



State of Illinois
Office of the Attorney General
Chicago 60601

William J. Scott
Attorney General

November 13, 1979

Joseph M. Hendrie
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Hendrie:

As Attorney General of the State of Illinois, I call for a halt of future construction of the Bailly Nuclear Power Plant at its present location. It is the most poorly located nuclear power plant in the United States. If completed the plant will be located 30 miles from the heart of Chicago, 10 miles from Gary, Indiana and one mile from Portage, Indiana, a town of 15,000 people. Further to the north of the plant is the Bethlehem Steel Plant (which employs over 6,000 people around the clock) and to the south is the Indiana Dunes National Lakeshore - a spot whose beaches attract thousands of Illinois and Indiana citizens each day.

The President's Commission on Three Mile Island has raised a serious question about the location of nuclear power plants in populated areas. You, as Chairman of the NRC, in recent testimony before Congress acknowledged that certain operating nuclear power plants might have to be closed because of their proximity to major urban areas. Among the plants you cited is the Zion, Illinois plant. If the NRC acknowledges the possibility that the Zion plant, in operating a reactor located 40 miles from Chicago, may close then there can be no question that the Bailly plant, located 30 miles from Chicago and not even 1% complete should not be built.

The Bailly Nuclear Power Plant's construction permit expired on September 1, 1979. Work has been halted on the plant for over two years while NRC staff and others evaluate a novel proposal for foundation support for the structure. The operator has applied for an extension of its construction permit. I have asked for a hearing on

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the extension to consider such issues as the poor location of the plant and its obsolete design. NRC staff attorneys incredibly have announced that they will oppose any effort to hold a hearing on these important issues.

The NRC has indicated that there will be a moratorium on the licensing of a nuclear power plant so that safety and siting can be studied. Yet the moratorium would not affect construction of the Baily Plant even though it is less than 1% completed and has an expired construction permit. The NRC has indicated that an operating power plant 40 miles from Chicago may have to close because of its location. Yet no mention is made of Baily, which is not even built and located only 30 miles from Chicago. The President's Commission on Three Mile Island urged that no nuclear power plant be located in a populated area. Yet the NRC appears willing to permit Baily to be built at the doorstep of the nation's second most populated city.

In light of what we now know about the risk of locating a nuclear power plant in a populated area, the Baily Plant should not be built in its present location. As Chief Legal Officer of Illinois I call upon the Nuclear Regulatory Commission to halt future construction at the Baily Plant.

Very truly yours,

A T T O R N E Y G E N E R A L

cc: Baily Service List

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CERTIFICATE OF SERVICE

I, DEAN HANSELL, hereby certify that I have served copies of the foregoing letter upon each of the following persons by deposit in the United States Mail, first class postage prepaid, this 14th day of November, 1979.

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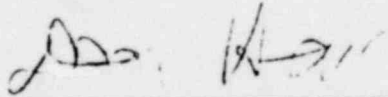
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