

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

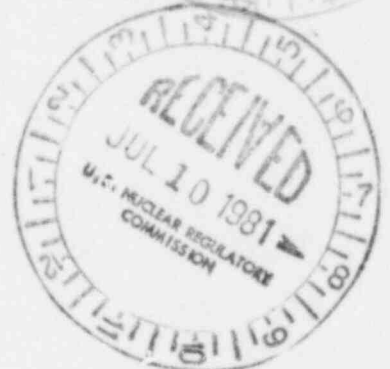
In the Matter of

NORTHERN INDIANA PUBLIC  
SERVICE COMPANY (Bailly  
Generating Station, Nuclear-1)

Docket No. 50-367  
(Construction Permit  
Extension)

7/6/81

PORTER COUNTY CHAPTER INTERVENORS'  
ANSWER TO NIPSCO MOTIONS FOR PRO-  
TECTIVE ORDERS REGARDING DEPOSITIONS  
OF J.W. DUNN, HAROLD RICCA  
AND JAMES F. PURCELL



NIPSCO filed Motions for Protective Orders on June 18 and 25, 1981, seeking orders that the depositions of NIPSCO employees J.W. Dunn, Harold Ricca and James F. Purcell, properly noticed by PCCI to be taken on August 18, August 25 and September 1, 1981 respectively, not be taken on any date subsequent to July 31, 1981. NIPSCO's motions are both groundless and presumptuous. They should be denied.

The sole effort by NIPSCO to meet its burden of showing "good cause" for the protective orders it seeks (10 C.F.R. §2.740(c)) is that it has filed a "Motion for Establishment of Schedule", which it assumes will be granted, and that PCCI has offered no justification for extending discovery beyond the time which NIPSCO has requested as a limit for discovery. NIPSCO apparently does not realize that its filing of a motion does not operate to effectuate the relief requested, nor that it lacks the authority to unilaterally

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shift burdens from one party to another and to establish schedules and procedures for its own purposes and conveniences. NIPSCO also uses the filing of its June 25 motion for a protective order as a device to make further unauthorized argument concerning its scheduling motion. The inappropriateness of the relief requested in that scheduling motion is well established in the record of this proceeding and, therefore, no further response will be made here.

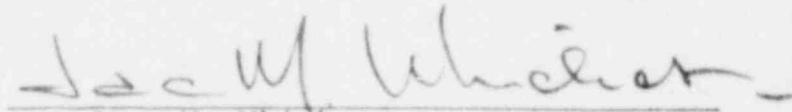
NIPSCO has shown no good cause for the protective orders it seeks and its motions should be denied.

DATED: July 6, 1981

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I served copies of the Porter County Chapter Intervenors' Answer to NIPSCO Motions for Protective Orders Regarding Depositions of J.W. Dunn, Harold Ricca and James F. Purcell 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 6, 1981

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