RELATED CORRESPONDENCE

DOCKET NUMBER
PROD. & UTIL. FAC. 50-367
8005070 134
G

DIANE B. COHN
ATTORNEY AT LAW
2000 P STREET, N. W., SUITE 700
WASHINGTON, D. C. 20036
(202) 785-3704

March 28, 1980

DOCKETED
USNRC
MAR 3 1 1980
Office of the Secretary
Docketing & Service
Branch

Herbert Grossman, Esq.
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Glenn O. Bright
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard F. Cole
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Sirs:

As requested at the Pre-Hearing Conference on March 12, 1980, I am hereby submitting the affidavit of Nickolas Contri, a member of United Steelworkers of America 6787 and an employee of the Bethlehem Steel Company's Burns Harbor Plant.

Also enclosed are executed copies of the Affidavits filed in support of the supplemental petition of the City of Gary, et al. The Affidavit of Henry L. George, Acting President of Local 6787, is substituted for that of David C. Wilborn, who is now unavailable. The substance of Mr. George's affidavit is identical to that previously offered on behalf of Mr. Wilborn.

Sincerely,

Diane B. Cohn

Diane B. Cohn

cc: Service List

CERTIFICATE OF SERVICE

I hereby certify, this 28th day of March, 1980, that copies of the foregoing letter have been served by mail, first class and postage prepaid, upon the following:

DOCKETED
USNRC
MAR 3 1 1980
Office of the Secretary
Docketing & Service
Branch

Herbert Grossman, Esquire
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Glenn O. Bright
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard F. Cole
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Howard K. Shapar, Esquire
Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Steven Goldberg, Esquire
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. George Schultz
110 California
Michigan City, Indiana 46360

William H. Eichorn, Esq.
5243 Hohman Avenue
Hammond, Indiana 46320

Dean Hansell, Esquire
Assistant Attorney General
Environmental Control Division
188 West Randolph Street
Suite 2315
Chicago, Illinois 60601

Robert J. Vollen, Esquire
c/o BPI
109 North Dearborn Street
Suite 1300
Chicago, Illinois 60602

Edward W. Osann, Jr., Esquire
One IBM Plaza
Suite 4600
Chicago, Illinois 60611

Robert L. Graham, Esquire
One IBM Plaza
44th Floor
Chicago, Illinois 60611

Mr. Mike Olszanski
Mr. Clifford Mezo
United Steelworkers of America
3703 Euclid Avenue
East Chicago, Indiana 46312

Richard L. Robbins, Esquire
53 West Jackson Boulevard
Chicago, Illinoi 60604

Mr. George Grabowski
Ms. Anna Grabowski
7413 West 136th Lane
Cedar Lake, Indiana 46303

Stephen Laudig, Esquire
445 North Pennsylvania Street
Suite 815-816
Indianapolis, Indiana 46204

Kathleen Shea
Lowenstein, Newman, Reis, Axelrad & Toll
1025 Connecticut Avenue, N.W.
Washington, D.C. 20036

Robert W. Hammesfahr, Esq.
200 East Randolph Street
Suite 7300
Chicago, Illinois 60601

Michael I. Swygert, Esq.
25 East Jackson Boulevard
Chicago, Illinois 60604

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Appeal Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Diane B. Cohn

Diane B. Cohn

Suite 700
2000 P Street, N.W.
Washington, D.C. 20036
(202) 785-3704

Attorney for Petitioners

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC
MAR 3 1 1980
Office of the Secretary
Docketing & Service
Branch

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
NORTHERN INDIANA PUBLIC SERVICE COMMISSION	)	DOCKET NO. 50-367
(Bailly Generating Station Nuclear 1)	)	(Construction Permit Extension)

AFFIDAVIT OF NICKOLAS CONTRI

Nickolas Contri declares and states as follows:

1. I am a member of United Steelworkers of America Local 6787. I am also an employee of Bethlehem Steel Company's Burns Harbor Plant, where I have worked for the past nine and one-half years.

2. Because the Burns Harbor Plant is located immediately adjacent to the site of the Bailly One Nuclear Generating Station, an accident at Bailly would threaten the lives and jobs of my fellow workers and myself. The risks are increased because of the lack of adequate evacuation plans to protect employees of the Burns Harbor Plant in the event an accident occurs.

3. On April 5, 1979, I attended a meeting of the general membership of Local 6787. At that meeting, I voted along with an overwhelming number of those present in favor of a resolution which authorizes the officers and executive board of Local 6787 to take whatever action is deemed necessary to stop the construction of Bailly Nuclear One. I and the members of Local 6787 have

therefore specifically authorized the Local to participate in this proceeding to urge that NIPSCO's request for a construction permit be denied unless it can demonstrate that realistic evacuation and emergency response plans can be implemented.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Excecuted on 3/22/80.

