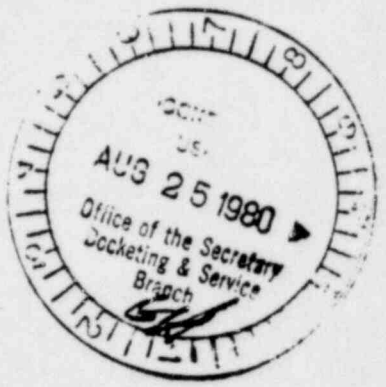

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

PORTER COUNTY CHAPTER INTERVENORS' FIRST REQUEST TO NIPSCO FOR PRODUCTION OF DOCUMENTS

Porter County Chapter of the Izaak Walton League of America, Concerned Citizens Against the Bailly Nuclear Site, Businessmen for the Public Interest, Inc., James E. Newman and Mildred Warner ("Porter County Chapter Intervenors") by their attorneys, pursuant to 10 C.F.R. §2.741, hereby request that Northern Indiana Public Service Company ("NIPSCO") produce, for inspection and copying on September 26, 1980 at 10:00 A.M. at the offices of Business and Professional People for the Public Interest, Suite 1300, 109 N. Dearborn, Chicago, Illinois 60602, the documents described herein.

The term "document" means any writing or recording of any kind, however produced or reproduced, including but not limited to letters, telegrams, memoranda, reports, studies, tape recordings, computer printouts, photographs, calendar and

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diary entries, minutes, pamphlets, notes, charts, tabulations, and records of meetings, conferences and telephone or other conversations or meetings, which are in the actual or constructive possession, custody or control of NIPSCO. A described document includes all other documents which are attached to or relate to such document. The term "NIPSCO" includes Northern Indiana Public Service Company, its agents, employees, representatives, subsidiaries, consultants, contractors or subcontractors. The term "Bailly" refers to the Bailly Generating Station, Nuclear 1. The term "NRC" includes the United States Nuclear Regulatory Commission, its staff, members, attorneys, employees, consultants, divisions or subdivisions, contractors and subcontractors.

1. All documents which were consulted, referred to, or relied upon by Eugene M. Shorb or any other person in the preparation of the letter dated February 7, 1979 from NIPSCO by E. M. Shorb to Harold R. Denton (hereinafter the "February 7 letter").

2. All documents which tend to prove or disprove, or upon which the assertion is based that "because of a variety of delays beyond NIPSCO's control, NIPSCO has been able to achieve only the equivalent of approximately 14 months of construction" as asserted in the February 7 letter.

3. All documents showing, referring to, or giving reasons why "construction was not resumed until after the Supreme Court finally denied petitions for certiorari on November 8, 1976" as asserted in the February 7 letter.

4. All documents showing or referring to the date after November 8, 1976 when NIPSCO did resume construction of the Bailly plant, and the reasons why it did not do so earlier.

5. All documents which tend to prove or disprove that at or about the time of November 8, 1976, "two months were required for remobilization of contractors" as asserted in the February 7 letter.

6. All contracts, subcontracts and agreements between NIPSCO and any contractor, subcontractor or supplier for any component, part or materials for, or labor pertaining to, the construction and operation of the Bailly plant.

7. All documents pertaining to the installation of the slurry wall as described in the February 7 letter including all documents showing why plans for said slurry wall were not included in earlier construction plans or schedule.

8. All documents upon which the assumption is based in the February 7 letter that pile placement would be resumed not later than March 1, 1979.

9. All documents which tend to prove or disprove that as of March 1, 1979 there would have been an aggregate delay in construction of approximately 44 months, as asserted in the February 7 letter.

10. All documents which contain or tend to show the reasons and the bases for the assertion, in the February 7 letter, that "lengthier construction periods are required because of the additional engineering effort necessary to complete final design and corresponding construction work," including but not limited to "more numerous and more detailed regulatory guides."

11. All documents which identify the regulatory guides referred to in the February 7 letter.

12. All documents which tend to prove or disprove, and all documents relied upon to form the conclusion that the reasons stated in the February 7 letter constitute "good cause" for the requested extension of the latest completion date of the Bailly facility.

13. All documents which tend to prove or disprove, or relied upon to form the conclusion, that the requested amendment has "no safety or environmental significance" as asserted in the February 7 letter.

14. All prior drafts of, and notes and memoranda made in connection with the drafting of the February 7 letter.

15. All documents which were consulted, referred to, or relied upon by Eugene M. Shorb or any other person in the preparation of the letter dated August 31, 1979 from NIPSCO by E. M. Shorb to Harold R. Denton (hereinafter the "August 31 letter").

16. All documents upon which the assumption is based in the August 31 letter that the NRC would complete its review of the foundation pilings proposal by October 1, 1979.

17. All documents upon which the assertion is based in the August 31 letter that delay resulting from the NRC review of the pile foundation proposal would be greater than seven months, including but not limited to the reasons of remobilization of contractors and the impact of winter weather on driving activities.

18. All documents which reflect, describe or show any "indications that NRC reviews arising from the Three Mile Island incident will extend the schedule of all plants under construction" as asserted in the August 31 letter.

19. All documents which reflect or support, or upon which the assertion is based that "delays have apparently...occurred with respect to Bailly N-1, in that members of the NRC Staff have extended the period for their review of the piles because they had to undertake generic reviews arising from TMI" as asserted in the August 31 letter.

20. All documents referring to, reflecting or otherwise relating to all "additional information" referred to in the first sentence of the sixth paragraph of the August 31 letter.

21. All documents upon which the assertion is based in the August 31 letter that 74 months from the commencement of concrete placement is a "reasonable estimate" of the time required to complete construction of the Bailly plant.

22. All documents upon which the assertion is based that "9 months would be required to reach concrete placement after the NRC concurs in resumption of pile placement" as stated in the August 31 letter.

23. All documents relied upon in forming the conclusion that "approximately 15 months should be added to the requested extension to provide for uncertainties" as asserted in the August 31 letter.

24. All documents which tend to prove or disprove or upon which the assertion is based that December 1, 1987 is a "prudent projected completion date" for the requested Bailly facility permit amendment as asserted in the August 31 letter.

25. All prior drafts of, and notes and memoranda made in connection with, the drafting of the August 31 letter.

26. All documents which describe or relate or refer to

or which evidence the reasons why construction of the Bailly plant was not completed by September 1, 1979.

28. All documents which identify persons or organizations who have possession, custody or control, or have knowledge of the existence of any of the documents described in paragraphs 1 through 27 of this request.

29. All documents which identify persons who have knowledge of the matters contained in or referred to in the February 7 letter and the August 31 letter.

DATED: August 21, 1980

Robert J. Vollen
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Robert L. Graham

By _____
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CERTIFICATE OF SERVICE

I hereby certify that I served copies of the foregoing Porter County Chapter Intervenors' First Request to NIPSCO for Production of Documents on all persons on the attached Service List, by causing them to be deposited in the U. S. mail on August 21, 1980, first class postage prepaid.

Robert J. Wollen

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