

RELATED CORRESPONDENCE

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,)	August 7, 1981
Nuclear-1))	

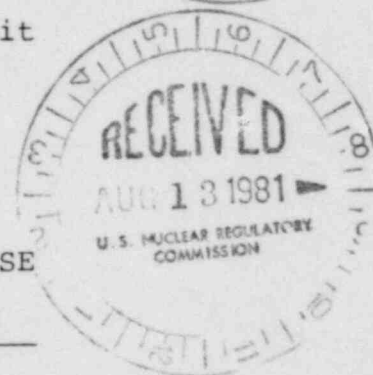
NORTHERN INDIANA PUBLIC SERVICE COMPANY'S RESPONSE
TO PORTER COUNTY CHAPTER INTERVENORS'
MOTION FOR LEAVE TO INITIATE FURTHER DISCOVERY

On July 31, 1981, Porter County Chapter Intervenors (PCCI) filed its "Motion for Leave to Initiate Further Discovery" seeking to further pursue discovery against the NRC Staff. Specifically, PCCI seeks to "follow up on information" contained in Answers to Interrogatories and documents produced by the NRC Staff. Northern Indiana Public Service Company (NIPSCO) opposes the motion and requests that it be denied.

The only justification offered by PCCI for pursuing discovery beyond the date established for the close of discovery^{*/} is that the interrogatory answers and documents were received by "PCCI on July 31, 1981, and, therefore, no opportunity exists for reviewing them and initiating follow-up discovery" No explanation is offered as to what information PCCI believes it can obtain through the requested additional round of discovery; nor is there

^{*/} Board Order Closing Discovery dated July 10, 1981.

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any allegation as to why the additional information is required. No authority is cited to support the inference that a party is entitled to a "follow up" round of discovery, and, of course, none exists.

The Board may permit belated discovery upon good cause being shown. (See, e.g., 10 C.F.R. § 2.740(b)(1).) However, in this respect PCCI's motion falls woefully short. Further discovery should not be permitted without a strong demonstration of good cause, particularly, in this proceeding where discovery has been in progress for nearly a year.

PCCI's Motion to Initiate Further Discovery is insufficient and should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of Northern Indiana Public Service Company's Response to Porter County Chapter Intervenors' Motion for Leave to Initiate Further Discovery were served on the following by deposit in the United States mail, postage prepaid, on this 7th day of August, 1981:

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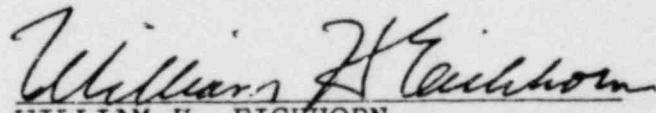
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