Nicholas Contri

Exhibit A

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RELATED CORRESPONDENCE

MAR 3 1 1980
Office of the Secretary
Docketing & Service
Branch

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)

AFFIDAVIT OF HENRY L. GEORGE

Henry L. George declares and states as follows:

1. I am Vice-President (Acting-President) of the United Steelworkers of America Local Union 6787, which is seeking to intervene in this construction permit extension proceeding.

2. Local 6787 represents approximately 6,000 employees of the Bethlehem Steel Company's Burns Harbor Plant, which is immediately adjacent to the site of the Bailly One Nuclear Generating Station.

3. In the event of a nuclear accident at Bailly, the health and jobs of these members of Local 6787 would be seriously threatened. This fact is compounded by the lack of adequate evacuation plans to protect employees of the Burns Harbor Plant in the event that an accident should occur.

4. For this reason, on April 5, 1979, a meeting of the general membership overwhelmingly approved a resolution authorizing the officers and executive board of Local 6787 to take appropriate action to challenge the construction of Bailly in view of the lack of emergency evacuation planning. A true copy of the resolution is attached to this affidavit.

5. Because of the risk to the health and livelihood of the members of Local 6787, NIPSCO'S request for a construction permit should be denied unless it can demonstrate that realistic evacuation and emergency response plans can be implemented.

In accordance with 28 U.S.C. S 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3/14/80.

Henry L. George
Acting-President

Whereas: The Northern Indiana Public Service Company proposes to build the Bailly Nuclear One Generating Station on a site immediately adjacent to Bethlehem Steel's Burns Harbor Plant and

Whereas: The recent Nuclear accident at Three Mile Island Nuclear Generating Station near Harrisburg, Pennsylvania is, although the most serious, only the latest in a long series of accidents in Nuclear Power Generating facilities, and

Whereas: Such an accident, should it occur at the proposed Bailly Nuclear One Plant would seriously threaten the health, and jobs of the members of Local 6787 working at the Burns Harbor Plant and

Whereas: If in the event of such an accident the evacuation of the employees of Bethlehem Steel should become necessary, the present evacuation plan would prove inadequate in that it is inspecific, out of date, and untested, and

Whereas: The radioactive emissions of nuclear generating facilities in normal operation have been shown to cause significant and unacceptable increases in the rates of cancer, genetic birth defects and infant mortality among populations immediately surrounding the plants and

Whereas: It is the responsibility of Local 6787 USWA to protect the lives, health and jobs of its membership and the surrounding community.

Therefore be it resolved that,

The membership of Local 6787 USWA hereby goes on record as being opposed to the construction of the Bailly Nuclear One Generating Station and hereby instructs the officers and executive board of Local 6787 USWA to take whatever actions it deems necessary to stop the construction of Bailly Nuclear One including accepting the offer of the Public Citizen's Litigation Group to take legal action against NIPSCO and the Nuclear Regulatory Commission in regard to the proposed evacuation plan for the Burns Harbor Plant.

LABOR DONATED

Exhibit B

RELATED CORRESPONDENCE

DOCKETED
USNRC
MAR 3 1 1980
Office of the Secretary
Docketing & Service
Branch

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter of	)	
	)	
NORTHERN INDIANA PUBLIC SERVICE COMPANY	)	DOCKET NO. 50-367
	)	
(Bailly Generating Station, Nuclear 1)	)	(Construction Permit Extension)

AFFIDAVIT OF CHARLOTTE READ

Charlotte Read declares and states as follows:

1. I am a member and Executive Director of Save the Dunes Council, a 27-year old membership organization established for the sole purpose of preserving and protecting the Indiana Dunes for public use and enjoyment. In the 2-1/2 decades since the group's formation, we have spearheaded citizen efforts to pass legislation establishing the Indiana Dunes National Lakeshore in 1966, and enlarging it in 1976. We are currently engaged in similar efforts to pass federal legislation which would again enlarge the park.

2. Save the Dunes Council seeks to intervene in these proceedings on behalf of its approximately 2000 members who are visitors to, and users and supporters of the Indiana Dunes National Lakeshore. Some of the members of the Council, including myself, also reside within or near the boundaries of the Lakeshore.

3. The continued enjoyment of the Indiana Dunes is now threatened by construction of the Bailly One Nuclear Generating

Station. The Indiana Dunes National Lakeshore extends east, west, and south of the site of the proposed Bailly nuclear plant, with the boundary of the Lakeshore's Cowles Bog Area lying a mere 800 feet from the site of the reactor building. Despite the close proximity of Bailly to the Lakeshore, which attracts thousands of visitors each day during peak season, it has never been shown that these populations could be evacuated within a reasonable time in the event of a nuclear accident. Of course, due to the fact that the Lakeshore is located directly adjacent to the Bailly site, visitors to the lakeshore could be unknowingly exposed to radiation in the event of a release before any evacuation measures can be undertaken.

