

# Bailly Alliance



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

Gentlemen:

The Bailly Alliance requests that the Nuclear Regulatory Commission reject the conclusions of the ACRS as contained in its letter of July 16, and instead reprimand the committee. The ACRS carried out no serious or independent investigation of the questions put to them by the NRC. Behind a facade of pomp and professionalism, they did little more than provide a public relations forum for the utility--Northern Indiana Public Service Company.

For some time, residents of Northwest Indiana have been concerned about settling problems at Bailly I which could cause a nuclear accident. During the original construction permit hearings, NIPSCO proposed driving long piles down to bedrock or to glacial till, a design that would avoid settling problems at a site where the underlying soil is composed of sand and clay. Later, however, NIPSCO declared that long piles were unnecessary and proposed instead the use of shorter piles resting only on sand and clay. There has been large scale public distrust of this proposed design change and widespread sentiment that full evidentiary hearings (with the right to cross-examine utility

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experts and the right to introduce testimony from independent experts) are required to determine whether this proposed design change was in fact safe. We believe that the activities of the ACRS amounted to nothing more than a public relations gimmick-- an attempt to shore up public confidence in NIPSCO's short pilings design, and to blunt the demand for full evidentiary hearings.

The ACRS carried out no serious investigations of its own. The only time ACRS experts examined the site was on July 9, the morning of the subcommittee meeting in Portage. Dr. Richart and Dr. Scott, consultants to the ACRS, accompanied the press on a walking tour. This was the sum total of ACRS's independent investigation of the soil conditions at the Bailly I site.

Dr. Richart's and Dr. Scott's testimony at the Washington ACRS meeting on July 12 indicates that they were uneasy at the proceedings. When asked to comment on Dr. Lawroski's report to the ACRS of the meeting of the Bailly subcommittee, Dr. Richart stated, "It has to be considered in the nature of a progress report. It's certainly not a complete report." (Transcript, page 48) He continued, "I think this is a fairly important point. If the staff has not yet completed its review, and it's been working on this for months, we can't expect to come up with a complete report at the moment."

Dr. Scott says (pages 52-53). "I felt, however, particularly in view of comments by members of the public who tend to disbelieve all the statements made by all parties on one side of this issue that as a consultant to the ACRS here, I would personally like to sit down and go over the numbers with somebody, so that

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I have some kind of personal assurance as to how the calculations came out and how the numbers look, so that I am not in a position myself of being accused of only accepting numbers that the applicant gives me."

At some points during the hearings Drs. Scott and Richart indicated that they had not been given sufficient time or opportunity to investigate the mass of data presented to them. On page 118, Dr. Scott requests permission to take the data to Cal Tech over the weekend, where he could review it "with the equipment I know and I'm familiar with, and programs that are available to me."

The ACRS's Dr. Seiss replied, "I think we can respond to Chairman Hendrie's request without necessarily awaiting the last word from either our consultants or from the staff or from the applicant." In the transcript of the July 12th meeting there is no testimony by the ACRS consultants that substantiates the conclusions of the ACRS in its letter of July 16.

The Bailly Alliance is aware of what happened at the July 12 meeting only because David Canright of the Chesterton Tribune (a newspaper opposed to the construction of Bailly I) attended that meeting and because the ACRS mailed a copy of the transcript of the proceedings to George Wilson of United Steel Workers Local 6787. Although Mr. Muller of the ACRS staff promised us a copy of the transcript, we never received it. Nor have any of us in Northwest Indiana been able to find out in detail what happened at the July 14th session when the ACRS adopted its present recommendations to the NRC.

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Following the July 14th session David Canright asked ACRS Public Officer Muller, over the phone, the conclusions reached at the meeting. Muller told him that, although the meeting had been open to the public, the committee subsequently questioned whether it should have been. Therefore, as late as July 16th, Muller refused to give any indications of the ACRS conclusions to Canright.

No copy of the transcript of the July 14 meeting has reached us, held up presumably on the question of the openness of the meeting.

Results of this ACRS meeting, however, were made available to NIPSCO. The Gary Post Tribune reported shortly thereafter, "Roger Robb, NIPSCO's nuclear licensing engineer, said Monday [July 16] an NRC advisory subcommittee told the utility last week that it found no safety problems in building the plant using shorter foundation pilings than originally planned." This statement was used to substantiate the assertion that "NIPSCO will be able to resume construction on its Bailly I nuclear power plant in Porter County, the NRC has indicated."

The ACRS subcommittee meeting in Portage had the trappings, but not the substance, of genuine hearings probing the safety of the short pilings request. ACRS press handouts which claimed that the "ACRS has had a continuing responsibility for conducting independent reviews and evaluations of the health and safety aspects of nuclear power reactors," were not borne out by the actual functioning of the committee.

The committee's conclusions were controlled in a manner

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that suggests that they were calculated to fulfill the press relations objectives of NIPSCO--it seemed an effort to generate the public impression that a full study of the piling controversy had been made and that the NRC had cleared the way for resumption of construction.

The Bailly Alliance asks that the NRC reject the conclusions of the ACRS July 16th letter as unwarranted and unsubstantiated. We believe that full evidentiary hearings are needed, and that the public will not be fooled or reassured by the actions of the ACRS.

Sincerely Yours,

*Jack Weinberg*

Jack Weinberg,  
Co-chairperson,  
Bailly Alliance

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