

Valparaiso Citizens Concerned About Bailly  
804 Monroe Street  
Valparaiso, Indiana 46383

February 27, 1980



Secretary of the Commission  
Nuclear Regulatory Commission  
Washington, D.C.

In the Matter of:

NORTHERN INDIANA PUBLIC SERVICE COMPANY  
(Bailly Generating Station, Nuclear 1)  
Docket No. 50-367

The Board of Zoning Appeals of Porter County, Indiana, will conduct a public hearing March 17, 1980, in the matter of the enclosed petition relative to Improvement Location Permit 74-290, a copy of which may have been submitted to the Atomic Energy Commission as evidence that Bailly Nuclear 1 satisfies local requirements. We will show that Improvement Location Permit 74-290 is invalid and that Bailly Nuclear 1 does not meet the requirements of the Zoning Ordinance of Porter County.

The public hearing will be conducted during their regular monthly meeting the third Monday of the month, beginning at 7:45 p.m. at the Porter County Courthouse Annex, 1401 North Calumet Avenue, Valparaiso.

Sincerely,

*James R. Eng*  
James R. Eng

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Valparaiso Citizens Concerned About Bailly  
804 Monroe Street  
Valparaiso, Indiana 46383

February 25, 1980

Porter County Board of Zoning Appeals  
1401 North Calumet Avenue  
Valparaiso, Indiana 46383

Dear Members of the Board of Zoning Appeals:

As a citizen of Porter County, I appeal to the Porter County Board of Zoning Appeals, because construction of a nuclear plant in Westchester Township was incorrectly authorized in such a way as to prevent consideration of issues pertinent to such authorization.

Improvement Location Permit 74-290 was issued by the Executive Secretary of the Plan Commission on May 20, 1974. The applicant, Northern Indiana Public Service Company, did not apply for a Special Exception, which was and is required to issue an Improvement Location Permit for the intended use. Since the structures and use do not conform in all respects to the Master Plan and Ordinances of the County, as required by Section 2 of Ordinance No. 1959-2, the Executive Secretary had no authority to issue an Improvement Location Permit.

"Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239" are considered explosive materials, according to Section 17 of the Zoning Ordinance of Porter County, Indiana - 1959. "Manufacturing, storage and use of explosives" are permitted at industrially zoned sites in the County only when approved by the Board of Zoning Appeals as a Special Exception, according to Section 13.5 (Table 1) and Section 20 (Table 19) of the Zoning Ordinance.

To grant a Special Exception requires an affirmative finding by the Board that Bailly Nuclear 1 would not adversely affect any of the following, under Section 20, Paragraphs B and C, of the Zoning Ordinance:

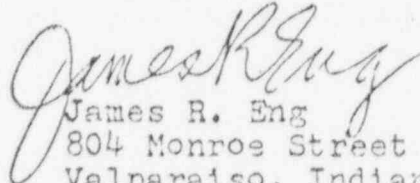
- 1) "potential use of adjoining lands,"
- 2) "current trends of development of lands in the vicinity,"
- 3) "natural features of the site and adjoining lands," and
- 4) "quality and capacity of access roads (existing or to be provided by the applicant) to accomodate traffic generated by the proposed use."

Consideration of these issues will show that a Special Exception for Bailly Nuclear 1 is not consistent with the spirit, purpose or intent of the Zoning Ordinance, may substantially and permanently injure the appropriate uses of neighboring properties, and will not serve the public convenience or welfare.

NIPSCO has excavated a large hole, carried on extensive and continuous site de-watering, placed nearly two thousand foundation piles, and erected an office structure to house their nuclear staff, all with the declared intention of building a nuclear power plant, without applying for or obtaining an Improvement Location Permit for a Special Exception, as required by Sections 13.5 and 20 of the Zoning Ordinance.

As a resident of Porter County who would be adversely affected by the decision to build a nuclear plant in the County, I appeal to the Board of Zoning Appeals to determine that improvements and alterations have been made, that structures have been erected and that the land and premises on the Bailly site are being used in violation of Section 1 of Ordinance No. 1959-2 and Sections 13.5, 17 and 20 of the Zoning Ordinance of Porter County; to declare the structures, land and premises to be nuisances; and to order the use abated and the structures and improvements removed, under the authority granted to the Board under Section 26, Paragraphs B, C and D of the Zoning Ordinance.

Respectfully submitted,

  
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