

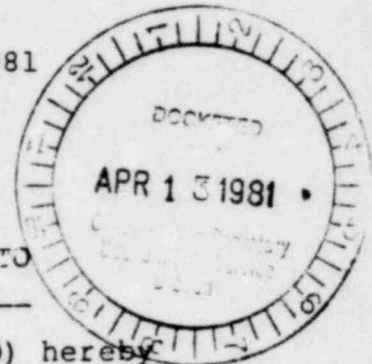


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket No. 50-367
)	
NORTHERN INDIANA PUBLIC SERVICE)	(Construction Permit
COMPANY)	Extension)
)	
(Bailly Generating Station,)	April 10, 1981
Nuclear-1))	

NORTHERN INDIANA PUBLIC SERVICE
COMPANY'S FIRST SET OF INTERROGATORIES TO
THE STATE OF ILLINOIS



Northern Indiana Public Service Company (NIPSCO) hereby serves its First Set of Interrogatories to the State of Illinois (hereinafter "Illinois"), pursuant to 10 C.F.R. § 2.740b. Each interrogatory is to be answered fully in writing, under oath or affirmation, and include all pertinent information known to Illinois. 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.

"Illinois" shall include all agents, employees, attorneys, investigators, and all other persons directly or indirectly subject to its control in any way.

"Documents" means all written or recorded material of any kind or character known to Illinois or in its possession, custody,

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or control, including, without limitation, letters, correspondence, telegrams, memoranda, notes, records, minutes, contracts, agreements, records or notations of telephone or personal conversations 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 and occupation.

If Illinois 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 Illinois expects to be able to answer the unanswered portions.

NIPSCO'S INTERROGATORIES

1. (a) Please identify all of the reasons which you contend are contributing factors to the failure to complete construction of Bailly within the time specified in Construction Permit No. CPPR-104.

- (b) For each reason listed in your answer to Interrogatory 1(a), please identify:
- (1) the basis for your contention that the reason was such a factor;
 - (2) the documents which relate to your contention that the reason was such a factor;
 - (3) the length of delay which you contend is attributable to the reason;
 - (4) whether you contend that the reason cannot contribute to a conclusion that "good cause" exists for the extension of the construction permit for Bailly; and
 - (5) the basis for your answer to Interrogatory 1(b)(4).
2. Are you contending that the issuance of the construction permit four months later than NIPSCO had predicted in 1973 cannot contribute to a conclusion that "good cause" exists for an extension of the construction permit for Bailly? If yes, please provide a basis for your contention.
3. (a) (1) Do you contend that NIPSCO should have commenced remobilization of its contractors prior to completion of judicial review of the issuance of the construction permit for Bailly?
- (2) If your answer to Interrogatory 3(a)(1) is yes, please specify:
- i. the basis for your answer; and
 - ii. the time at which NIPSCO should have commenced remobilization.

- (b) (1) Please specify the period of time which you contend should reasonably have been required for remobilization of NIPSCO's contractors after NIPSCO decided to proceed with construction following completion of judicial review of the issuance of the construction permit for Bailly.
 - (2) Please specify the basis for your answer to Interrogatory 3(b)(1).
 - (3) Are you contending that remobilization during the period of time specified in your answer to Interrogatory 3(b)(1) cannot contribute to a conclusion that "good cause" exists for the extension of the construction permit for Bailly? If yes, please provide a basis for your answer.
- (c) (1) What specific period of delay in construction of Bailly do you contend is attributable to the stay issued by the U.S. Court of Appeals for the Seventh Circuit?
 - (2) Please provide a basis for your answer to Interrogatory 3(c)(1).
 - (3) Are you contending that the stay during the period specified in your answer to Interrogatory 3(c)(1) cannot contribute to a conclusion that "good cause" exists for the extension of the construction permit for Bailly? If yes, please provide a basis for your answer.

4. (a) Are you contending that the delay in construction of Bailly associated with construction of a slurry wall cannot contribute to a conclusion that "good cause" exists for extension of the construction permit for Bailly? If your answer is yes, please provide a basis for your answer.
- (b) Are you contending that NIPSCO knew or should have known, before the issuance of the construction permit for Bailly, that a slurry wall could be built for Bailly? If yes, please provide a basis for your answer.
- (c) What reasonable steps could NIPSCO have taken prior to the issuance of Construction Permit No. CPPR-104 to learn of the concept of a slurry wall?

5. You have alleged that:

The delay occasioned by the need to construct a slurry wall was due to NIPSCO's inadequate assessment of the environmental effects of its construction plan. Because of NIPSCO's insufficient consideration at the design stage of the proper techniques to avoid consequences of dewatering, the slurry wall was not included in the original construction schedule. The company later found it necessary to reconsider ^{*}its original design and supplement it with a slurry wall. ^{*}/

- (a) (1) Does the term "need to construct a slurry wall" refer to a legal requirement? If yes, please identify the legal requirement.

^{*}/ "Supplemental Petition of the State of Illinois," Contention 2.A., p. 5 (Feb. 26, 1980).

