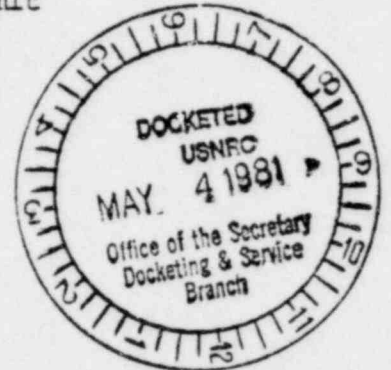


UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

ANSWERS OF THE PEOPLE OF THE STATE
 OF ILLINOIS TO NIPSCO'S
FIRST SET OF INTERROGATORIES



The People of the State of Illinois, through its attorney,
 Tyrone C. Fahner, Attorney General, hereby answer NIPSCO's First Set of
 Interrogatories.

Each answer is based upon such information as is known as of the
 date of service hereof and is subject to change as further or other informa-
 tion becomes available through discovery or otherwise.

As used herein, "AEC" means Atomic Energy Commission; "NRC" means
 Nuclear Regulatory Commission; "DOI" means Department of the Interior; and
 "ACTS" means Advisory Committee on Reactor Safeguards.

1. (a) Illinois contends that the following contributed to
 NIPSCO's failure to complete construction of Bailly by September 1, 1979:
- i. the conduct of NIPSCO and its contractors;
 - ii. the conduct of opponents of the construction of Bailly;
 - iii. the conduct of government agencies and officials;
 - iv. the conduct of the United States Court of Appeals for the
 Seventh Circuit;
 - v. the conduct of NIPSCO's customers;
 - vi. the conduct of members of the public.

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(b) (1) The conduct of NIPSCO and its contractors contributed to the failure to complete construction of Bailly by September 1, 1979 in at least the following respects: NIPSCO chose to seek to build a nuclear power plant at one of the worst sites ever considered for such a plant in this country. NIPSCO failed to construct Bailly in accordance with the PSAR insofar as foundation design and slurry wall are concerned. NIPSCO failed to submit a PSAR which completely and adequately described the foundation plan or plans for a slurry wall. NIPSCO failed to design a workable and safe foundation plan for Bailly. NIPSCO underestimated the cost of building Bailly. NIPSCO overestimated the need for the power to be generated by the Bailly facility. NIPSCO entered into a contract with General Electric Company for a containment structure which cannot be safely operated. NIPSCO entered into a contract with DOI to seal the ash ponds. NIPSCO failed to find means to prevent impact on the Indiana Dunes National Lakeshore as the result of constructing Bailly. NIPSCO failed to develop an adequate program for evacuating persons in the vicinity of Bailly in the event of an accident. NIPSCO failed to do things which might have been done to enable it to complete construction by September 1, 1979. NIPSCO engaged in no construction after September 1977.

The conduct of the opponents of the construction of Bailly contributed to the failure to complete construction of Bailly by September 1, 1979 in at least the following respects: They engaged in litigation. They obtained orders of the United States Court of Appeals for the Seventh Circuit which interfered with construction activity. They may have caused governmental agencies to take longer to perform studies and reviews than such agencies would have taken in the absence of opposition to Bailly.

The conduct of government agencies and officials contributed to the failure to complete construction of Bailly by September 1, 1979 in at least the

following respects: The AEC issued a construction permit on May 1, 1979 for a nuclear power plant to be built at one of the worst sites ever considered for such a plant in this country. The NRC instructed NIPSCO not to engage in any construction after September 1977. The NRC reviewed NIPSCO's short pilings proposal. The NRC referred NIPSCO's short pilings proposal to the ACRS and the Army Corps of Engineers. The ACRS and the Army Corps of Engineers looked at NIPSCO's short pilings proposal. The DOI has taken the official position that Bailly should not be built at the site selected by NIPSCO and approved by the AEC. The DOI entered into a contract with NIPSCO requiring NIPSCO to seal the ash ponds. The DOI has made efforts and taken steps to fulfill its duty to protect the Indiana Dunes National Lakeshore from activities at the Bailly site. Congressmen have made inquiries and expressions of interest and concern about Bailly, which may have resulted in government agencies' performing studies and reviews and taking steps they might otherwise not have performed and taken. Governmental agencies and officials responded to the accident at Three Mile Island, thereby affecting the entire nuclear industry.

The conduct of the United States Court of Appeals for the Seventh Circuit contributed to the failure to complete Bailly by September 1, 1979 in at least the following respects: The Court stayed construction of Bailly pending review of the AEC's issuance of a construction permit. The Court set aside the AEC's decision granting a construction permit for Bailly.

The conduct of NIPSCO's customers contributed to the failure to complete Bailly by September 1, 1979 in at least the following respects: They failed to create the need for power which Bailly had predicted they would create. They expressed opposition to the construction of Bailly.

The conduct of members of the public contributed to the failure

to complete Bailly by September 1, 1979 in at least the following respect: They created a political and emotional atmosphere of opposition to construction of Bailly, particularly after the accident at Three Mile Island.

(2) All documents which are contained in AEC, NRC, and DOI files with respect to Bailly; all documents which are contained in file no. 74-1741 in the United States Court of Appeals for the Seventh Circuit; all governmental issuances, studies, and reports with respect to the accident at Three Mile Island and its aftermath and significance; all documents which have been furnished by NIPSCO in discovery herein.

(3) The State of Illinois cannot identify the lengths of delay variously attributable to the reasons identified above.

(4) Yes.

(5) Because good cause does not exist for extension of Bailly's construction permit, none of the reasons for the delay can contribute to such a conclusion.

2. Yes.

Basis: Because good cause does not exist for extension of Bailly's construction permit, the matter referred to cannot contribute to such a conclusion.

