

68-367

DISTRIBUTION: *w/incoming
bcc: Mr. Stuart E. Eisenstadt

REGULATORY BUREAU FILE COPY

OCT 27 1980

The Honorable Adlai E. Stevenson
United States Senate
Washington, D. C. 20510

Dear Senator Stevenson:

TERA		
NRC/PDR*	MDLynch	SCavanaugh
L/PDR*	MRushbrook*	SECY(3)(80-1187)
EDO Rdg	RVollmer	JCook
NRR Rdg	SGoldberg	BGrimes
LB#1 Rdg*	GErtter (EDO#09131)	
HDenton	BSnyder	SHanauer
ECASE	EHughes	CA
RMattson	MFudge	
DEisenhut	LStowers	
RPurple	OIE (3)	
RTedesco	PPAS Rdg	
JYoungblood	DRoss	

Your memorandum of May 21, 1980, regarding the Baily nuclear plant has been referred to me for reply. Your memorandum seeks NRC comment on a letter from the office of the Attorney General of Illinois, dated May 12, 1980, expressing the latter's opposition to the Baily plant. I sincerely regret the delay in responding to your memorandum. The Baily case, however, has been intensely litigated in this time period and this litigation as well as our review of the short pile proposal has occupied the time of those staff members assigned to this case.

The position of the Illinois Attorney General's Office on the Baily plant is well known to the Commission since that office has presented its views before several forums presently considering aspects of construction of the Baily facility. For example, that office is a party to the NRC adjudicatory proceeding considering a request to extend the Baily construction permit. On August 8, 1980, the Baily Licensing Board issued an Order admitting the Illinois Attorney General as an Intervenor in the hearing to be held on the requested extension of the construction permit.

That office has also petitioned the U. S. Court of Appeals for the District of Columbia to reverse a Commission decision not to initiate hearings on the Baily pile foundation. In addition, a request from that office is pending with the NRC Director of Nuclear Reactor Regulation to halt construction of Baily on the grounds of population density and evacuation planning. The Commission staff believes these provide effective avenues for consideration of the concerns advanced by the Office of the Illinois Attorney General. The Commission staff has and will continue to give due regard to the position of that office in performing its regulatory responsibilities with respect to the Baily plant.

I hope that this letter has been responsive to your concerns.

Sincerely,

(Signed) William J. Dircks

William J. Dircks, Executive Director
for Operations

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

OFFICE	DL:LB#1	DL:	OELD	DL:DTG	NRR:DIR	EDO
SURNAME	MDLynch	RLTedesco	SGoldberg	DEisenhut	HDenton	WJDircks
DATE	10/15/80	10/15/80	10/17/80	10/21/80	10/21/80	10/23/80

8011100 574

The Honorable Adlai E. Stevenson
 United States Senate
 Washington, D. C. 20510

DISTRIBUTION: *w/incoming
 Docket File (50-367)*
 TERA DEisenhut
 NRC/PDR* RPurple
 L/PDR* RTedesco
 EDO Rdg JYoungblood
 NRR Rdg MDLynch
 LB#1 Rdg* MRushbrook*
 HDenton RVollmer
 ECase SGoldberg, ELD
 RMattson Gertter (EDO#09131)

BSnyder BGrimes
 EHughes SHanauer
 MFudge
 LStowers
 OIE (3)
 PPAS Rdg
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 SCavanaugh
 SECY (3) (80-1187)
 JCook

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The position of the Illinois Attorney General's Office on the Baily plant is well known to the Commission since that office has presented its views before several forums presently considering aspects of construction of the Baily facility. For example, that office is a party to the NRC adjudicatory proceeding considering a request to extend the Baily construction permit. On August 8, 1980, the Baily Licensing Board issued an Order admitting the Illinois Attorney General as an Intervenor in the hearing to be held on the requested extension of the construction permit.

