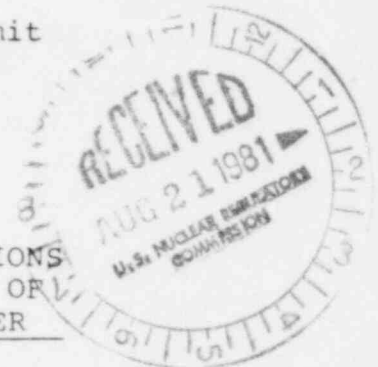


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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,)	August 18, 1981
Nuclear-1))	



NORTHERN INDIANA PUBLIC SERVICE COMPANY'S OBJECTIONS
TO PORTER COUNTY CHAPTER INTERVENORS' THIRD SET OF
INTERROGATORIES AND MOTION FOR PROTECTIVE ORDER

Northern Indiana Public Service Company (NIPSCO) objects to Interrogatories 9, 10, 11 and 42 of Porter County Chapter Intervenor's' (PCCI) Third Set of Interrogatories to NIPSCO for the reasons stated below and requests a protective order providing that no further response to these interrogatories is required.

1. NIPSCO objects to Interrogatory No. 9 which reads:

"9. Please describe in detail each item of expense presently being incurred by NIPSCO with reference to the Bailly project, giving a description of each item of expense, and the amount incurred for each item of expense during each month for the past six months."

The interrogatory seeks information regarding expenses presently being incurred by NIPSCO with reference to the Bailly project. This information has absolutely no relevancy to any subject matter being considered in the construction permit extension proceeding. The gathering of this information is time consuming and burdensome to NIPSCO and would serve no useful purpose. NIPSCO submits this type of detailed information is

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unnecessary and is requested solely for the purpose of harassment. NIPSCO requests a protective order providing that no further response to Interrogatory No. 9 is required.

2. NIPSCO objects to Interrogatory No. 10 which reads:

"10. Please identify each person presently on NIPSCO's nuclear staff, and state a description of that person's professional qualifications."

The interrogatory requests information regarding the present technical competency of NIPSCO's Nuclear Staff. This subject is not relevant to the matters being considered in this proceeding. The Board in its August 20, 1980 Order specifically stated that NIPSCO's present technical competency was not an issue in this proceeding. (Order Following Special Prehearing Conference, dated August 7, 1980, p. 60.) The Board did permit Intervenorors to explore this issue to the extent "that the delay was attributable to technical incompetency" However, the present technical competency of NIPSCO's Nuclear Staff cannot be relevant to the issue of whether NIPSCO's technical competence or lack thereof contributed to the failure to complete the project by the latest completion date, i.e., September 1979. PCCI seeks this information only for the purpose of harassment. NIPSCO therefore requests a protective order providing that no further response to Interrogatory No. 10 is required.

3. NIPSCO objects to Interrogatory No. 11 which reads:

"11. Please describe in detail all changes, refinements or revisions, since the date of issuance of the Bailly construction permit, to the plans or specifications for any of the following components of the proposed Bailly plant:

- a. Containment vessel
- b. Turbine room building
- c. Radwaste building
- d. Service building
- e. Cooling tower
- f. Piping between any of the above buildings or structures."

The interrogatory seeks a detailed description of every change, refinement or revision to the plans for various components or structures of the Bailly project. The components and structures which are the subject of this interrogatory are in no way relevant to the subject matters being considered in this proceeding. NIPSCO has not in the past prepared a compilation of changes of the type requested and it would serve no useful purpose to do so at this time.

The changes, modifications and refinements to the plans for the identified components could number in the thousands and to detail each such change, modification or refinement would be extremely time consuming to NIPSCO. This type of unnecessary burden on a party to a proceeding is neither anticipated by nor permitted by Commission regulations. NIPSCO therefore requests a protective order specifying that no further response to Interrogatory No. 11 is required.

4. NIPSCO objects to Interrogatory No. 42 which reads:

"42. In your response to Interrogatory 7 of Porter County Chapter Intervenor's Second Set of Interrogatories to NIPSCO, you state, '67 geological investigations are referenced in the PSAR and 21 geological investigations were referenced in the testimony of NIPSCO witnesses during the construction permit hearing.' For each such 'geological investigation,' please provide the citation to the reference in the PSAR, and the page citation to the testimony of the NIPSCO witnesses during the construction permit hearing as referred to in your answer."

PCCI has asked NIPSCO to search the PSAR and the transcript of the construction permit proceedings (a transcript of more than 10,000 pages) to provide them with citation and page numbers where 67 geological reports are referenced. NIPSCO has not performed the exercise requested by this interrogatory and to do so would be time consuming and burdensome to NIPSCO. All groups and individuals which make up the Porter County Chapter Intervenor were parties to the original Bailly construction permit proceedings and have possession of the Preliminary Safety Analysis Report and a transcript of those proceedings. PCCI's own review of those documents should yield the information which they seek. No reason has been advanced as to why NIPSCO rather than PCCI should perform this meaningless exercise, and of course, none exists. NIPSCO therefore requests a protective order providing that no further response to Interrogatory No. 42 is required.

Respectfully submitted,

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