

**BPI****Business and Professional People for the Public Interest**

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RELATED CORRESPONDENCE

'84 FEB 24 A10:41

February 22, 1984

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Mr. Herzel H.E. Plaine
General Counsel
United States Nuclear
Regulatory Commission
Washington, D.C. 20555

Re: Northern Indiana Public
Service Company (Bailly
1), Docket No. 50-367

Dear Mr. Plaine:

On June 4, 1982, BPI filed an Application for Award of Attorneys Fees under the Equal Access to Justice Act, together with a supporting memorandum and affidavits. On June 22, 1983, pursuant to my inquiry, I was notified by your office that the request was being held in abeyance until issuance of a ruling by the Comptroller General. That ruling was issued on September 29, 1983.

Nearly five months have passed since the ruling, and over one and one-half years since the Application and apparently no action has been taken by the Commission. At some point, an agency's failure to act becomes action, and I suggest that time has come in this case.

I would appreciate it if you would contact me immediately to discuss a resolution of BPI's fee application.

Very truly yours,

Jane M. Whicher

JMW:amh

cc: See Attached List

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Letter to Herzel H.E. Plaine
from Jane M. Whicher
February 22, 1984

copies to:

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