

NRC PDR



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

SEP 1 1979

Docket No.: 50-367

The Honorable Adam Benjamin, Jr.
United States House of Representatives
Washington, D. C. 20515

Dear Congressman Benjamin:

Your letter dated July 16, 1979, to Chairman Hendrie regarding the views of Mr. John Beckman and other citizens on the licensing status of the Bailly facility, has been referred to me for a response. Inasmuch as the Nuclear Regulatory Commissioners are considering petitions for a public hearing on the matter of the shorter pile proposal, it would be inappropriate for Chairman Hendrie to respond to your letter at this time.

In your letter, you present Mr. Beckman's belief that the present Northern Indiana Public Service Company (NIPSCO) proposal for shorter piles represents a major change to the original construction permit (CP) and urge the NRC to consider Mr. Beckman's request for a hearing "in light of the potential danger faulty construction of the plant would pose to the public health and safety."

I am confident that the concerns of Mr. Beckman will be included in the Commission's consideration of the petitions. The Commission has requested the staff to present its views on the petition matters which include concerns similar to that expressed by Mr. Beckman.

Perhaps it would be helpful to you to briefly summarize the evolution of the present state of affairs and the staff's recommendations to the Commission. Of course, these are recommendations only, and the Commission will make the final determination on the petitions after consideration of all views.

In its application for the Bailly CP, NIPSCO proposed to drive the safety-related foundation piles to till or to bedrock. However, NIPSCO further stated that it intended to conduct pile placement investigations after issuance of the CP and that following this field investigation, it would select a final design for the pile foundation. The motivating factor in NIPSCO's decision to delay its selection of a final design for the pile foundation was the recognition that an on-site pile placement program was necessary in determining an acceptable method of installing the piles, but the AEC rules and regulations in force at the time (i.e., prior to early 1974) prevented any extensive pile placement investigations before the issuance of a CP.

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When it issued the Bailly CP in May 1974, the AEC regulatory staff accepted the technical feasibility of piles under the safety-related Bailly structures and stated in its Safety Evaluation Report (SER), issued in February 1972, two design criteria as the bases for its acceptance of foundation piles. These criteria are that the piles: (1) be non-displacement (i.e., the pile cross-section would not be closed at the bottom); and (2) have a high load capacity. The regulatory staff also recognized the need for an on-site pile placement investigation prior to accepting any specific proposal for the pile design and accordingly stated in its SER that the details of implementing the pile proposal would be established after issuance of the Bailly CP. This deferral of the final design of the foundation piles to the post-CP stage was also considered in the extensive public hearing held from April to November of 1973.

As discussed above, the design criteria which were the bases for the staff's acceptance of piles when it issued the Bailly CP was the load-bearing capacity of these piles and not a specific length of pile nor a depth to which they would be driven. Accordingly, in reviewing the March 1978 proposal by NIPSCO to drive the safety-related piles into the underlying dense sands rather than to the till or bedrock, the staff's effort is focused on whether the proposed method of pile placement will result in an acceptable load-bearing capacity. The staff's tentative conclusion is that the proposed method of placement will ensure that the required load capacity will be achieved. After receipt of additional information from NIPSCO, the staff will complete its review and publish its final conclusions.

In a parallel action, the March 1978 proposal by NIPSCO was reviewed by the Advisory Committee on Reactor Safeguards (ACRS) at the request of the Commission. The ACRS concluded in its July 16, 1979 letter to the Commission (copy enclosed) that: (1) the use of shorter piling is not a significant design change from the standpoint of engineering; (2) the use of shorter piling would not require significant alteration of other aspects of the design of the Bailly facility; and (3) there will be no difference in the safety of the facility depending on whether longer or shorter pilings are used. The ACRS conditioned its third conclusion on the satisfactory resolution of the matter of the lowered soil density in a few areas under the safety-related structures and on the determination that the deflections of the base mat were calculated in a conservative manner. The Commission issued an Order on July 25, 1979, offering the parties participating in the petitions before the Commission the opportunity to comment on the July 16th ACRS letter.

The staff believes that the ACRS conclusions cited above support its position taken in its January 10, 1979 recommendation to the Commission that the present NIPSCO proposal for shorter piles does not represent a major change to the Bailly construction permit issued in May 1974, and that a public

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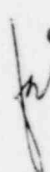
Hearing on the shorter pile proposal at this time is not justified on either legal or technical grounds since NIPSCO has not proposed any significant design change from the standpoint of engineering nor from what was contemplated during the safety review and the subsequent public hearing.

The potential danger to public health and safety as a result of faulty construction requires us to accept only fundamentally sound designs, based on conservative design criteria, which will be built, inspected and maintained to the highest standards available. This responsibility is jointly shared by the Office of Nuclear Reactor Regulation (ONRR) and the Office of Inspection and Enforcement (OIE). We believe that the conservative standards we require, and to which we inspect, are fully responsive to both Mr. Beckman's concerns and yours regarding the potential danger resulting from faulty construction.

I hope that our response to your letter places these matters into perspective and informs you of the basis for the staff's recommendation. The Commission, as indicated earlier, will make the final determination. If you have any further questions on these or other matters, please contact us.

Sincerely,

Original signed by R. G. Smith

 Lee V. Gossick
Executive Director for Operations

Enclosure:
ACRS Letter dated
July 16, 1979

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