

July 17, 1981

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

Robert L. Holton,
Administrative Judge
School of Oceanography
Oregon State University
Corvallis, Oregon 97331

J. Venn Leeds, Administrative
Judge
10807 Atwell
Houston, Texas 77096



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

Dear Administrative Judges:

Enclosed are the following documents prepared by the NRC Staff regarding NIPSCO's application for an extension of its latest construction completion date:

- NRC Staff Evaluation of the Request For An Extension of Construction Permit CPPR-104 For the Bailey Generating Station, Nuclear 1.
- Negative Declaration Supporting the Extension of the Expiration Date For Construction Permit No. CPPR-104, Bailey Generating Station, Nuclear 1.
- Environmental Impact Appraisal Prepared By the Division of Licensing Regarding the Extension of Construction Permit CPPR-104, Bailey Generating Station, Nuclear-1.

These documents will be offered as testimony of the NRC Staff in the hearing upon the extension request, along with any supplemental testimony the Staff determines to file. The acceptability of the shorter piles for the Bailey foundation, which the D.C. Circuit recently directed to be considered in conjunction with the extension proceeding (People of the State of Illinois, v. NRC, No. 80-1163, July 1, 1981), is addressed in the Staff's "Safety Evaluation Report Related to the Pile Foundation Design and Installation for the Bailey Generating Station, Nuclear-1" (March 1981), which was transmitted to the Licensing Board and parties by letter dated March 6, 1981.

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To date, the Commission has not taken any action in response to the Court of Appeals decision. Should the action taken by the Commission necessitate the supplementation or modification of the attached documents or the SER on short piles (including any supplementation to the evaluation of short piles to comply with Part 51 of the Commission's regulations), the Staff will promptly advise the Board and the parties.

Sincerely,

Stephen H. Lewis
Counsel for NRC Staff

Enclosure: As stated

cc w/enclosure:

Kathleen H. Shea, Esq.
Robert J. Vollen, Esq.
Edward W. Osann, Jr., Esq.
Clifford Mezo
William H. Eichhorn, Esq.
John Van Vranken, Esq.

Robert L. Graham, Esq.
George and Anna Grabowski
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Secretary

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DATE ▶	7/ 13/81	7/ 13 /81	7/ 16 /81			

prepare whatever additional evaluation is required by 10 C.F.R. Part 51 upon Commission action.

Sincerely,

Stephen H. Lewis
Counsel for NRC Staff

Enclosure: As stated

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