

329



# BPI

## Business and Professional People for the Public Interest

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DOCKETED  
USNRC

August 22, 1984

'84 AGO 27 A11:38

Mr. Peter Crane  
United States Nuclear Regulatory Commission  
Office of the General Counsel  
Washington D. C. 20555

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Re: Northern Indiana Public Service  
Company  
(Baily Unit 1) <sup>OL</sup>  
Docket No. 50-367 (fee petition)

Dear Peter:

As you know, BPI filed an application for fees and expenses under the Equal Access to Justice Act on June 4, 1982, well over two years ago. I was informed that the Commission was waiting to act on that petition until receipt of advice by the Comptroller General of the United States. That advice was received by you nearly one year ago, on September 29, 1983.

While I have written the NRC a number of times in the past two years asking for resolution of our petition, no such resolution has been forthcoming. Our last contact was a telephone call from Beverly Segal in early March stating that she was unclear whether there was a way for the NRC to make payment.

We believe payment is clearly authorized by 5 USC §504(d)(1), and that there ought to be no issue in this regard. Accordingly, there ought to be no impediment to the Commission's grant of our petition.

There comes a time when an agency's failure to act becomes an act in itself, and, in our view, reasonable time has long since passed for the NRC to take action on this matter.

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G PDR

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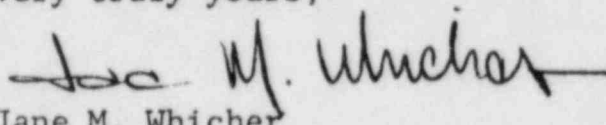
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United States Nuclear Regulatory Commission  
August 22, 1984  
Page Two

Would you please contact me concerning how we can most expeditiously bring this matter to a resolution?

Very truly yours,



Jane M. Whicher

JMW/lds

cc/ Herbert Grossman, Esq.  
Dr. Robert L. Holton  
Dr. Kenneth McCollum  
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