

FOIA

MICHAELS &
MAY, P.C.

Sears Tower
233 South Wacker Drive, Suite 5620
Chicago, Illinois 60606-6365
Main: 312.428.4720
Fax: 312.575.8679

Michael J. McNaughton
Direct: 312.428.4743
mmcnaughton@michaelsmay.com

March 7, 2006

VIA U.S. Mail

Patricia D. Harris, Management Analyst
FOIA/PA Mail Referral Unit
Department of Justice
Room 1070, National Place Building
Washington, DC 20530-0001

FOIA/PA REQUEST
Case No.: 2007-0015
Date Rec'd: 10-12-06
Specialist: Brown
Related Case: _____

Re: Northern Indiana Public Service Company ("NIPSCO")
Coal Combustion Byproducts (e.g. Fly Ash Contamination)
Our File No: 300-24

Dear Ms. Harris:

Pursuant to FOIA laws, we would like copies of all correspondence and other documents between the U.S. Department of Justice (and any of its divisions) and the Northern Indiana Public Service Company (NIPSCO) with regard to the above-captioned matter from the earliest date to the present, as detailed below.

After reviewing the Indiana Dunes Administrative History (Chapters 9, 10 and 11) on the National Park Service web site, we are interested in acquiring copies of certain documents in connection with fly ash contamination, regarding the National Lakeshore. This contamination is referenced in the Administrative History on pages 2 to 3 of Chapter 2 as follows:

[Secretary of the Interior] Andrus also informed [NIPSCO Chairman] Mitchell of the recurring seepage onto National Lakeshore lands of approximately one million gallons of water a day from the ash settling basins of the coal-fired Bailly plant.

...

Andrus asked that NIPSCO submit a draft plan and timetable to the [National] Park Service within thirty days. If there was no satisfactory response from NIPSCO, Andrus promised to seek legal action from the Department of Justice.

The Administrative History then references "negotiations" between NIPSCO and the Service until September 14, 1976, "when the Department of the Interior asked the Department of Justice to file an injunction against NIPSCO."

March 7, 2006

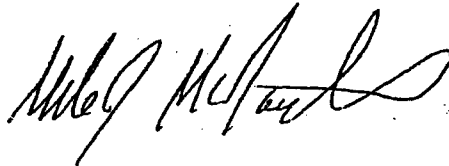
Page 2

We request any and all documents related to the aforementioned issue in your possession. We are sending this FOIA request in the hopes that your department can further assist us in this matter.

Although we wish to obtain copies of these documents, I ask that you please contact me directly at the number provided above to verify the cost of copying these documents and the amount of time it will take to receive them.

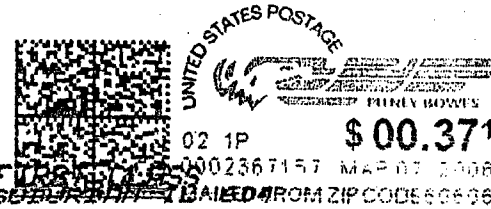
Thank you in advance for your promptness in your assistance with this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. McNaughton". The signature is fluid and cursive, with a large, stylized initial "M" and a long, sweeping tail.

Michael J. McNaughton

Michaels & May
Sears Tower
233 S. Wacker Dr., Suite 5620
Chicago, IL 60606



*** PRSRT F...
*** 03-08-06 SD... BAILED FROM ZIP CODES 60606

DEPARTMENT OF JUSTICE

Patricia D. Harris, Management Analyst
FOIA/PA Mail Referral Unit
Department of Justice
Room 1070, National Place Building
Washington, DC 20530-0001

MAR 1 8 2006

109 BMCIMP 20530

