

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,) July 27, 1981
Nuclear-1))

NORTHERN INDIANA PUBLIC SERVICE COMPANY'S REPEATED MOTION
FOR PROTECTIVE ORDER WITH RESPECT TO PURCELL DEPOSITION
AND WITHDRAWAL OF MOTION FOR PROTECTIVE ORDER WITH RESPECT
TO DUNN AND RICCA DEPOSITIONS

On June 9, 1981, Porter County Chapter Intervenor (PCCI) filed a Notice of Deposition of J. W. Dunn, a Northern Indiana Public Service Company (NIPSCO) employee. The stated date for the deposition is August 18, 1981. On June 18, 1981, PCCI filed a Notice of Depositions of two other NIPSCO employees, Harold Ricca and James F. Purcell. The stated dates for those depositions are August 25 and September 1, 1981, respectively.

NIPSCO advised counsel for PCCI that the specified employees would not appear on the scheduled dates and on June 18 and 25, 1981, filed motions for protective orders in view of NIPSCO's then-pending Motion for Establishment of Schedule.

On July 10, 1981, the Board issued its "Order (Closing Discovery)" which requires that all depositions "be scheduled by August 28, 1981." On July 21, 1981, PCCI filed an Amended Notice of Depositions which changed the date of the Dunn deposition to August 27, 1981, and changed the name of the court reporting

service before whom the depositions of Messrs. Ricca and Purcell will be taken.

In view of the Board's Order of July 10 permitting depositions to be taken as late as August 28, 1981, NIPSCO withdraws its motions for protective orders filed on June 18 and 25 insofar as those motions pertain to the taking of the depositions of Messrs. Dunn and Ricca and agrees to make those NIPSCO employees available on the now specified deposition dates.

NIPSCO renews its motion for a protective order filed on June 25, 1981, insofar as that motion pertains to the notice to take the deposition of Mr. Purcell on September 1, 1981. NIPSCO again requests a protective order providing that the deposition of Mr. Purcell may not be taken on the date specified. The Board has established the final date for depositions and no justification has been offered for an exception.

Respectfully submitted,

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