round discovery. Interrogatory Nos. 34 and 40 are answered in Applicants' response filed today.

Mr. Philip L. Willman
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Two of the State's document requests are just as broad as the first round "shotgun" requests, and they ask for documents already produced in the first round. Six others specifically request groups of documents that were clearly segregated and marked for the State's review in first round document production. There is nothing in the Board's order to suggest that Applicants must repeat first round production. To the extent that the State's second round document requests identify particular documents, however, Applicants are willing to respond in accordance with the reasoning of the Board's February 26 order.

Specifically, Applicants are willing to produce the documents requested in Nos. 2, 3, 5, 6, 7, 8, 10, and 11, and the documents specifically identified in 4(a)-(d) and 9. The other documents requested in No. 4, "all Baldwin Associates Quality Control or Quality Assurance audit reports," and in No. 9, "all documents related to NRC's Systematic Assessment of License Performance Review," were available in response to first round requests. There is no greater specificity in the second round requests that would warrant their production again.

The documents requested in Nos. 12-17 were available in the first round, clearly segregated and marked according to the subject matter identified in each request. In fact, these requests were obviously drawn by the State directly from an index to Illinois Power files that was furnished to the State in first round discovery. For each request in Nos. 12-17, the corresponding file number and description is listed below:

- [12. All documents related to meetings held between IP and NRC.]

M40: Meetings, NRC

- [13. All documents related to meetings held between IP and GE.]

M37: Meeting Notes from Meetings held at General Electric

- [14. All documents related to meetings held between IP and BA.]

M38: Meeting Notes from Meetings held at BA.

Mr. Philip L. Willman
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[15. All documents related to meetings held
between IP and Sargent and Lundy.]

M36: Meeting Notes from Meetings
held at S & L

[16. All documents related to IP's Commitment
Control Program.]

M65: Program, Commitment Control
General

M65-1: Commitment Control Verification

[17. All documents related to IP's NRC
Regulatory Guide Compliance Program.]

M67: NRC Regulatory Guide Compliance
Program

Since these documents were produced in the first
round, clearly identified to the subjects specified by the
State, there is nothing in the Board's order of February
26 to suggest that they must be produced again.

Sincerely,

William Van Susteren

WVS/cr

cc: Hugh K. Clark, Esq.
Dr. George A. Ferguson
Dr. Oscar H. Paris
Richard Goddard, Esq.
Jay Gutierrez, Esq.
Reed Neuman, Esq.
Jan L. Rodner, Esq.

CERTIFICATE OF SERVICE

I hereby certify that an original and two conformed copies of the foregoing document were served upon the following:

Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Docketing and Service Branch

and that one copy of the foregoing document were served upon each of the following:

Hugh K. Clark, Esq., Chairman
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in each case by deposit in the United States Mail, postage
prepaid on April 12, 1982.


One of the Attorneys for
Applicants

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William Van Susteren
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