



Amended petition to intervene in regard
to the extension of the construction
permit (NIPSCO-104) of the NIPSCO
Bailey Plant by George Schultz Ph.D.

Is there honesty behind all of the "Legalize" that
the intervenors, NIPSCO and the NRC have been involved in?
Will the NRC. do anything more than give token
acknowledgement to our pleadings to have an impartial,
rational, same assessment of the safety of the
Bailey plant? This Amended petition is an expression
of hope that the NRC and NIPSCO will seriously
consider the issues raised by the intervenors. The
following is an amendment to my previous petition
including some new issues which have arisen since
my first petition.

It seems to be a travesty of justice, and
a potentially enormous waste of money and man-
power for the NRC not to consider several factors
at the present stage of the construction permit
continuance hearings rather than waiting till the
operating permit stage. To me, there is a basic
flaw in the NRC's logic: (in the decision
Porter County Chapter V, NRC 606 & 20 1363,
1370 D.C. Civ. 1979), I quote:

It is not the public but the
utility that must bear the risk
that safety questions it projects
will be resolved in good time may
eventually prove intractable and
lead to the denial of the operating
permit. (*Italics mine*)

Would the NRC really deny an operating permit
after over one billion dollars had been spent on the

construction of the plant? Secondly, if the operating permit were denied would ^{not} this immense financial disaster be passed on to the utilities' customers? ————— more

importantly the constitution of the United States provides that citizens have a right to life. Should some safety issues prove "intractable" will the NRC have the courage and/or power to deny the utility the operation of the nuclear plant—or will the public's right to life be compromised because of economic, utilitarian or political considerations? Will someone honestly answer that question?

It seems patently clear that there are many grave safety issues which have not even been attempted to be resolved and which are extremely likely to prove "intractable." One of these issues is the absence of any evacuation plan for this highly populated area (and more specifically in regard to my petition concerning the safety of the 1600 inmates of the maximum security prison in Michigan City and the citizen's of that community's right to be protected from a disorderly evacuation of many dangerous individuals). It seems to me that the public has a right to demand a thorough explanation of the evacuation plans for the populace and the prison before over a billion dollars ^{is their money} is spent to build a nuclear plant. I assert that my constitutional right to life is threatened by the nuclear plant and its lack of a properly specified evacuation plan for the communities (and the prison). I see no reason why a utility, which must serve the public's trust because it owns a monopoly on electrical power, should not be held responsible for the public's safety and the public's money.

The evacuation plan must be part of the construction plans. They are not separable. Preliminary permit hearings should include an evaluation of ultimate safety problems eg, the transportation & disposal of dangerous fuels, safety problems with regard to sabotage, enemy attack, earthquake, evacuation plans, human error problems, etc. It seems monstrous and ridiculous to allow a potentially dangerous site to be constructed without first seriously assessing the safety considerations of that site. Recent studies (eg the Rogovin report) demand that we re-evaluate many of our assumptions about the safety of nuclear power and the absolute

necessity of a ~~well thought out~~ and truly workable evacuation plan. The government has for years taken an active role in the control of dangerous substances eg, drugs, firearms; the government provides for controls on these substances before they become a problem. The Three Mile Island Accident proves that a nuclear plant is potentially an extraordinarily dangerous health risk. Problems ^{concerning} the repair of nuclear plants, fuel disposal, sabotage possibilities, evacuation plans have grown to such proportions as to make it a serious issue for citizens concerned about their right to health and life for themselves and future generations.

Will we continue to hide behind the legalize and ignore these issues? Will morality assert itself over economics, expediency and politics? Can anyone, for example, show that they have an evacuation plan which could truly evacuate the area endangered by a serious nuclear accident including 1600 prison

Inmates, school children, hospitals, nursing homes, steel workers? In a time of crisis who is going to execute this plan? Who pays for the evacuations and damages? What is our obligation to future generations? Can anyone seriously argue that our extraordinarily wasteful energy consumption necessitates our taking these dangerous risks without a thorough evaluation beforehand of the problems involved?

The Bailly plant is a technological and a moral issue. Our childlike faith in omnipotent technology has been seriously questioned by Three Mile Island's accident. The Bailly plant's construction without a serious re-evaluation of safety issues constitutes a violation of our most basic constitutional and human rights. The NRC has a moral obligation to be honest with us and to openly and seriously provide an evaluation of these risks. No possible economic benefits outweigh this moral responsibility to ^{patiently & honestly} re-evaluate our safety before construction. Legal maneuvering and smoke-screening are simply wrong in this most serious of considerations.

Sincerely,

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P.S. excuse the handwritten letter but the ^{proposed} extensions of the deadline were very confusing and I hope that all intervenors will have ample opportunities to be heard.