

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)

PORTER COUNTY CHAPTER INTERVENORS'
CONTENTION CONCERNING NIPSCO'S LETTER
OF NOVEMBER 26, 1980

By letter to Harold R. Denton from E.M. Shorb dated November 26, 1980, NIPSCO has purported to amend its request for an extension of the Bailly construction permit which is the subject matter of this proceeding. Porter County Chapter Intervenor, by their attorneys, hereby submit the following contention to be litigated in this proceeding concerning the matters asserted in that letter. (For convenience of reference, this contention is numbered sequentially following the contentions in "Joint Intervenor's First Supplement to Petition for Leave to Intervene", dated February 26, 1980.)

Contention 13

Porter County Chapter Intervenor contend that the factors and assertions set forth in the letter dated November 26, 1980 from E.M. Shorb, First Vice President of NIPSCO, to

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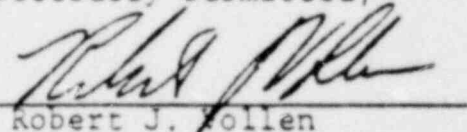
Harold R. Denton, Director of the Office of Nuclear Reactor Regulation, do not establish good cause for the extension of the latest completion date of the Bailly construction permit requested by NIPSCO. The requested extension, until December 1, 1989, is an unreasonable length of time, and is not justified by the assertions set forth in the letter. Porter County Chapter Intervenors seek to litigate each of the factors in the letter and the reasonableness of the date.

The letter is ambiguous in that it states: "[a]ssuming resolution of the pile-driving suspension by January 1, 1981, the requested latest date for completion of construction is December 1, 1989", thus conditioning the date of the requested extension on a future event. Porter County Chapter Intervenors contend that there is no basis in the Atomic Energy Act or the Commission's regulations for such a contingency, and that therefore the request should be denied. Porter County Chapter Intervenors further contend that the letter fails to establish the good cause required by the Atomic Energy Act for the extension of the latest completion date, and NIPSCO's request should therefore be denied.

Dated: January 27, 1981

Respectfully submitted,

By:


Robert J. Vollen

Robert J. Vollen
Jane M. Whicher
109 North Dearborn Street
Chicago, Illinois 60602
(312) 641-5570

Attorneys for Porter County
Chapter Intervenors



BPI

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January 27, 1981

Mr. William H. Eichhorn
Eichhorn, Eichhorn & Link
5243 Hohman Avenue
Hammond, Indiana 46320

Re: Northern Indiana Public
Service Company (Bailly
Generating Station,
Nuclear-1) Docket No. 50-367

Dear Bill:

We have received copies of E.M. Shorb's letters to Drs. Willard, Olson, Geis and Loucks ("wetlands panel") dated December 31, 1980, in which NIPSCO offers to provide to the panel information collected by or for NIPSCO in its environmental monitoring programs at the NIPSCO site and within the Indiana Dunes National Lakeshore. We hereby request that you send us copies of all written communications, including all information provided by NIPSCO to the panel, the National Park Service, the Department of the Interior, and the Nuclear Regulatory Commission, concerning the subject of dewatering and sealing of the fly ash ponds.

We have also received a copy of Mr. Shorb's letter of December 31, 1980 to Russell E. Dickenson of the National Park Service. In that letter, Mr. Shorb invites the National Park Service to meet with NIPSCO and its consultants to discuss

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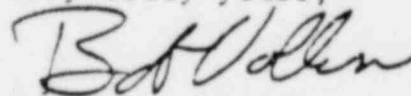
Elliot Lehman

Mr. William H. Eichhorn
Page Two

January 27, 1981

monitoring programs and other information. We hereby
request an invitation to any such meeting or meetings.

Very truly yours,

A handwritten signature in dark ink, appearing to read "R. J. Vollen". The signature is written in a cursive, flowing style with a large initial "R".

Robert J. Vollen

RJV:cd



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January 27, 1981

Mr. Russell E. Dickenson
Director, National Park Service
U.S. Department of the Interior
Washington, D.C. 20240

Re: Indiana Dunes National
Lakeshore -
Bailly Nuclear Plant

Dear Mr. Dickenson:

Recently I received a copy of a letter from E.M. Shorb, First Vice President of Northern Indiana Public Service Company ("NIPSCO") to you dated December 31, 1980. In that letter, Mr. Shorb attacks the report titled "Effects of Dewatering on the Indiana Dunes National Lakeshore" which was prepared by a panel of wetlands experts assembled by the Park Service. He asserts that the report is based on erroneous and incomplete information and that its conclusions are unwarranted. As one of the attorneys for some of the intervenors who oppose NIPSCO's request for an extension of its construction permit for the Bailly nuclear plant, and who seek to protect the Indiana Dunes National Lakeshore from NIPSCO's activities, I disagree with the assertions contained in Mr. Shorb's letter. I trust that the National Park Service will utilize the experts' report in fulfilling its duty to protect the Indiana Dunes National Lakeshore.

In his letter Mr. Shorb requests a meeting between NIPSCO and its consultants and representatives of the Park

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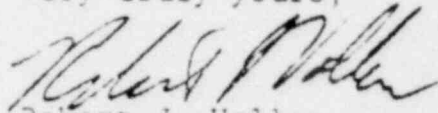
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M. Selma Wise
Community Development
Director
Nancy Stone
Paralegal
Past Presidents
Gordon B. Sherman
Elliot Lehman

Mr. Russell E. Dickenson
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January 27, 1981

Service to discuss monitoring programs and other information. In the event that Park Service agrees to participate in such a meeting, I would very much appreciate being invited to attend.

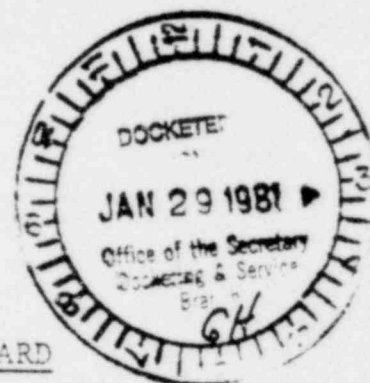
Very truly yours,



Robert J. Vollen
One of the attorneys for
Porter County Chapter
Intervenors

RJV:cd

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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NORTHERN INDIANA PUBLIC) Docket No. 50-367
SERVICE COMPANY) (Construction Permit
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CERTIFICATE OF SERVICE

I hereby certify that copies of the following documents:

Porter County Chapter Intervenor's Contention
Concerning NIPSCO's Letter of November 26, 1980;

Letter from Robert J. Vollen to William H.
Eichhorn dated January 27, 1981; and

Letter from Robert J. Vollen to Russell E.
Dickenson, Director, National Park Service,
dated January 27, 1981.

were served on the persons on the attached Service List by
deposit in the U.S. mail, postage prepaid, on this 27th day
of January, 1981.

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Jane M. Whicher

By: Jane M. Whicher
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