

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

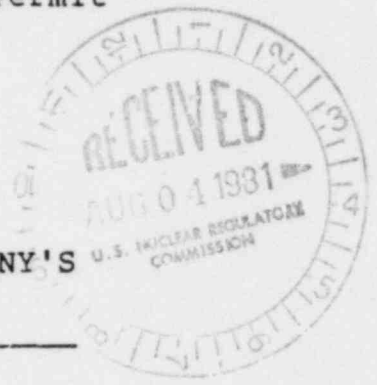
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket No. 50-367
)	
NORTHERN INDIANA PUBLIC)	(Construction Permit
SERVICE COMPANY)	Extension)
)	
(Bailly Generating Station,)	July 30, 1981
Nuclear-1))	

NORTHERN INDIANA PUBLIC SERVICE COMPANY'S
FOURTH SET OF INTERROGATORIES TO
MILDRED WARNER

Northern Indiana Public Service Company (NIPSCO) hereby serves its Fourth Set of Interrogatories to Mildred Warner (hereinafter "Warner"), pursuant to 10 C.F.R. § 2.740b. Each interrogatory is to be answered fully in writing, under oath or affirmation, by Warner and is to include all pertinent information known to Warner. Each answer should clearly indicate the interrogatory to which it is intended to be responsive.

Under NRC regulations (10 C.F.R. § 2.740(e)) parties are required to supplement responses to interrogatories under certain circumstances when new and/or different information becomes available.



DS03
S
1/0

In responding to these interrogatories, please include all information available to agents, employees, attorneys, investigators, and all other persons directly or indirectly subject in any way to the control of the person or organization to which these interrogatories are directed.

"Documents" means all written or recorded material of any kind or character known to Warner or in her possession, custody, or control, including, without limitation, letters, correspondence, telegrams, memoranda, notes, records, minutes, contracts, agreements, records or notations of telephone or personal conversation or conferences, inter-office communications, microfilm, bulletins, circulars, pamphlets, studies, notices, summaries, reports, books, articles, treatises, teletype messages, invoices, tape recordings, and work-sheets.

When used with respect to a document, "identify" means, without limitation, to state its date, the type of document (e.g., letter, memorandum, telegram, chart, photograph, sound reproduction, etc.), the author and addressees, the present location and the custodian, and a description of its contents.

When used with respect to a person, "identify" means, without limitation, to state his or her name, address, occupation, and professional qualifications.

If Warner cannot answer any portion of any of the Interrogatories in full, after exercising due diligence to do so, so state, and answer to the extent possible, specifying the inability to answer the remainder and stating when Warner expects to be able to answer the unanswered portions.

NIPSCO'S INTERROGATORIES^{*/}

42. With respect to each item of conduct identified in your answer to Interrogatory 1(b)(1):
- (a) Please specify the basis for your allegation that the conduct contributed to the failure to complete construction of Bailly by September 1, 1979;
 - (b) Please explain how the conduct contributed to the failure to complete construction of Bailly by September 1, 1979;
 - (c) Please specify the basis for your answer to Interrogatory 42(c).
43. (a) Please state whether each of the following supports your conclusion that "good cause" does not exist for the extension of the construction permit for Bailly:

^{*/} Numbering of the following Interrogatories continues from Northern Indiana Public Service Company's Third Set of Interrogatories to Mildred Warner (June 22, 1981).

- (1) that the construction permit for Bailly was issued four months later than NIPSCO had predicted in 1973;
- (2) that NIPSCO did not commence remobilization of its contractors prior to completion of judicial review of the issuance of the construction permit for Bailly;
- (3) that a stay of construction of Bailly was issued by the U.S. Court of Appeals for Seventh Circuit;
- (4) that a slurry wall was constructed for Bailly;
- (5) that the NRC Staff conducted a review of the pile foundation design for Bailly.

(b) Please provide a basis for your answers to Interrogatory 43(a).

44. With respect to the "NRC Staff Evaluation of the Request for an Extension of Construction Permit CPPR-104 for the Bailly Generating Station, Nuclear 1" (July 17, 1981), and the "Environmental Impact Appraisal Prepared by the Division of Licensing Regarding the Extension of Construction Permit CPPR-104 Bailly Generating Station, Nuclear-1" (July 17, 1981):

- (a) Please specifically identify each statement or statements with which you disagree.
- (b) In what respect do you disagree with each statement or statements identified in your answer to Interrogatory 44(a)?

(c) Please provide the basis for your answer to Interrogatory 44(b).

45. With respect to the "Assessment of the Influence of Dewatering at Bailly N-1" (Nov. 1980), prepared by D'Appolonia (Project No. MW 79-720):

(a) Please specifically identify each statement or statements with which you disagree.

(b) In what respect do you disagree with each statement or statements identified in your answer to Interrogatory 45(a)?

(c) Please provide the basis for your answer to Interrogatory 44(b).

46. You have contended

that the reason why Bailly was not completed by the latest completion date grows out of the lack of thorough and adequate planning and design by NIPSCO, its contractors and subcontractors. All of the delay growing out of the Staff's direction to NIPSCO to halt pile driving could have been avoided had NIPSCO and its contractors and subcontractors done a more thorough and careful job of planning for and designing the Bailly plant. More information about the geology of the site and the design of the foundation for a nuclear plant to be built on that site, and the method of constructing a foundation of that design could have avoided much of the delay in construction period since the construction permit was issued.*/

(a) (1) Please specify the respects in which NIPSCO's "planning and design" was not "thorough and adequate."

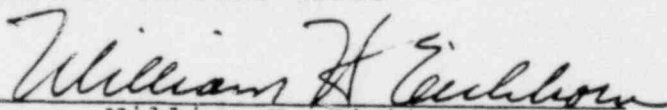
*/
"Joint Intervenor's First supplement to Petition For Leave to Intervene" (Feb. 26, 1980), p. 14.

- (2) Please provide a basis for your answer to Interrogatory 46(a)(1).
- (3) Please specify those actions which NIPSCO could have taken, but did not take, which would have rendered its "planning and design" "thorough and adequate."
- (b) Please specify the basis for your contention that the delay in construction of Bailly attributable to the halt in pile driving "could have been avoided had NIPSCO and its contractors and subcontractors done a more thorough and careful job of planning for and designing the Bailly plant."
- (c) Please specifically identify the "information about the geology of the site and the design of the foundation for a nuclear plant to be built on that site, and the method of constructing a foundation of that design" to which you are referring.
- (d) Are you contending that it was possible for NIPSCO to have obtained the information identified in your answer to Interrogatory 46(c) between the date NIPSCO submitted its application for a construction permit for Bailly and the date of issuance of the construction permit for Bailly? If yes, please provide a basis for your contention.

- (e) Are you contending that, if NIPSCO had obtained the information identified in your answer to Interrogatory 46(c) prior to issuance of the construction permit for Bailly, the delay in construction of Bailly attributable to the halt in driving piles would not have occurred? If yes, please provide a basis for your answer.
47. Please identify each document to which you referred or upon which you relied in answering Interrogatories 42-46.
48. Please identify each person whom you consulted in answering Interrogatories 42-46 giving the following information for each such person:
- (a) Name;
 - (b) Address;
 - (c) Place of employment and job title;
 - (d) Number (including subpart) of each Interrogatory with respect to which that person consulted, aided or provided or furnished information; and
 - (e) The nature of the information or aid furnished.

Respectfully submitted,

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

By 
William H. Eichhorn
Attorneys for Northern Indiana
Public Service Company

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