

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

JUN 3 1981

In the Matter of)

NORTHERN INDIANA PUBLIC)
SERVICE COMPANY)
(Bailly Generating Station,)
Nuclear-1))

Docket No. 50-367
(Construction Permit
Extension)

6/1/81

OBJECTION TO NORTHERN INDIANA
PUBLIC SERVICE COMPANY'S SECOND SET OF
INTERROGATORIES TO PORTER COUNTY CHAPTER INTERVENORS



Porter County Chapter Intervenor ("PCCI"), by their attorneys, hereby object to Northern Indiana Public Service Company's Second Set of Interrogatories to Porter County Chapter Intervenor.

The entire set of interrogatories is objectionable and need not be answered as propounded, because NIPSCO has addressed its interrogatories to a non-existent entity. "Porter County Chapter Intervenor" and "PCCI" are the term and the initials which have been used, for the purpose of brevity, to refer collectively to three organizations and two individuals, each of whom is a party to this proceeding, and are represented by the same attorneys. Other than as an expression of convenience for that limited purpose of reference, neither "Porter County Chapter Intervenor" nor "PCCI" exists as entities capable of answering interrogatories. For that reason NIPSCO's "Second Set of Interrogatories to Porter County Chapter Intervenor" is misdirected.

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NIPSCO's First Set of Interrogatories to Porter County Chapter Intervenors was similarly misdirected. However, in an effort to avoid the necessity of the parties briefing and the Board ruling on such an obvious technical deficiency, the organizations and individuals included within the term PCCI nonetheless answered NIPSCO's First Set of Interrogatories. Their effort was unsuccessful. NIPSCO's response to the answers was to file a Motion to Compel Responses, on the ground, among others, that the parties had not answered the interrogatories.

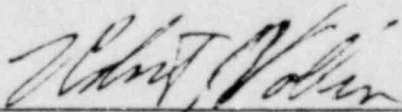
Accordingly, since no purpose was served by PCCI waiving its objection to the misdirection of NIPSCO's First Set of Interrogatories, PCCI will not waive its objection to the misdirection of NIPSCO's Second Set of Interrogatories.

In our view, NIPSCO has conceded the deficiency in its Interrogatories by filing on May 29, 1981 five additional "Second Set of Interrogatories," one directed to each of the three organizations and the two individuals encompassed by the initials "PCCI." The interrogatories in each of those five sets are identical to the interrogatories in NIPSCO's Second Set of Interrogatories to Porter County Chapter Intervenors. Because NIPSCO has thus propounded the identical interrogatories a second time, to which responses are due to be filed on June 17, 1981, counsel for PCCI sought the agreement of counsel for NIPSCO that no response was necessary to the identical, but technically

deficient, Second Set of Interrogatories to Porter County Chapter Intervenors. Counsel for NIPSCO was unwilling to so agree. Hence, PCCI objects to those interrogatories on the ground stated herein.

DATED: June 1, 1981

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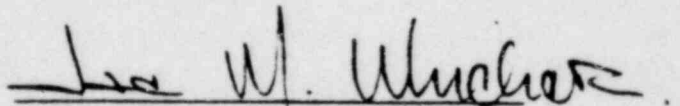
CERTIFICATE OF SERVICE

I hereby certify that I served copies of the Objection to Northern Indiana Public Service Company's Second Set of Interrogatories to Porter County Chapter Intervenors on all persons on the attached Service List by causing them to be deposited in the U.S. mail, first class postage prepaid, on June 1, 1981.

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