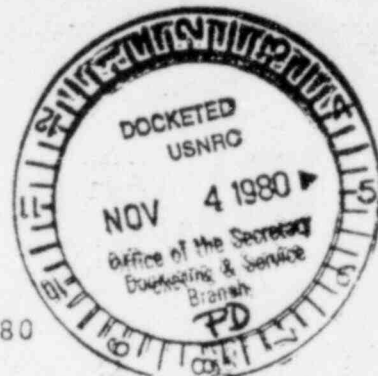


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November 4, 1980

Ms. C. Jean Bishop, Secretary
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: In the Matter of Northern Indiana Public
Service Company (Bailly Generating Station -
Nuclear - 1) Docket No. 50-367

Dear Ms. Bishop:

I am in receipt of the Appeal Board's Memorandum and Order of October 28, 1980, which invites the City of Gary, et al. to comment on the NRC Staff's position with respect to the delegated authority of Mr. L.S. Rubenstein to issue the notice of opportunity for hearing in this proceeding. As the Board's Order indicates, the issue of Mr. Rubenstein's authority was raised by the Board sua sponte, and after oral argument in these appeals.

Because this matter was not discussed in any of the parties' briefs or by the Board at oral argument, it is unclear to the Gary petitioners what issues the Board wishes the parties to address. We are thus hesitant to take any position without further clarification from the Board.

Accordingly, at this time, the City of Gary, et al. are not in a position to respond to the Staff's submission.

Sincerely,

Diane B. Cohn

Diane B. Cohn

cc: Service List

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