4. Because of the lack of consideration given emergency planning, on September 5, 1979, the Board of Directors of Save the Dunes Council, which is elected by our general membership, voted to take all appropriate action to oppose construction of Bailly. The Board voted specifically to join the City of Gary, Indiana, United Steelworkers Local 6787, the Bailly Alliance, and the Critical Mass Energy Project in petitioning the Nuclear Regulatory Commission to stop construction, unless and until it has been demonstrated that evacuation of the Lakeshore can be accomplished in the event of a nuclear accident.

5. Unless NIPSCO makes such a showing in this proceeding, Save the Dunes Council contends that the requested construction

permit extension would be denied.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on March 3, 1980.

Charlotte Read
CHARLOTTE READ

RELATED CORRESPONDENCE

Exhibit C

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

MAR 3 1 1980
Office of the Secretary
Docketing & Service
Branch

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)

AFFIDAVIT OF JACK WEINBERG

Jack Weinberg declares and states as follows:

1. I reside at 7515 Oak Avenue in the City of Gary, Indiana. My residence is located approximately 8 miles from the proposed site of the Bailly One Nuclear Generating Station.

2. I am a member of the Bailly Alliance, a coalition of individuals and community groups representing persons residing in 12 northwest Indiana communities in close proximity to the Bailly site. I am also a member of the Bailly Alliance steering committee, which consists of representatives elected at meetings of the general membership, as well as representatives of member community groups. I have voted along with the membership and the steering committee to authorize the Bailly Alliance to intervene in this proceeding on our behalf.

3. Because and other members of the Bailly Alliance reside in communities adjacent to or in close proximity to the Bailly site, our health and safety will be jeopardized in the event of a nuclear accident. This risk is aggravated by the lack of acceptable evacuation plans for the highly populated areas surrounding the Bailly site.

4. For this reason, the Bailly Alliance seeks to intervene in this proceeding to oppose extension of the construction permit, unless NIPSCO demonstrates that realistic emergency evacuation plans can be implemented.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on MARCH 3, 1980.

Jack Weinberg
JACK WEINBERG

Exhibit D

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

MAR 3 1 1980
Office of the Secretary
Docketing & Service
Branch

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter of	)	
	)	
NORTHERN INDIANA PUBLIC	)	DOCKET NO. 50-367
SERVICE COMPANY	)	
(Bailly Generating Station,	)	(Construction Permit
Nuclear 1)	)	Extension)

AFFIDAVIT OF RICHARD P. POLLOCK

Richard P. Pollock declares and states as follows:

1. I am Director of the Critical Mass Energy Project, a branch of Public Citizen, Inc. in Washington, D.C.

2. CMEP is a public interest organization dedicated to the development of safe and efficient energy technology. As part of its activities, Critical Mass has participated in numerous proceedings before Congress and the NRC in an effort to promote the implementation of effective requirements for preparedness in the event of nuclear emergencies.

3. On August 6, 1975, CMEP, in conjunction with the Public Interest Research Group, filed a petition for rule-making with the NRC on emergency planning for nuclear accidents. On May 9, 1979, CMEP filed a second rulemaking petition with the NRC on emergency planning, which is still pending before the Commission. CMEP has also filed numerous comments in response to NRC proposals on emergency planning for nuclear accidents, most recently in response to proposed new rules for 10 C.F.R. Part 50 and Appendix E, published in the Federal

Register on December 19, 1979.

4. As Director of CMEP, I have testified in numerous Congressional hearings on the subject of nuclear emergency and evacuation planning. These include hearings before the House Subcommittee on Environment, Energy and Natural Resources (May 7, 1979) and the U.S. Senate Government Affairs Committee (May 9, 1979).

5. I have also served as a consultant to Sandia Laboratories under contract to the NRC for the transportation of radioactive materials in urban environments. Part of the panel's work revolved around emergency planning for radiological accidents related to nuclear cargo shipments. Most recently, I served as consultant to the National Academy of Public Administration for the NRC's Special Inquiry Group into the accident at Three Mile Island. The subject was "Reactor Crisis Management - Emergency Planning" and is part of Volume II of the Rogovin Report.

6. I have also appeared before the U.S. Civil Defense Council and the U.S. Conference of Mayors and the National League of Cities to address emergency planning and preparedness. I authored a feature article on emergency planning for the monthly magazine of the National League of Cities, entitled "Planning Against a Nuclear Emergency in Your City." (Nation's Cities, February 1978).

7. Finally, CMEP has directly promoted the need for routine evacuation tests and drills. I assisted the officials

of Waterford, Connecticut in 1978 when the township prepared an evacuation drill for the three cities surrounding the Millstone nuclear site. I served as an observer for the evacuation test conducted in December, 1979 in Wilmington, North Carolina for an exercise conducted around the Brunswick nuclear power plant.

8. Because of my extensive work related to issues concerning emergency planning, I would be prepared to testify and believe that I could substantially contribute to the development of a fuller record in this proceeding.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on February 26, 1980.

Richard P. Pollock

RICHARD P. POLLOCK