

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 25, 1981
Nuclear-1))

NORTHERN INDIANA PUBLIC SERVICE COMPANY'S OBJECTION
TO ILLINOIS' MOTION FOR EXTENSION OF TIME
TO RESPOND TO NORTHERN INDIANA PUBLIC SERVICE COMPANY'S
FOURTH SET OF INTERROGATORIES, AND
NORTHERN INDIANA PUBLIC SERVICE COMPANY'S
MOTION TO COMPEL RESPONSE

Illinois has filed a motion for extension of time to respond to Northern Indiana Public Service Company's (NIPSCO) Fourth Set of Interrogatories. That request is dated August 20, 1981, 2 days after responses were due. No excuse is offered for its failure to at least have asked for the extension prior to expiration of the time within which responses were to be filed. By requesting its extension of time after the date that responses were due and depriving the Board of the opportunity to rule on its motion, Illinois has in effect granted itself a de facto extension of time to respond to NIPSCO's discovery request. This should not be tolerated.

Illinois does not indicate that any effort was made toward completion of the discovery request or that any resources were allocated to such an effort. Illinois' only excuse for noncompliance is the often repeated allegation that "the press of work resulting from the August 3, 1981 Board order" and "other responsibilities"

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have prevented a timely response. It is difficult to conceive that with all the resources available to the Office of the Attorney General of the State of Illinois, a timely response to a simple discovery request cannot be made. In this regard it should be noted that Illinois has not filed a timely response to a single discovery request since the inception of this proceeding.

Illinois' feeble attempt to excuse its failure to comply with NRC regulations is insufficient. Its request should be denied.

NIPSCO requests the Board to issue an order denying Illinois' request for extension of time, compelling Illinois to respond to NIPSCO's Fourth Set of Interrogatories and reminding Illinois that the conduct demonstrated by its latest pleading falls short of its responsibility as a party to this proceeding.

Respectfully submitted,

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