

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,) August 11, 1981
Nuclear-1))

NORTHERN INDIANA PUBLIC SERVICE COMPANY'S
CONDITIONAL WITHDRAWAL OF MOTIONS FOR PROTECTIVE ORDERS

On July 27, 1981, Northern Indiana Public Service Company (NIPSCO) renewed its June 25 motion for a protective order requesting an order providing that the deposition of Mr. James F. Purcell may not be taken on September 1 as requested in Porter County Chapter Intervenors' (PCCI) June 9 and July 21, 1981 notices of deposition.

On July 24, 1981, NIPSCO renewed its July 8 motion for a protective order requesting an order providing that the depositions of Messrs. Allen H. Petersen, Forrest G. Hiple, and Carl R. Kulawinski may not be taken on September 9, September 15, and September 22, 1981, respectively, as requested in PCCI's June 29, 1981 notice of deposition.

The basis for the requested protective orders for all four depositions was that each was scheduled beyond the then latest date established by the Board for taking of depositions, i.e., August 28, 1981. In view of the Board's August 4, 1981 Order

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extending until September 30 the date by which depositions may be taken, NIPSCO hereby withdraws its motion for a protective order with respect to the taking of the depositions of Messrs. Purcell and Petersen.

NIPSCO conditionally withdraws its motion for a protective order with respect to the taking of the depositions of Messrs. Hiple and Kulawinski. On August 10, 1981, Counsel for NIPSCO advised Counsel for PCCI that NIPSCO would withdraw its request for a protective order with respect to the taking of the four above-mentioned depositions because of the August 4 Board Order. NIPSCO further advised PCCI that Messrs. Hiple and Kulawinski were unavailable for deposition on September 15 and 22, respectively, and requested that their depositions be rescheduled for an alternative date. Ten alternative dates were suggested for Mr. Hiple and nine for Mr. Kulawinski. A copy of the August 10 letter to Mr. Vollen is attached. If the depositions of Messrs. Hiple and Kulawinski can be rescheduled to any of the dates suggested in the attached correspondence, NIPSCO withdraws its objections to the taking of these depositions. If PCCI refuses to reschedule the depositions of Messrs. Hiple and Kulawinski as requested, NIPSCO hereby renews its motion for a protective order on the grounds that the witnesses are not available on the requested date but are available on a reasonable number of alternative dates.

LOWENSTEIN, NEWMAN, REIS
& AXELRAD
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Respectfully submitted,
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August 10, 1981

PAUL A. RAKE
RICHARD A. HANNING
MAUREEN JOHNS GRIMMER

Mr. Robert J. Vollen
c/o BPI
109 North Dearborn Street
Suite 1300
Chicago, Illinois 60602

Re: In the Matter of Northern Indiana Public Service
Company (Bailly Generating Station, Nuclear-1)
Docket No. 50-367
(Construction Permit Extension)

Dear Mr. Vollen:

On June 25, July 8, July 24, and July 27, 1981, Northern Indiana
Public Service Company (NIPSCO) filed Motions for Protective
Orders regarding the depositions of Messrs. Purcell, Petersen,
Hiple and Kulawinski on the grounds that the depositions were
scheduled beyond the close of discovery. In view of the Board's
recent order extending the date for the taking of depositions up
to September 30, we will withdraw those Motions and produce these
witnesses for depositions. However, Messrs. Hiple and Kulawinski
now scheduled for September 15 and 22, respectively, have scheduling
conflicts and are unavailable on their scheduled deposition dates.
Mr. Hiple is available for the purpose of being deposed on any
of the following dates: August 31, September 2, 3, 4, 8, 10,
21, 25, 29 and 30. Mr. Kulawinski is available on any of the
following dates: September 1, 2, 3, 4, 8, 9, 10, 16 and 17.
Will you please reschedule these depositions for any of the above-
mentioned dates.

Yours very truly,

EICHHORN, EICHHORN & LINK

By: William H. Eichhorn

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CERTIFICATE OF SERVICE

I hereby certify that copies of Northern Indiana Public Service Company's Conditional Withdrawal of Motions for Protective Orders were served on the following by deposit in the United States mail, postage prepaid, on this 11th day of August, 1981:

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