

POOR ORIGINAL



IN THE MATTER OF:

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

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DOCKET NO. 50-367

REPLY IN SUPPORT OF MOTION TO CONSOLIDATE

By a letter dated October 10, 1979, from its attorneys, NIPSCO responded to the Motion to Consolidate previously filed by the below identified parties. By a document dated October 23, 1979, the NRC Staff also responded to that Motion. Both NIPSCO and the NRC Staff oppose the Motion and request its denial.

While we know of no Commission regulation which specifically authorizes it, nevertheless, we take the liberty of filing this brief Reply.

Contrary to NIPSCO's and the Staff's assertions, the subjects concerning which hearings have been sought are not independent. Thus hearings are sought concerning NIPSCO's short pilings proposals both by the Requests for Hearings, as supplemented, concerning NIPSCO's requested amendment to extend the latest completion date of the construction permit and by the Petition with Respect to Short Pilings Proposal. The desirability of not holding two separate sets of hearings on the same subject is patent.

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The only attempt by NIPSCO to justify its opposition to the Motion to Consolidate is that it does not believe that any of the hearings requested should be held. The Staff, on the other hand, now acknowledges that hearings should be held on the construction permit extension matter. Our position is that since it is clear that the requested hearings should be held, there is absolutely no reason for separate, duplicative hearings.

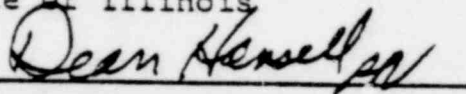
The Motion to Consolidate should be granted.

Respectfully submitted,

DATED: October 30, 1979

William J. Scott
Attorney General
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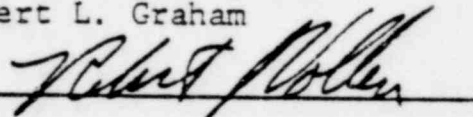
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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NORTHERN INDIANA PUBLIC
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CERTIFICATE OF SERVICE

I hereby certify that I have served copies of the foregoing Reply in Support of the Motion to Consolidate dated October 30, 1979, upon each of the following persons, by causing copies to be deposited in the United States mail, first class postage prepaid this 30th day of October, 1979.

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