



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

December 23, 1980

Herbert Grossman, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Glenn O. Bright
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

In the Matter of
NORTHERN INDIANA PUBLIC SERVICE COMPANY
(Bailly Generating Station, Nuclear-1)
Docket No. 50-367
(Construction Permit Extension)

Dear Judges:

On August 6, 1980, the Staff mailed you a Federal Register notice entitled "Procedural Assistance in Adjudicatory Licensing Proceedings," 45 Fed. Reg. 49535 (July 25, 1980). The Comptroller General issued an opinion on December 3, 1980 that this aid was not permissible under law.

Enclosed for your information is a copy of the Comptroller General's opinion and his letter to Chairman Ahearne.

Sincerely,

Steven C. Goldberg
Counsel for NRC Staff

Enclosures
As stated

cc w/encl.:	Kathleen H. Shea, Esq.	Atomic Safety and Licensing Board Panel
	Robert J. Vollen, Esq.	Atomic Safety and Licensing Board Panel
	Edward W. Osann, Jr., Esq.	Atomic Safety and Licensing Board Panel
	Robert L. Graham, Esq.	Atomic Safety and Licensing Board Panel
	George and Anna Grabowski	Docketing and Service Section
	William H. Eichhorn, Esq.	
	Diane B. Cohn, Esq.	
	John Van Vranken, Esq., Chief	
	Clifford Mezo, Acting President	

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December 3, 1980

The Honorable John F. Shearne
Chairman, Nuclear Regulatory Commission

Dear Mr. Chairman:

We are enclosing for your information our letter of this date to the Chairman, Subcommittee on Energy Research and Production, Committee on Science and Technology, House of Representatives. In our letter we conclude that the Nuclear Regulatory Commission may not lawfully use funds appropriated by the Energy and Water Development Appropriation Act, 1981, Pub. L. No. 96-367, 94 Stat. 1331, to implement the procedural cost reduction program announced by the Commission in the Federal Register on July 25, 1980 (45 Fed. Reg. 49535).

Sincerely yours,

Comptroller General
of the United States

Enclosure

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