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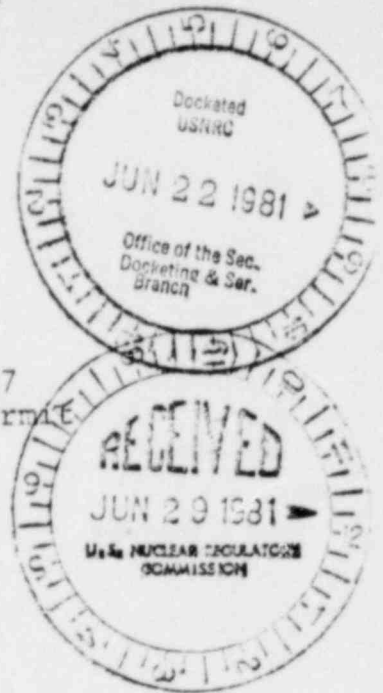
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

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

Docket No. 50-367
(Construction Permit
Extension)



PORTER COUNTY CHAPTER INTERVENORS' ANSWER TO
NIPSCO'S MOTION FOR ESTABLISHMENT OF SCHEDULE

NIPSCO's Motion for Establishment of Schedule, dated June 1, 1981, should be denied at this time.

As is apparent from the face of the motion, the establishment of any specific schedule at this time would be both premature and inappropriate. There is substantial prehearing discovery and other activity, some already initiated and some not, on those matters presently part of this proceeding, which are far from being completed. Moreover, NIPSCO acknowledges "that the NRC Staff has not completed its evaluation of NIPSCO's application; the Staff has not adopted a position as to whether 'good cause' exists or whether an environmental impact statement is to be prepared." (Motion p. 1.) Obviously the completion of that evaluation and the adoption of a position on those matters by the Staff will affect dramatically both the matters to be considered at the hearing in this proceeding, and the scope and volume of remaining and additional prehearing activities.

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In sum, it is clearly premature to establish dates for discovery cut-off, for other prehearing activities to be concluded, and for the hearing to commence. Consideration of segmentation is also premature, for none of the issues is ready for hearing. It could develop that all issues will be ready for hearing at the same time.

It may be that an appropriate alternative to the establishment of a schedule will be to hold a prehearing conference following a reasonable period of time after completion and service of the Staff's evaluation and its position on the other issues identified above. At such a prehearing conference the parties could express their views as to the activities, including submissions of contentions, and legal arguments and discovery then predicted to be required prior to the hearing. The appropriate length of time between service of the Staff documents and the date for such a prehearing conference would, of course depend on what is contained in the Staff documents.

Accordingly, NIPSCO's Motion for Establishment of Schedule should be denied at this time.

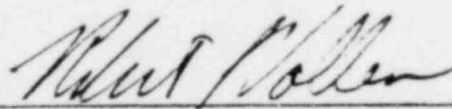
DATED: June 16, 1981

Respectfully submitted,

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

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

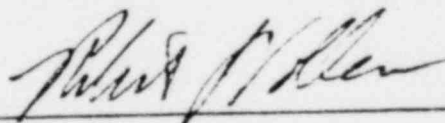
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CERTIFICATE OF SERVICE

I hereby certify that I served copies of: Porter County
Chapter Intervenors' Answer to NIPSCO's Motion for Establishment
of Schedule 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 16, 1981.

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