04/24/81

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

NORTHERN INDIANA PUBLIC SERVICE COMPANY

(Bailly Generating Station, Nuclear-1) Docket No. 50-367 (Construction Permit Extension)

NRC STAFF RESPONSE TO MOTION FOR LEAVE TO FILE REPLY BRIEF

On April 16, 1981, the Porter County Chapter Intervenors (PCCI) filed a motion for leave to file, <u>instanter</u>, a reply to Applicant and Staff responses to their March 26, 1981 "Motion for Order under 10 C.F.R. \$2.740(e)(3)." While the Staff interposes no objection to the present motion, it adheres to the position taken in its April 9, 1981 response to the initial motion that there is no legal or factual justification for the requested relief.

Respectfully submitted,

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Steven C. Goldberg Counsel for NRC Staff

Dated at Bethesda, Maryland this 24thday of April, 1981.

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CERTIFICATE OF SERVICE

I hereby certify that copies of NRC STAFF REPONSE TO MOTION FOR LEAVE TO FILE REPLY BRIEF in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 24th day of April, 1981.

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

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> Ita Druly Steven C. Goldberg Counsel for NRC Staff