



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20545

December 11, 1978

NRC PUBLIC NOTICE

50-367



MEMORANDUM TO: Harold Denton, Director, and
Maurice Axelrod, Assistant Director, Regs.,
Axelrod & Toll

FROM: Samuel J. Dilly, Secretary *SD*

The Commission has received petitions from the Porter County Chapter of the Izaak Walton League (joined by the People of the State of Illinois, Concerned Citizens Against Baily Nuclear Site, Business and Professional People for the Public Interest, the City of Gary, the Lake Michigan Federation, et al.) and from Local 1010 of the United Steelworkers of America, requesting the institution of a proceeding and a hearing to consider the proposal of the Northern Indiana Public Service Company to install shorter pilings than previously planned to support the Baily nuclear power plant. The Commission requests your views on how these petitions should be treated. Please include in your submissions discussion of the following questions:

1. What representations were made by the licensee with respect to the placement of pilings for the facility in its application for the construction permit and in the hearing record?
2. To what extent is the licensee legally bound by representations made in the application for the construction permit and in the hearing record unless it obtains a construction permit amendment authorizing different construction techniques?
3. Should the licensee's request for staff approval of shorter pilings be treated as a request for a construction permit amendment? What standards are applied in determining when a construction permit amendment is required?
4. Does the shorter pilings proposal involve significant hazards considerations? What are the applicable standards in making such a determination?

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NRG PUBLIC AFFAIRS

OFFICE OF THE
SECRETARY



50-367

MEMORANDUM TO: Harold Sedore, Director,
Maurice Aeblich, Chairman, Board of Gov. Reps.,
Aeblich & Toll

FROM: Samuel B. Enliv, Secretary

The Commission has received petitions from the Porter County Chapter of the Izak Walton League (joined by the People of the State of Illinois, Concerned Citizens Against Baffly Nuclear Site, Business and Professional People for the Public Interest, the City of Gary, the Lake Michigan Federation, et al.) and from Louis 1270 of the United Steelworkers of America, requesting the institution of a proceeding and a hearing to consider the proposal of the Northern Indiana Public Service Company to install shorter pilings than previously planned to support the Baffly nuclear power plant. The Commission requests your views on how these petitions should be treated. Please include in your submissions discussion of the following questions:

1. What representations were made by the licensee with respect to the placement of pilings for the facility in its application for the construction permit and in the hearing record?
2. To what extent is the licensee legally bound by representations made in the application for the construction permit and in the hearing record unless it obtains a construction permit amendment authorizing different construction techniques?
3. Should the licensee's request for staff approval of shorter pilings be treated as a request for a construction permit amendment? What standards are applied in determining when a construction permit amendment is required?
4. Does the shorter pilings proposal involve significant hazards considerations? What are the applicable standards in making such a determination?

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5. Should a hearing be ordered, either as a matter of right or Commission discretion? If the licensee's request is treated as an application for a construction permit amendment, is the availability of a hearing as of right dependent on a finding of significant hazards?

In addition, the staff is asked to describe its customary practices in cases where an applicant proposes to deviate from its previously approved construction plan as described in its application on the hearing record. The staff is further asked to describe the status of its consideration of the licensee's March 8, 1978 short pilings proposal and of the petitioners' March 21, 1978 request to be afforded the opportunity of a hearing on that proposal.

The licensee is requested to indicate the degree of urgency with which it requires a response to its short pilings proposal.

The Commission would welcome any further discussion of these issues that the petitioners may wish to submit.

The Commission would appreciate receiving your submissions by December 31, 1978.

cc: Robert J. Vollen
Edward W. Osann, Jr.
Robert L. Graham
Richard L. Robbins
Russell R. Eggert
Michael I. Suggert
William Andrews