



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Herbert Grossman, Chairman
Dr. Robert L. Holton
Dr. J. Venn Leeds



In the Matter of:

NORTHERN INDIANA PUBLIC
SERVICE COMPANY

(Bailly Generating Station
Nuclear #1)

SERVED JUL 14 1981

Docket No. 50-367
(Construction
Permit Extension)

July 10, 1981

ORDER
(Denying PCCIs' Applications Pursuant to
10 CFR §2.720(h)(2)(i) and (ii))

On May 19, 1981 PCCIs filed applications pursuant to 10 CFR §2.720(h)(2)(i) and (ii) seeking orders requiring the testimony at deposition of James G. Keppler, a Staff Director in Region III, and requiring the Staff's answers to PCCIs' first set of interrogatories to Staff, respectively. Staff opposes the taking of Mr. Keppler's deposition and being required to answer interrogatory 3.

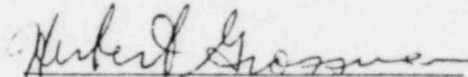
Upon consideration of the facts and arguments contained in PCCIs' applications and the reply dated June 18, 1981, and in the NRC Staff's responses to the applications, which fail to support a showing of exceptional circumstances for Mr. Keppler's deposition or that the answer to interrogatory 3 is necessary to a proper decision in the proceeding, it is
this 10th day of July 1981

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Ordered

That PCCIs' applications are denied.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Herbert Grossman, Chairman
ADMINISTRATIVE JUDGE