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Sincerely,

William J. Dircks, Executive Director
 for Operations

OFFICE	DL:LB#1 MDLynch/lis	DL:AD/L	OELD	DL:DIR	NRR:DIR	EDO
SURNAME	BJYoungblood	RLTedesco	SGoldberg	DEisenhut	HDenton	WJDircks
DATE	10/14/80	10/ /80	10/ /80	10/ /80	10/ /80	10/ /80

DISTRIBUTION: *w/incoming

Docket File (50-367)*

TERA

NRC/PDR*

RVollmer

L/PDR*

SGoldberg, ELD

EDO Rdg

GErtter (EDO#09131)

NRR Rdg

EHughes

LB#1 Rdg*

MFudge

HDenton

LStowers

ECase

OIE (3)

RMattson

PPAS Rdg

DEisenhut

DRoss

RPurple

SCavanaugh

RTedesco

SEY (3) (80-1187)

JYoungblood

JCook

MDLynch

BSnyder

MRushbrook*

BGrimes

SHanauer

Mr. Stuart F. Eizenstadt
Assistant to the President
for Domestic Affairs and Policy
The White House
Washington, D. C. 20500

Dear Mr. Eizenstadt:

Your referral memorandum of June 5, 1980 regarding the Baily nuclear plant has been referred to me for reply.

Your memorandum seeks NRC comment on an enclosed memorandum originating from the office of Senator Adlai Stevenson, dated May 21, 1980, concerning a letter from the office of the Attorney General of Illinois, dated May 12, 1980, expressing the latter's opposition to the Baily plant. The position of the Illinois Attorney General's Office on the Baily plant is well known to the Commission. That office has presented its views before several forums presently considering aspects of Baily construction. For example, that office is a party to the NRC adjudicatory proceeding considering a request to extend the Baily construction permit. That office has also petitioned the U. S. Court of Appeals for the District of Columbia to reverse a Commission decision not to initiate hearings on the Baily pile foundation. In addition, a request from that office is pending with the NRC Director of Nuclear Reactor Regulation to halt construction of Baily on the grounds of population density and evacuation planning. The Commission staff believes these provide effective avenues for consideration of the concerns advanced by the Office of the Illinois Attorney General. The Commission staff has and will continue to give due regard to the position of that office in performing its regulatory responsibilities with respect to the Baily plant.

I hope that this letter has been responsive to your concerns.

Sincerely,

William J. Dircks, Executive Director
for Operations

*SEE PREVIOUS YELLOW FOR CONCURRENCES

OFFICE	DL:LB#	DL:AD	OELD	DL:DIR	NRR:DIR	EDO
SURNAME	MDLynch	RLTedesco*	SGoldberg*	DEisenhut	HDenton	WJDircks
DATE	10/8/80	10/ /80	10/ /80	10/ /80	10/ /80	10/ /80

TERA	OELD
NRC/PDR	RVollmer
L/PDR	GERtter (EDO#09131)
EDO Rdg	EHughes
NRR Rdg	MFudge
LB#1 Rdg*	LStowers
HDenton	OIE (3)
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RPurple	SECY (3) (80-1187)
RTedesco	JCook
BJYoungblood	BSnyder
MDLynch	BGrimes
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Mr. Stuart E. Eizenstadt
Assistant to the President
for Domestic Affairs and Policy
The White House
Washington, D. C. 20500

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Your memorandum seeks NRC comment on an enclosed memorandum originating from the office of Senator Adlai Stevenson, dated May 21, 1980, concerning a letter from the office of the Attorney General of Illinois, dated May 12, 1980, expressing the latter's opposition to the Bailly plant. The position of the Illinois Attorney General's Office on the Bailly plant is well known to the Commission. That office has espoused its views before several forums presently considering aspects of Bailly construction. For example, that office is a party to the NRC adjudicatory proceeding considering a request to extend the Bailly construction permit. That office has also petitioned the U. S. Court of Appeals for the District of Columbia to reverse a Commission decision not to initiate hearings on the Bailly pile foundation. In addition, a request from that office is pending with the NRC Director of Nuclear Reactor Regulation to halt construction of Bailly on the grounds of population density and evacuation planning. The Commission staff has and will continue to give due regard to the position of the office of the Illinois Attorney General in performing its regulatory responsibilities with respect to the Bailly plant.

Presented

The Commission staff believes these provide effective means for consideration of the concerns advanced by the office of the Illinois Attorney General.

I hope that this letter has been responsive to your concerns.