3. (a) (1) The State of Illinois makes no contention about whether NIPSCO should have commenced remobilization of its contractors prior to completion of judicial review of the issuance of the construction permit for Bailly.

(2) Not applicable.

(b) (1) The State of Illinois makes no contention about the period of time which should reasonably have been required for remobilization of NIPSCO's contractors after NIPSCO decided to proceed with construction following comple-

tion of judicial review of the issuance of the construction permit for Bailly.

(2) Not applicable.

(3) Yes.

Basis: Because good cause does not exist for extension of Bailly's construction permit, the matter referred to cannot contribute to such a conclusion.

(c) (1) The State of Illinois does not know what period of delay is attributable to the stay issued by the United States Court of Appeals for the Seventh Circuit.

(2) Not applicable.

(3) Yes.

Basis: Because good cause does not exist for extension of Bailly's construction permit, the matter referred to cannot contribute to such a conclusion.

4. (a) Yes.

(b) The State of Illinois does not know whether NIPSCO knew before issuance of the construction permit for Bailly that a slurry wall could be built for Bailly. The State of Illinois makes no contention about whether NIPSCO should have known before issuance of the construction permit for Bailly that a slurry wall could be built for Bailly.

(c) The State of Illinois makes no contention about steps NIPSCO could have taken prior to the issuance of Construction Permit No. CPPR-104 to learn of the concept of a slurry wall.

5. (a) (1) The term "need to construct a slurry wall" refers to such need as was identified and acted upon by NIPSCO and the Atomic Energy Commission.

(2) The term "need to construct a slurry wall" refers to such need as was identified and acted upon by NIPSCO and the Atomic Energy Commission.

(3) Not applicable.

(b) (1) The State of Illinois does not know whether the NRC required NIPSCO to construct the slurry wall after discovering that NIPSCO's assessment of the environmental impacts of dewatering was inadequate.

(2) The State of Illinois does not know whether NIPSCO voluntarily constructed the slurry wall after discovering that its assessment of the environmental impacts of dewatering was inadequate.

(3) The State of Illinois does not know why NIPSCO constructed the slurry wall.

(4) NIPSCO's assessment of the environmental impacts of dewatering was inadequate because it did not correctly identify the effects of construction dewatering on the Indiana Dunes National Lakeshore and in particular on the Cowles Bog Wetland Complex.

(c) (1) The State of Illinois objects to this interrogatory because it is based on an assumption that NIPSCO did not learn about the concept of a slurry wall before issuance of the construction permit, and the State of Illinois does not know when NIPSCO learned about the concept of a slurry wall.

(d) (1) The term "necessary to reconsider its original design" refers to circumstances identified and acted upon by NIPSCO and the Atomic Energy Commission.

(2) The term "necessary to reconsider its original design" refers to circumstances identified and acted upon by NIPSCO and the Atomic Energy Commission.

(3) Not applicable.

(e) (1) The State of Illinois does not know whether the proposal to build the slurry wall was voluntary on NIPSCO's part.

(2) Not applicable.

(3) Not applicable.

(4) Yes.

Basis: Because good cause does not exist for extension of Bailly's construction permit, the matter referred to cannot contribute to such a conclusion.

6. (a) Yes.

Basis: Because good cause does not exist for extension of Bailly's construction permit, the matter referred to cannot contribute to such a conclusion.

(b) The State of Illinois objects to this interrogatory because it is vague as to the time period involved.

(c) At the present time the State of Illinois has insufficient knowledge to answer this interrogatory.

(d) The State of Illinois makes no contention about what NIPSCO should have submitted or was required to submit.

7. (a) Under the circumstances of this case, any extension of the construction permit for Bailly is unreasonable.

(b) Under the circumstances of this case, any extension of the construction permit for Bailly is unreasonable.

(c) The State of Illinois makes no contention about the average time required for construction of a nuclear power plant, either now or in 1974.

(d) The State of Illinois does not contend that a requested extension for a period longer than the construction period specified in the original construc-

tion permit or longer than the actual period of delay is unreasonable under all circumstances; the State of Illinois contends that under the circumstances of this case, any extension of the construction permit for Bailly is unreasonable.

(e) No.

(2) Under the circumstances of this case any extension is unreasonable and therefore there is no reasonable provision for contingencies.

(f) At the present time the State of Illinois has insufficient knowledge to formulate a position on the estimates of construction time in the bar chart attached to the letter of August 31, 1979 from E.M. Shorb to Harold R. Denton.

PEOPLE OF THE STATE OF ILLINOIS

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Attorney General
State of Illinois

BY: 

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AFFIRMATION

I, ANNE RAPKIN, hereby affirm that I am an Assistant Attorney General in the Environmental Control Division of the Office of the Illinois Attorney

General; that the Illinois Attorney General represents Intervenor People of the State of Illinois; that I have authority to submit answers on behalf of the People of the State of Illinois to NIPSCO's First Set of Interrogatories; that I have read the foregoing Answers of the People of the State of Illinois to NIPSCO's First Set of Interrogatories and that they are true and correct to the best of my knowledge and belief.



ANNE RAPKIN

CERTIFICATE OF SERVICE

I, ELAINE C. THOMAS, having been sworn and under oath, do state that I have this 1st day of May 1981, served the foregoing Answers Of The People Of The State Of Illinois To NIPSCO's First Set Of Interrogatories upon the following persons, by placing same in envelopes addressed to said persons, by first class mail, postage prepaid, with the United States Postal Service located at 160 North LaSalle Street, Chicago, Illinois 60601.

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ELAINE C. THOMAS

SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY
OF _____, 1981.

NOTARY PUBLIC