

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF)
) Docket No. 50-367
NORTHERN INDIANA PUBLIC SERVICE COMPANY)
(Bailly Generating Station, Nuclear 1))

NOTICE OF OPPORTUNITY FOR HEARING ON
CONSTRUCTION PERMIT EXTENSION

The Nuclear Regulatory Commission (the Commission) has under consideration issuance of an amendment to Construction Permit No. CPPR-104 issued to Northern Indiana Public Service Company (the Permittee) for construction of the Bailly Generating Station, Nuclear 1 (the facility), a boiling water reactor to be located twelve miles northeast of Gary, Indiana.

The Permittee has requested, by an amended application for an amendment of the permit, that the latest date for completion of the construction of the facility be extended from September 1, 1979 to December 1, 1987.

Prior to the issuance of the amendment, the Commission must make the findings required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations, including 10 CFR §50.55(b) which requires a showing of good cause for extension of the completion date for a reasonable period of time.

The Permittee filed the application for extension of the completion date more than thirty (30) days prior to the date for expiration of the permit. Pursuant to the Administrative Procedure Act and 10 CFR §2.109 of the Commission's regulations, the construction permit will not be deemed to have expired until the application has been finally determined.

1549 339

7912180 163

Pursuant to 10 CFR §50.91 of the Commission's regulations, the Commission has found that the amendment does not involve a significant hazards consideration. Pursuant to 10 CFR §2.105(a)(4) of the Commission's regulations, the Director of Nuclear Reactor Regulation has, in the exercise of his discretion, determined, in the circumstances obtaining here, that an opportunity for a public hearing should be afforded, particularly in light of recent expressions of citizen interest in this matter.

Accordingly, notice is hereby given that, by December 31, 1979, the Permittee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to whether, pursuant to 10 CFR §50.55(b), good cause has been shown for extension of the completion date for Construction Permit No. CPPR-104 for a reasonable period of time; i.e., with respect to whether, pursuant to 10 CFR §50.55(b), the causes put forward by the Permittee are among those which the Commission will recognize as bases for extending the completion date. Petitions for leave to intervene must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and 10 CFR §2.714 of the Commission's regulations. A petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, including the reasons why petitioner should be permitted to intervene with particular reference to the factors in paragraph (d) of 10 CFR §2.714. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which the petitioner wishes to

1549 340

intervene. Such petition must be filed with the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for hearing should be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555 and to William H. Eichhorn, Esq., 5243 Hohman Avenue, Hammond, Indiana 46368, the attorney for the Permittee.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

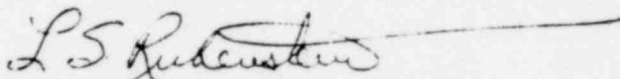
All petitions will be acted upon by the Commission, or licensing board designated by the Commission, or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the petitions.

In the event that a hearing is held and a person is permitted to intervene, that person becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, a party may present evidence and examine and cross-examine witnesses.

1549 341

For further details with respect to this matter, see the application for amendment dated February 9, 1979, and amendment thereto dated August 31, 1979, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., and at the Westchester Township Public Library, 125 South Second Street, Chesterton, Indiana.

FOR THE NUCLEAR REGULATORY COMMISSION



L. S. Rubenstein, Acting Chief
Light Water Reactors Branch 4
Division of Project Management

Dated at Bethesda, Maryland,
this 26th day of November 1979

1549 342

NOTICE OF OPPORTUNITY FOR PUBLIC PARTICIPATION
IN PROPOSED NRC LICENSING ACTION FOR BAILLY GENERATING STATION, NUCLEAR 1

The United States Nuclear Regulatory Commission is giving public notice that it is considering issuance of an amendment to Construction Permit No. CPPR-104 issued to Northern Indiana Public Service Company for construction of the Bailly Generating Station, Nuclear 1, located near Gary, Indiana.

The notice provides that within 30 days after publication of notice in the FEDERAL REGISTER on November 30, 1979, any member of the public whose interest may be affected by the proceeding may file a request for a public hearing in the form of a petition for leave to intervene with respect to whether, pursuant to 10 CFR §50.55(b), good cause has been shown for extension of the completion date for Construction Permit No. CPPR-104 for a reasonable period of time.

Petitions for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene with particular reference to the factors in paragraph (d) of 10 CFR §2.714. Such petitions must be filed in accordance with the above-referenced FEDERAL REGISTER Notice and must be filed with the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Section, by December 31, 1979. A copy of the petition and/or request for hearing should be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to William H. Eichhorn, Esq., Eichhorn, Morrow & Eichhorn, 5243 Hohman Avenue, Hammond, Indiana 46320,

1549 343

attorney for the applicant. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555.

All petitions will be acted upon by the Commission or Licensing Board designated by the Commission, or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, that person becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, that person may present evidence and cross-examine witnesses.

A copy of the FEDERAL REGISTER Notice is available for public inspection at Westchester Township Public Library, 125 South Second Street, Chesterton, Indiana 46304 between the hours of 9:00 a.m. and 9:30 p.m. weekdays and 10:00 a.m. and 3:00 p.m. on Saturday, and the Commission has arranged for their documents and correspondence relating to the licensing of this facility be kept at the same location.

1549 344

DISTRIBUTION

Docket File
NRC PDR
Local PDR
NSIC
✓ TIC
LWR-4 File
ELD - S. Goldberg
PA - Clare Miles
EP - B. Geckler
D. Vassallo
D. Lynch
M. Service
S. Varga
L. Rubenstein
IE (3)
ACRS (16)

1549 345