

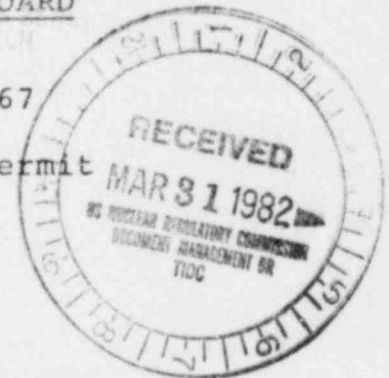
DOCKETED
11/10/82

MAR 31 11:06

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,)	March 29, 1982
Nuclear-1))	



NORTHERN INDIANA PUBLIC SERVICE COMPANY'S RESPONSE
IN OPPOSITION TO PORTER COUNTY CHAPTER INTERVENORS'
PLEADING DATED MARCH 23, 1982

On March 23, 1982, Porter County Chapter Intervenors (PCCI) filed a document entitled "Porter County Chapter Intervenors' Supplement to Position Regarding Timing of Termination of Proceedings and PCCI's Motion for Leave to Take Limited Discovery." In this document, PCCI complains that Northern Indiana Public Service Company (NIPSCO) has declined to furnish a "status report" concerning implementation of the revised plan for Bailly site restoration. PCCI therefore requests the Board "enter an order pursuant to §2.740b(b) directing NIPSCO to answer . . . PCCI's First Interrogatory to NIPSCO Concerning Site Restoration" That "First Interrogatory" requests NIPSCO to "describe in detail each activity NIPSCO has taken with respect to implementation of the" revised plan.

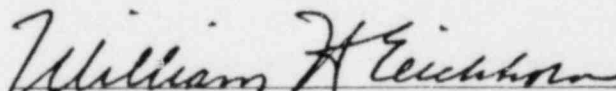
It is apparent that PCCI seeks to exercise the responsibility of the NRC Staff for monitoring compliance with Licensing Board orders through the ruse of "discovery." No legal authority is identified for the assumption of such functions by inter-

venors. Nor is a factual justification for the request provided. Simply stated, intervenors are not entitled to any reports on accomplishment of the various preparatory steps, such as preparation of specifications and consultations with the Corps of Engineers concerning dredging, which can be accomplished during the winter months. No matter remains to be decided in this proceeding which requires additional "discovery."

We respectfully request that the Board deny PCCI's request of March 23 and grant NIPSCO's Motion for Reconsideration and issue the proposed memorandum and order attached thereto.

Respectfully submitted,

EICHHORN, EICHHORN & LINK
5243 Hohman Avenue
Hammond, Indiana 46320

By: 
William H. Eichhorn

Attorneys for Northern Indiana
Public Service Company

LOWENSTEIN, NEWMAN, REIS
& AXELRAD
1025 Connecticut Avenue, N.W.
Washington, D.C. 20036

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,)	March 29, 1982
Nuclear-1))	

CERTIFICATE OF SERVICE

I hereby certify that copies of Northern Indiana Public Service Company's Response in Opposition to Porter County Chapter Intervenors' Pleading Dated March 23, 1982, were served on the following by deposit in the United States mail, postage prepaid, on this 29th day of March, 1982:

Herbert Grossman, Esquire, Chairman
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

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

Howard K. Shapar, Esquire
Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Stephen H. Lewis, Esquire
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Susan Sekuler, Esquire
Environmental Control Division
188 West Randolph Street
Suite 2315
Chicago, Illinois 60601

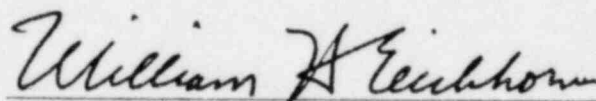
Robert J. Vollen, Esquire
c/o BPI
109 North Dearborn Street
Suite 1300
Chicago, Illinois 60602

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

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

Mr. Mike Olszanski
Mr. Clifford Mezo
United Steelworkers of America
Local 1010
3703 Euclid Avenue
East Chicago, Indiana 46312

Mr. George Grabowski
Ms. Anna Grabowski
3820 Ridge Road
Highland, Indiana 46322



WILLIAM H. EICHHORN
Eichhorn, Eichhorn & Link
5243 Hohman Avenue
Hammond, Indiana 46320

Attorneys for Northern Indiana
Public Service Company