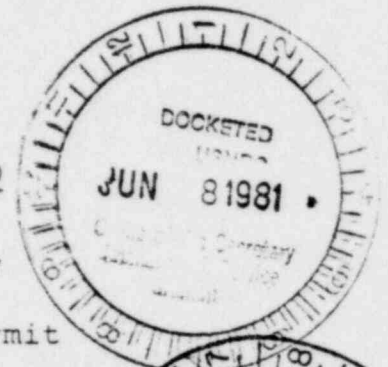


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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,) June 4, 1981
Nuclear-1))

NORTHERN INDIANA PUBLIC SERVICE COMPANY'S
(1) RESPONSE TO ILLINOIS' MOTION FOR EXTENSION
OF TIME AND (2) MOTION TO COMPEL



Northern Indiana Public Service Company's (NIPSCO) Second Set of Interrogatories to Illinois was filed on April 23, 1981. Under NRC regulations, responses were due May 12, 1981. On May 11, counsel for Illinois telephoned counsel for NIPSCO to request agreement to an extension of time to June 16 for filing Illinois' responses. Counsel for NIPSCO responded on May 12 that he would not object to an extension to June 1 (not June 3 as recited in the Illinois' Motion for Extension).^{*/} Counsel for Illinois stated that she would immediately ask the Board for additional time.

On May 29 (the last regular business day before June 1), counsel for Illinois filed a "Motion for Extension of Time" requesting that the Board grant an extension of "fourteen days from this date within which to file responses to NIPSCO's Second Set of Interrogatories" (i.e., June 15).

The stated arguments for an additional extension are prefatory and conclusory:

^{*/} See attached letter dated May 12, 1981, from Anne Rapkin to William H. Eichhorn.

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. . . as of this date it is clear to the undersigned that additional time is needed to adequately respond. The interrogatories are all of a technical nature, requiring consultation with others and the expenditure of significant amounts of time.

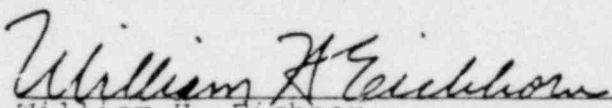
No indication is provided as to what, if any, efforts have been expended to fulfill Illinois' obligation as a party to comply with NRC regulations governing discovery. We note also that in substantial part the interrogatories probe the bases of contentions advanced by Illinois more than a year ago; responses to these interrogatories would therefore appear to be less than onerous to prepare. Finally, no explanation is given which could explain the total failure to provide any responses to any interrogatories.

We therefore urge the Board to deny Illinois' Motion and to issue an order compelling the immediate filing of responses to NIPSCO's Second Set of Interrogatories.

Respectfully submitted,

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By:


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May 12, 1981

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Hammond, Indiana 46320

RE: Northern Indiana Public Service Company, Docket No. 50-367

Dear Bill:

This letter confirms our phone conversation this morning, during which you indicated that you have no objection to the State's filing its responses to NIPSCO's Second Set of Interrogatories on June 1, 1981.

Sincerely yours,

ANNE RAPKIN
Assistant Attorney General
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AR/ect