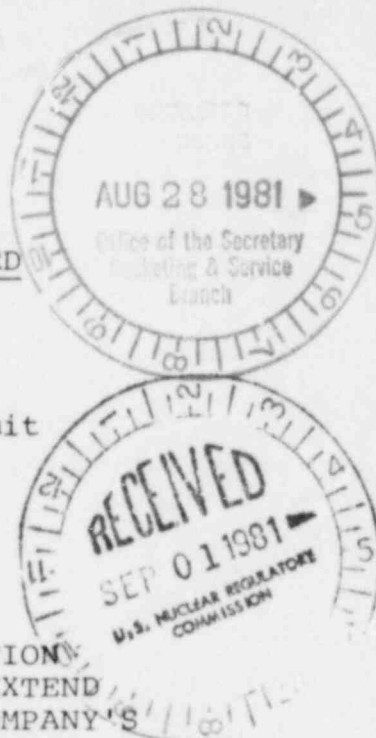


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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 25, 1981
Nuclear-1)	)	



NORTHERN INDIANA PUBLIC SERVICE COMPANY'S OBJECTION  
TO PORTER COUNTY CHAPTER INTERVENORS' MOTION TO EXTEND  
TIME FOR REPLY TO NORTHERN INDIANA PUBLIC SERVICE COMPANY'S  
FOURTH SET OF INTERROGATORIES TO PORTER COUNTY CHAPTER  
INTERVENORS, AND MOTION TO COMPEL RESPONSE

On August 17, 1981, Porter County Chapter Intervenor (PCCI) filed a motion for extension of time within which to respond to Northern Indiana Public Service Company's (NIPSCO) Fourth Set of Interrogatories. Those responses were due, the following day, August 18. PCCI now seeks 23 additional days--until September 10--to respond to those interrogatories. NIPSCO objects to PCCI's motion and moves the Board for an order compelling PCCI to respond to NIPSCO's Fourth Set of Interrogatories within 3 days from the date of such order.

PCCI's only excuse for failing to file timely responses to those interrogatories is "the press of a large number of other activities", and "compliance with many discovery and briefing schedules . . . ." PCCI's allegation that compliance with discovery schedules prevented its timely response to the interrogatories is unsupported. PCCI has not complied on time with a single discovery request since the inception of this proceeding. Moreover, any

DS03  
1/0

burden on PCCI's available time attributable to discovery is of PCCI's own making and is not sufficient excuse for failing to respond on time to legitimate discovery requests.

PCCI's motion for an extension of time is not only silent as to why 23 additional days are needed to respond, but also fails to allege that PCCI has made any effort toward compliance with the discovery request or allocated sufficient resources to such an effort. It is apparent that PCCI has ignored the discovery request, waited until the day before responses were due and filed its motion stating it cannot comply with the request in the time provided by the regulations. This delaying tactic employed by PCCI in effect gives it a de facto extension of time and further demonstrates its total disregard for Commission regulations and the orderly conduct of this proceeding. Such conduct should not be tolerated.

NIPSCO urges the Board to issue an order directing PCCI to respond to NIPSCO's Fourth Set of Interrogatories within 3 days of the date of such order and to remind PCCI of its obligation as a party to this proceeding. NIPSCO further requests the Board

to advise PCCI that NRC regulations contain sanctions to deal with this type of conduct.

Respectfully submitted,

EICHHORN, EICHHORN & LINK  
5243 Hohman Avenue  
Hammond, Indiana 46320

By:

  
William H. Eichhorn

Attorneys for Northern Indiana  
Public Service Company

LOWENSTEIN, NEWMAN, REIS  
& AXELRAD  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20036