

A circular stamp with a clock-like border. The word "RECEIVED" is at the top. Below it is the date "JUL 14 1981" with a small triangle pointing to the right. At the bottom is "U.S. NUCLEAR REGULATORY COMMISSION". The stamp is partially overlapping the text "In the Matt".

A circular stamp with a clock-like border. The text inside the circle reads: "DOCKETED" at the top, "USNRC" below it, "JUL 10 1981" in the center, and "Office of the Secretary" and "Docketing &amp; Service Branch" at the bottom. The border has numbers 1 through 12 and some letters.

In the Matter of

Docket No. 50-367  
(Construction Permit  
Extension)

9503  
50/1

See Memorandum and Order (Granting Protective Order to GE) dated May 22, 1981. GE's assertion of them at this juncture appears to be nothing more than an attempt to restate NIPSCO's arguments responding to PCCI's Motion. See NIPSCO's Response to PCCI's Motion to Compel NIPSCO to Physically Produce Documents, filed June 8, 1981.

GE's fourth ground, asserted as to only three of the four documents in controversy, <sup>\*/</sup> is that the "draft contracts and technical documents...contain highly confidential proprietary information." (GE Motion, p. 4). There are two answers.

First, any such confidentiality has been breached by NIPSCO's production of the documents on May 4, 1981. If that production was in breach of any obligation of NIPSCO to GE, GE's recourse should be against NIPSCO, not interference with discovery in this proceeding.

Second, neither GE's motion nor the appended affidavit establish a valid claim of proprietary or confidential nature of the documents. Both the motion and the affidavit state mere conclusory allegations and no facts are set forth which could conceivably form the basis for a protective order.

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<sup>\*/</sup> The documents to which GE does not claim is confidential to it, although it does claim should not be produced on other grounds, is a letter dated April 29, 1979 from William H. Eichhorn to Dr. J.K. McClosky, a NIPSCO employee, which NIPSCO claims is privileged from discovery under the attorney/client privilege. Obviously GE can assert no such claim.

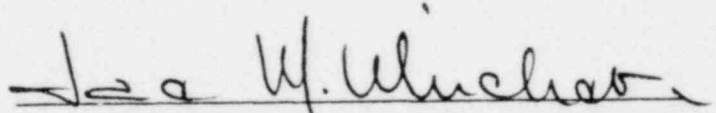
In sum, GE's motion states no grounds to support the grant of a protective order. GE's motion should be denied and PCCI's motion directed to NIPSCO to physically produce the documents, which it previously produced and subsequently withdrew, should be granted.

Dated: July 7, 1981

Respectfully submitted,

Robert J. Vollen  
Jane M. Whicher

By:

A handwritten signature in dark ink, appearing to read "Jane M. Whicher", written over a horizontal line.

Jane M. Whicher

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# BPI

## Business and Professional People for the Public Interest

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July 7, 1981



Mr. William H. Eichhorn  
Eichhorn, Eichhorn & Link  
5243 Hohman Avenue  
Hammond, IN 46320

Re: In the Matter of Northern Indiana Public  
Service Company (Bailly Generating Station,  
Nuclear-1) Docket No. 50-367  
(Construction Permit Extension)

Dear Bill:

The Licensing Board's May 22, 1981 Memorandum and Order (Granting Protective Order to GE) granted to GE the right to object to its terms, in the absence of which the Order would become effective. To the best of our knowledge, GE has not interposed any objection, and we, therefore, are entitled to inspect the contracts under which GE agreed to supply the nuclear steam supply system and turbine generator for Bailly. The inspection is to be made at your offices, during business hours, at our convenience.

In order for us to determine what would be a convenient time for the inspection, it would be very helpful if we knew the volume of the documents so that we can approximate the amount of time which we will need to allocate to the inspection. We look forward to hearing from you.

Very truly yours,

Robert J. Vollen  
One of the Attorneys for Porter  
County Chapter Intervenors

RJV:pt  
cc: Service List

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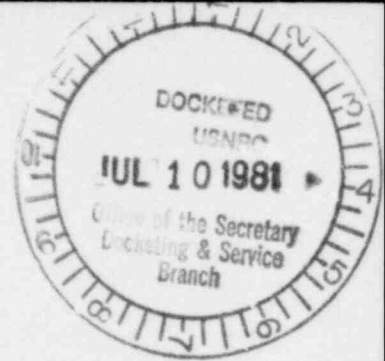
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of  
  
NORTHERN INDIANA  
PUBLIC SERVICE  
COMPANY (Baillly  
Generating Station,  
Nuclear-1)

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Docket No. 50-367  
(Construction Permit  
Extension)

CERTIFICATE OF SERVICE

I hereby certify that I served copies of Porter County Chapter Intervenors' Response to General Electric Company's Motion for a Protective Order, and a letter from Robert J. Vollen to William H. Eichhorn dated July 7, 1981 on all persons on the attached Service List, by causing them to be deposited, in the U.S. mail, first class postage prepaid, on July 7, 1981.

Robert J. Vollen  
Jane M. Whicher

by:

Jane M. Whicher

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