- (2) Does the term "need to construct a slurry wall" refer to steps taken to insure compliance with Bailly's design bases? If yes, please identify the design bases and specify the manner in which Bailly failed to comply with them prior to installation of the slurry wall.
 - (3) Please specify any other definition of "need to construct a slurry wall."
- (b) With respect to the allegation that NIPSCO's assessment at the design stage of the environmental effects of its construction plan was "inadequate":
- (1) Are you contending that the NRC required NIPSCO to construct the slurry wall after discovering that NIPSCO's assessment of the environmental impacts of dewatering was allegedly "inadequate"? If yes, please provide a basis for your contention.
 - (2) Are you contending that NIPSCO voluntarily constructed the slurry wall after discovering that its assessment of the environmental impacts of dewatering was allegedly "inadequate"? If yes,
 - i. Please describe those estimates in NIPSCO's assessment which NIPSCO discovered were incorrect.
 - ii. Please identify those employees of NIPSCO who discovered that the estimates were incorrect.

- iii. Please specify when the employees identified in your answer to Interrogatory 5(b)(2)ii. discovered that the estimates were incorrect.
- iv. Please specify the information which the employees identified in your answer to Interrogatory 5(b)(2)ii. discovered which led them to believe that the estimates were incorrect.

- (3) If your answers to Interrogatories 5(b)(1) and 5(b)(2) are no, please specify the reason why NIPSCO constructed the slurry wall.
 - (4) Please describe specifically the manner in which NIPSCO's assessment of the environmental impacts of dewatering was "inadequate."
- (c) With respect to the allegation that NIPSCO provided "insufficient consideration . . . of the proper techniques to avoid consequences of dewatering":
- (1) Are you contending that NIPSCO could have learned about the concept of a slurry wall prior to issuance of the construction permit? If yes, please provide a basis for your contention.
- (d)
- (1) Does the term "necessary to reconsider its original design" refer to a legal requirement? If yes, please identify the legal requirement.
 - (2) Does the term "necessary to reconsider its original design" refer to steps taken to ensure compliance

with Bailly's design bases? If yes, please identify the design bases and specify the manner in which Bailly failed to comply with them prior to installation of the slurry wall.

(3) Please specify any other definition of the term "necessary to reconsider its original design."

(e) (1) Is it your position that the proposal to construct the slurry wall was voluntary on the part of NIPSCO?

(2) If no, please specify the manner in which the proposal was not voluntary.

(3) If yes, please specify the reason why NIPSCO decided to construct the slurry wall.

(4) Do you contend that delay attributable to the reason specified in your answer to Interrogatory 5(e)(3) cannot contribute to a conclusion that "good cause" exists for extension of Bailly's construction permit? If yes, please provide a basis for your contention.

6. (a) Are you contending that the delay in construction of Bailly associated with the NRC Staff review of NIPSCO pile foundation design cannot contribute to a conclusion that "good cause" exists for extension of the construction permit for Bailly? If your answer is yes, please provide a basis for your answer.

(b) Are you contending that NIPSCO was legally permitted to perform geological investigations of the site before issuance of the construction permit for Bailly, which

investigations would have enabled NIPSCO to discover potential problems with driving piles to bedrock?

If yes, please specifically identify which investigations NIPSCO should have performed.

- (c) Are you contending that the geological investigations which NIPSCO did perform prior to issuance of the construction permit for Bailly were improperly performed or that the results were improperly analyzed? If yes, please specifically identify which investigations were improperly performed or results improperly analyzed and the basis for your contention.
 - (d) Are you contending that NIPSCO should have submitted or was required to submit final designs for the piles before issuance of the construction permit? If yes, please provide a basis for your contention.
7. (a) Are you contending that NIPSCO's requested length for extension of the construction permit for Bailly is unreasonable? If yes, please identify the basis for your contention.
- (b) What do you contend would be a reasonable length for an extension of the construction permit for Bailly?
 - (c) Are you contending that the average time required for construction of a nuclear power plant is the same now as it was in 1974?
- (1) If yes, please provide a basis for your answer.

- (2) If no, please provide the average time required for construction of a plant beginning in 1974 and beginning in 1980.
- (d) Are you contending that any requested length of extension which is longer than the construction period specified in the original construction permit or which is longer than the actual period of delay is unreasonable? If yes, please provide a basis for your answer.
- (e) Are you contending that the requested length of the extension is unreasonable because it contains a provision for contingencies?
 - (1) If yes, please provide a basis for your contention.
 - (2) If no, what is a reasonable provision for contingencies? Please provide a basis for your answer.
- (f) Are you contending that the bar chart attached to the letter of August 31, 1979, from E.M. Shorb to Harold R. Denton contains unreasonable estimates of construction times? If yes,
 - (1) please identify which construction times are unreasonable;
 - (2) for those construction times identified in your answer to Interrogatory 7(f)(1), please specify construction times which you contend would be reasonable?

(3) please provide a basis for your answer to
Interrogatory 7(f)(2).

Respectfully submitted,

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