Sincerely,

William J. Dircks, Executive Director
for Operations

This letter was prepared in consultation according to Goldberg with Englehardt/W

MD

OK PER ADDITIONS

OFFICE	DL::B#1	DL:AD/46	OELD	DL:DIR	NRR:DIR	EDO
SURNAME	MDLynch/ys	RLTedesco	J. GONDSAG	RPurple	ECASE	WJDircks
DATE	10/03/80	10/3/80	10/7/80	10/ /80	10/ /80	10/ /80

The Honorable

~~Senator~~ Adlai E. Stevenson
etc

~~Mr. Stuart E. Eizenstadt
Assistant to the President
for Domestic Affairs and Policy
The White House
Washington, D. C. 20500~~

United States Senate
Washington, D. C. 20510

~~Dear Mr. Eizenstadt:~~

Dear Senator Stevenson:

Your referred memorandum of June 5, 1980 regarding the Bailly nuclear plant has been referred to me for reply. ^{al} Your memorandum seeks NRC comment on an enclosed memorandum originating from the office of Senator Adlai Stevenson, dated May 21, 1980, concerning a letter ~~received by his office~~ from the office of the Attorney General of Illinois, dated May 12, 1980, expressing the latter's opposition to the Bailly plant. The position of the Illinois Attorney General's office on the Bailly plant is well known to the Commission, ~~and the position of the Commission known to the Illinois Attorney General.~~ That office has espoused its views before several forums presently considering aspects of Bailly construction. For example, that office is a party to the NRC adjudicatory proceeding considering a request to extend the Bailly construction permit. That office has also petitioned the U. S. Court of Appeals for the District of Columbia to reverse a Commission decision not to initiate hearings on the Bailly pile foundation. In addition, a request from that office is pending with the NRC Director of Nuclear Reactor Regulation to halt construction of Bailly on the grounds of population density and evacuation planning. The Commission staff has and will

continue to give due regard to the position of the office of the Illinois Attorney General in performing its regulatory responsibilities with respect to the Bailly plant.

I hope that this letter has been responsive to your concerns.

Sincerely,

William J. Diers,
Executive Director for
Operations

ROUTING AND TRANSMITTAL SLIP

Date
10/7/80

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Steve Goldberg		
2.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

This memorandum to Eizenstadt looks unnecessarily prickly. Let's see if we can tone it down.

Joe

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.
Joe Scinto	

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

☆ U. S. GPO: 1978-0-261-647-3354

ROUTING AND TRANSMITTAL SLIP

Date
10-7-80

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Dave Lynch		
2.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Dave:

Sorry about the additions but note J. Scinto comment.

Steve

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.
S. Goldberg	

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

☆ U. S. GPO: 1978-0-261-647-3354

Date: 10/22/80
Originator: NRR:Lynch
EDO No.: 9131
Incoming Date: 5/21/80

EDO ROUTING SLIP

ACTION:

Signature - Ltr

SUBJECT:

Ltr to Sen. Stevenson fm Dircks re ltr fm Dean Hansell, Asst. Attorney General of Illinois regarding the Bailly nuclear plant

CONCURRENCES RECEIVED:

ELD <u>Goldberg 10/17</u>			GC _____
NRR <u>Case for Denton 10/22</u>	SD _____	CON _____	PE _____
NMSS _____	MPA _____	EEO _____	PA _____
RES _____	SP _____	ADM _____	IA _____
IE _____	IP _____	AEOD _____	

ACB COMMENTS:

Admin. check

[Handwritten signature]

CA 10/24

2. Cornell

I pass this on because of the discussion you had w/ Shapiro et al re. Bailey. The letter could be revised to reflect your decision in that meeting. However, given that the ~~initial~~ incoming is dated 5/21/80

CA 3 10/23

3. Dircks

I think it best not to delay further.

