

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket No. 50-357  
(Construction Permit Extension)

On January 27, 1981, the Porter County Chapter Intervenors (PCCI) requested the admission of a new contention, denominated Contention 13, concerning the Applicant's November 26, 1980 letter amendment of its construction permit extension request. The amendment in question extends the latest date requested for completion of construction until December 1, 1989. The amendment does not identify any additional reasons why the plant was not completed by the original completion date (September 1, 1979) set forth in the construction permit. Those reasons were advanced in the Applicant's February 7, 1979 initial extension application. Proposed contention 13 challenges the factors and assertions set forth in the amendment and the reasonableness of the extension date requested therein. The Staff opposes the admission of this contention.

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The intervenors' pleading fails to address the factors contained in 10 C.F.R. § 2.714(a) relative to late-filed contentions.<sup>1/</sup> In any event, the introduction of the newly proposed contention is unnecessarily duplicative of previously admitted contentions. Specifically, PCCI contentions 1 and 3 were admitted by the Board for the proposition that "the reasons for the delay are other than offered by Permittee, that the actual reasons do not constitute good cause for the extension, and that the period of extension requested is unreasonable."<sup>2/</sup> As is evident, the reasonableness of the extension period requested, whatever its duration (now December 1, 1989), is already a matter in controversy and the justification therefore litigable within the context of existing contentions. Therefore, the admission of proposed contention 13 would serve no useful purpose.

Accordingly, the Staff opposes the admission of proposed Contention 13.

Respectfully submitted,



Steven C. Goldberg  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 9th day of February , 1981.

<sup>1/</sup> 10 C.F.R. § 2.714(a)(3); Louisiana Power and Light Co. (Waterford Steam Electric Station, Unit 3), LBP-73-31, 6 AEC 717, appeal dismissed as interlocutory, ALAB-186, 6 AEC 1155 (1973).

<sup>2/</sup> Order Following Special Prehearing Conference, dated August 7, 1980, at 52.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of NRC STAFF RESPONSE TO PORTER COUNTY CHAPTER INTERVENORS' REQUEST TO ADMIT CONTENTION CONCERNING NIPSCO'S LETTER OF NOVEMBER 26, 1980 in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system this 9th day of February, 1981.

\*Herbert Grossman, Esq., Chairman  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Edward W. Osann, Jr., Esq.  
Suite 4600  
One IBM Plaza  
Chicago, Illinois 60611

\*Dr. Richard F. Cole  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Robert L. Graham, Esq.  
One IBM Plaza  
44th Floor  
Chicago, Illinois 60611

\*Mr. Glenn O. Bright  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

George and Anna Grabowski  
7413 W. 136th Lane  
Cedar Lake, Indiana 46303

Kathleen H. Shea, Esq.  
Lowenstein, Newman, Reis, Axelrad  
and Toll  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Diane B. Cohn, Esq.  
Suite 700  
2000 P Street, N.W.  
Washington, D.C. 20036

Robert J. Vollen, Esq.  
c/o BPI  
109 North Dearborn Street  
Chicago, Illinois 60602

John Van Vranken, Esq., Chief  
Northern Region  
Environmental Control Division  
188 West Randolph Street  
Chicago, Illinois 60601

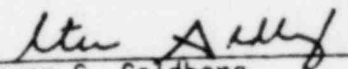
Clifford Mezo, Acting President  
Local 1010  
United Steelworkers of America  
3703 Euclid Avenue  
East Chicago, Indiana 46312

William H. Eichhorn, Esq.  
Eichhorn, Morrow & Eichhorn  
5243 Hohman Avenue  
Hammond, Indiana 46320

\*Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*Atomic Safety and Licensing  
Appeal Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

  
Steven C. Goldberg  
Counsel for NRC Staff