

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket No. 50-367
)	
NORTHERN INDIANA PUBLIC SERVICE)	(Construction Permit
COMPANY)	Extension)
)	
(Bailly Generating Station,)	June 25, 1981
Nuclear-1))	

Motion for Protective Order

On June 18, 1981, "Porter County Chapter Intervenor" (PCCI) filed a Notice of Depositions of Harold Ricca and James F. Purcell, employees of the Northern Indiana Public Service Company (NIPSCO). The stated dates for the depositions are August 25 and September 1, 1981.

NIPSCO has filed a "Motion for Establishment of Schedule" in this proceeding, which requests that the Licensing Board set July 31 as the date for the close of discovery. Illinois and "PCCI" oppose the Motion and the Board has not yet ruled on it.

We have advised counsel for "PCCI" that at the present time NIPSCO is not prepared to schedule depositions for dates subsequent to July 31. We also indicated our willingness to schedule the deposition for a date before July 31. (See attached letter to Mr. Vollen dated June 25, 1981.)

On the assumption that NIPSCO's "Motion for Establishment of Schedule" will be granted, NIPSCO hereby requests a protective order providing that the requested depositions of Messrs. Ricca and Purcell may not be taken on a date subsequent to July 31.

8107020 447

Good cause exists for such an order in that discovery has been in progress for almost one year and the suggested dates are beyond the time period requested as a limit for discovery.

"PCCI's" argument for continued discovery is insubstantial:

"There is substantial prehearing discovery and other activity, some already initiated and some not, on those matters presently part of this proceeding, which are far from being completed."

(Answer to NIPSCO's Motion for Establishment of Schedule, p. 1 [June 16, 1981].) No reason is given for failure to schedule the deposition before July 31.

Respectfully submitted,

EICHHORN, EICHHORN & LINK
5243 Hohman Avenue
Hammond, Indiana 46320

By: William H. Eichhorn
William H. Eichhorn

Attorneys for Northern Indiana
Public Service Company

LOWENSTEIN, NEWMAN, REIS
& AXELRAD
1025 Connecticut Avenue, N.W.
Washington, D.C. 20036

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket No. 50-367
)	
NORTHERN INDIANA PUBLIC)	(Construction Permit
SERVICE COMPANY)	Extension)
)	
(Bailly Generating Station,)	June 25, 1981
Nuclear-1))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the following documents:

Letter dated June 25, 1981 to the
Atomic Safety and Licensing Board from
William H. Eichhorn

Letter dated June 25, 1981 to Robert J.
Vollen from William H. Eichhorn

Motion for Protective Order, dated
June 25, 1981

were served on the following by deposit in the United States
mail, postage prepaid, on this 25th day of June, 1981:

Herbert Grossman, Esquire, Chairman
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Robert L. Holton
Administrative Judge
School of Oceanography
Oregon State University
Corvallis, Oregon 97331

Dr. J. Venn Leeds
Administrative Judge
10807 Atwell
Houston, Texas 77096

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Howard K. Shapar, Esquire
Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Stephen H. Lewis, Esquire
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Susan Sekuler, Esquire
Environmental Control Division
188 West Randolph Street
Suite 2315
Chicago, Illinois 60601

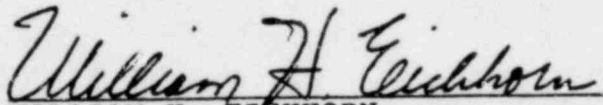
Robert J. Vollen, Esquire
c/o BPI
109 North Dearborn Street
Suite 1300
Chicago, Illinois 60602

Edward W. Osann, Jr., Esquire
One IBM Plaza
Suite 4600
Chicago, Illinois 60611

Robert L. Graham, Esquire
One IBM Plaza
44th Floor
Chicago, Illinois 60611

Mr. Mike Olszanski
Mr. Clifford Mezo
United Steelworkers of America
Local 1010
3703 Euclid Avenue
East Chicago, Indiana 46312

Mr. George Grabowski
Ms. Anna Grabowski
3820 Ridge Road
Highland, Indiana 46322


WILLIAM H. EICHHORN
Eichhorn, Eichhorn & Link
5243 Hohman Avenue
Hammond, Indiana 46320

Attorneys for Northern Indiana
Public Service Company