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110 California
Michigan City, Indiana 46360
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Nuclear Regulatory Appeal Board
Atomic Energy Commission
Washington D.C. 20555



Dear People:

This letter is an appeal to the Appeal Board regarding the denial of the appropriateness of my contentions in the hearings regarding the construction permit renewal of the Bailly Nuclear Plant.

The unique location of the Bailly Plant, its proximity to the steel mills, National Lake Shore and the Indiana State Prison, makes it absolutely necessary for some workable evacuation plan to be formalized and made operable before the operating licensing stage. The events of TMI clearly indicate the possibility of a class 9 accident and absolute necessity of evacuation planning. The intent of Congress' recent appropriations (June 4, 1980) seems clearly to provide for a safe location and evacuation for all nuclear plants. Report 96-1007 of the second session of the 96th Congress says:

Subsection (1086) of the conference agreement prohibits the Commission from issuing a construction permit for a nuclear plant after the new siting regulations are promulgated unless the facility complies with the requirements set forth in those regulations. This makes it clear that compliance with remote siting requirements, once they have promulgated under this section, is a condition for the issuance of new construction permits.

With clever legal maneuvering Bailly might be "Grandfathered" in, but it seems that is prudent and reasonable and within the intent of Congress to wait until the new regulations for siting and evacuation are promulgated and to evaluate the Bailly in view of these regulations and its unique siting situation. The NRC's hearings on Bailly would seem the appropriate forum to discuss such matters so that all interested parties and the public would be able to participate in this extremely vital issue. Please do not force us to take this issue to Civil Court so that some hearing can be made. The safety issues cannot wait until 1.1 billion dollars of our utility and tax monies are spent. Clearly it is your responsibility to broach these serious issues now in light of recent accidents, new regulations and Bailly's unique site.

I am especially concerned about the evacuation of the 1700+ men of the maximum security prison in Michigan City in the event of a serious accident, and I request once again the right to be party to these hearings.

George Schultz
George Schultz, Ph.D.

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