

July 9, 1981

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

Robert L. Holton
Administrative Judge
School of Oceanography
Oregon State University
Corvallis, OR 97331

J. Venn Leeds
Administrative Judge
10807 Atwell
Houston, TX 77096



In the Matter of
Northern Indiana Public Service Company
(Bailly Generating Station, Nuclear-1)
Docket No. 50-367
(Construction Permit Extension)

Dear Administrative Judges:

On June 1, 1981, the D.C. Circuit reversed the Commission's 1979 order (CLI-79-11, 10 NRC 733) denying petitions requesting that NIPSCO's proposal to use "shorter pilings" for the Bailly foundation be treated as a request for a construction permit amendment, with an attendant right to a hearing. People of the State of Illinois v. NRC, No. 80-1163 (June 1, 1981). The Court remanded the case to the Commission "with directions to include the piling depth question in the pending certificate amendment hearing." Slip op. at 5. For your information, copies of the decision are enclosed.

Sincerely,

Stephen H. Lewis
Counsel for NRC Staff

Enclosure
As Stated

cc: See Page Two

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 Atomic Safety and Licensing Appeal Board Panel
 Secretary

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DATE ▶	7/9/81	7/9/81				