Back to Rehm
 Cornell

10/23

Rehm 10/23

4. Return to ACB

Courier

OCA - Bring to attention of:
Hart _____ Dingell _____
Udall _____ Moffett _____

FROM: Sen. Adlai E. Stevenson (White House Referral)		ACTION CONTROL	DATES	CONTROL NO. 09131
TO: NRC		COMPL DEADLINE	6/20/80	DATE OF DOCUMENT 5/21/80
DESCRIPTION <input type="checkbox"/> LETTER <input type="checkbox"/> MEMO <input type="checkbox"/> REPORT <input type="checkbox"/> OTHER		ACKNOWLEDGMENT		PREPARE FOR SIGNATURE OF: <input type="checkbox"/> CHAIRMAN <input checked="" type="checkbox"/> EXECUTIVE DIRECTOR OTHER: _____
Ltr from Dean Hansell, Asst. Attorney General, Ill., listing reasons why the Bailly plant should not be built at its present location		INTERIM REPLY		
CLASSIFIED DATA		FINAL REPLY	6/1/80	
DOCUMENT/COPY NO.		FILE LOCATION	11/1	
NUMBER OF PAGES		SPECIAL INSTRUCTIONS OR REMARKS		
POSTAL REGISTRY NO.		Ltr from Dean Hansell, Asst. Attorney General, Ill., listing reasons why the Bailly plant should not be built at its present location		
ASSIGNED TO:	DATE	INFORMATION ROUTING	LEGAL REVIEW	<input type="checkbox"/> FINAL <input type="checkbox"/> COPY
Denton	6/19/80	J. Cook Denton Case PPAS Snyder Grimes	Yollmer Less Hanauer Mattson	NO LEGAL OBJECTIONS NOTIFY: <input type="checkbox"/> EDO ADMIN & CORRES BR EXT. _____ COMMENTS, NOTIFY: EXT. _____
				JCAE NOTIFICATION RECOMMENDED: <input type="checkbox"/> YES <input type="checkbox"/> NO

NRC FORM 232
(11-75)

EXECUTIVE DIRECTOR FOR OPERATIONS

DO NOT REMOVE THIS COPY

PRINCIPAL CORRESPONDENCE CONTROL

No. 80-1187

Logging Date 6/9/80

NRC SECRETARIAT

- TO: Commissioner _____ Date _____
- Exec. Dir./Oper. Gen. Counsel
- Cong. Liaison Solicitor
- Public Affairs Secretary
- _____ Inspector & Auditor
- _____ Policy Evaluation

Incoming: White House Referral

From: Sen Adlai Stevenson constituent referral
William Scott

To: NRC Date 6/20 5/80

Subject: re the Bailly Power Plant

- Prepare reply for signature of:
- Chairman _____
 - Commissioner _____
 - EDO, GC, CL, SOL, PA, SECY, IA, PE
 - Signature block omitted
 - _____
 - Return original of incoming with response

For direct reply* Suspense: June 20

For appropriate action

For information

Rec'd Off. EDO
 Date 6/11/80
 Time _____

Remarks: Cpy to: Docket

For the Commission: billie

*Send three (3) copies of reply to Secy Correspondence and Records Branch

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

ID # 072275

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 80/05/23

Name of Correspondent: Adlai Stevenson

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: copy of letter from William Sears re: Bailey power plant

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>DO</u>	<u>Carroll</u>	ORIGINATOR	<u>80/05/23</u> ^{RH}		<u>C</u>	<u>80/05/23</u> ^{RH}
<u>DO</u>	<u>Folsom</u>	<u>A</u>	<u>80/05/23</u> ^{RH}		<u>C</u>	<u>80/06/02</u> ^{RY}
<u>NRC</u>		Referral Note: <u>R</u>	<u>80/06/02</u> ^{RY}			<u>1/1</u>
		Referral Note:	<u>1/1</u>			<u>1/1</u>
		Referral Note:	<u>1/1</u>			<u>1/1</u>
		Referral Note:	<u>1/1</u>			<u>1/1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comments
- D - Draft Response
- F - Fact Sheet
- I - Info Copy
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Stephen Slade, ext. 2941.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 1.210 _____

Prime Subject Code: AI _____ Secondary Subject Codes: BE 003 _____
SI 013 _____
FG 217 _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P. _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

- CPn - Presidential Correspondence
 - n - 1 - James Earl Carter
 - n - 2 - Jimmy Carter
 - n - 3 - Jimmy
 - n - 4 - JC
 - n - 5 - J

- CLn - First Lady's Correspondence
 - n - 1 - Rosalynn Carter
 - n - 2 - Rosalynn
 - n - 3 - R

- CBn - Presidential & First Lady's Correspondence
 - n - 1 - Jimmy Carter - Rosalynn Carter
 - n - 2 - Jimmy - Rosalynn

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study