



Northern Indiana Public Service Company

General Offices / 5265 Hohman Avenue / Hammond, Indiana 46325 / Tel.: 853-5200 (219)

EUGENE M. SHORB
FIRST VICE PRESIDENT

December 31, 1980



Mr. Harold Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Denton:

On December 12, 1980, Mr. Robert J. Vollen provided to the NRC Staff the report entitled "Effects of Dewatering on the Indiana Dunes National Lakeshore" prepared by a panel of wetlands ecologists assembled by the National Park Service (NPS).

In our view, that report is seriously flawed. The panel relied upon predictions of ground water changes prepared by the USGS, which predictions are wrong and unreliable. (See my letter to you of November 20, 1980, as well as the enclosed copies of my letters of December 8, 1980 to Mr. Andrus and members of the wetlands panel.)

Furthermore, it appears that the panel members were not advised by the Park Service that extensive environmental monitoring programs have long been conducted at the Bailly site and in the Lakeshore and that the voluminous information collected in those programs was withheld from the panel members. Your Staff is fully informed of those programs and their results. In order to provide a brief outline of the nature and scope of the programs and their relevance to the defects in the report of the panel, I am enclosing copies of my letters of December 31 to the Director of the Park Service and to the panel members.

As a result of these basic deficiencies, the report is, in our view, a significantly flawed document. It is apparent to us that the report provides no information or views that would usefully contribute to the NRC Staff's preparation of its planned

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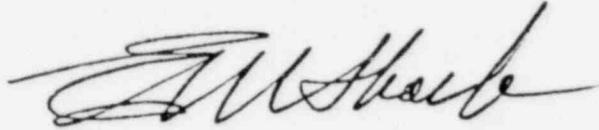
Mr. Harold Denton

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environmental impact appraisal in connection with the requested extension of the construction permit for Bailly N-1

Very truly yours,

A handwritten signature in cursive script, appearing to read "E. W. Shuck". The signature is written in dark ink and is positioned to the right of the typed text "Very truly yours,".

EMS/dgg
Enclosures



Northern Indiana Public Service Company

General Offices / 5265 Hohman Avenue / Hammond, Indiana 46325 / Tel.: 853-5200 (219)

EUGENE M. SHORB
FIRST VICE PRESIDENT

December 8, 1980

Mr. Cecil D. Andrus
Secretary
U.S. Department of the Interior
Office of the Secretary
Washington, D.C. 20240

Dear Secretary Andrus:

I wrote on November 3, 1980, advising you that the conclusions stated in your letter of October 3, 1980, to Chairman Ahearne of the U.S. Nuclear Regulatory Commission are of questionable validity. I also stated that Northern Indiana Public Service Company (NIPSCO) would soon submit a detailed response to your letter and the U.S. Geological Survey reports upon which it was based. That detailed report, "Assessment of the Influence of Dewatering at Bailly N-1" prepared for NIPSCO by D'Appolonia Consulting Engineers, Inc., is enclosed.

In large part, the report speaks for itself and I shall not attempt to state or restate every point made therein. However, I deem it essential to emphasize the principal conclusions to be drawn from the report, draw your attention to some of the discrepancies between your letter of October 3 and the reports upon which it relied, and request that you take immediate steps to halt the activity you set in motion by that letter.

Construction of Bailly Generating Station, Nuclear-1, necessarily involves removal of water from the excavation while construction proceeds. As your letter acknowledges, the question of whether dewatering will produce effects (i.e., drawdown of groundwater levels) beyond NIPSCO's property and within the Indiana Dunes National Lakeshore was considered by NRC's predecessor agency before the construction permit for Bailly N-1 was issued. Your letter states that the prior environmental review "presumed" that the environmental effects of dewatering would be minimal. This statement is inaccurate. Nothing was "presumed;" on the contrary, the best evidence then available was presented under oath, tested by cross-examination, evaluated by a three-person

Mr. Cecil D. Andrus

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Licensing Board of technical and legal experts, reviewed by an agency appeal board, and appealed to the courts.

Your letter goes on to state:

Subsequent continuous and extensive studies and monitoring have been undertaken both by the applicant [NIPSCO] and by the Department of the Interior (National Park Service and the U.S. Geological Survey). The results of this work now lead to the conclusion that the impacts of construction dewatering were inadequately addressed in the original environmental statement.

Literally, that states that some unspecified "work" by NIPSCO supports the conclusion that "the impacts of construction dewatering were inadequately addressed" That is untrue. The results of all studying and monitoring performed by NIPSCO confirm the conclusion that the impacts of dewatering were properly and adequately addressed earlier. The information collected by NIPSCO over the 6-1/2 years since the construction permit was issued cannot be adequately summarized here but I do want you to know the following:

- 1) Dewatering has been conducted continuously since March of 1977 (admittedly, on a scale less than the maximum which will occur); the continuous monitoring of groundwater levels proves conclusively that draw-down effects have been confined to NIPSCO property.

*/ I do not wish to dwell on minor matters but you should know that the "Final Environmental Statement" (FES) prepared for Bailly N-1 does not represent the only consideration or the last word concerning Federal review of dewatering effects at the construction permit stage. Extensive evidence on dewatering, its effects and mitigation was presented in a contested, adjudicatory proceeding before an Atomic Safety and Licensing Board which concluded that significant adverse environmental impact to the Lakeshore would be prevented. (7 AEC 589-91.) Under AEC (and NRC) regulations the FES is deemed to have been modified by the Licensing Board's decision. (See 10 C.F.R. § 51.52(b)(3) (1980).)

- 2) Results of a pumping test at the Bailly site in April of 1979 demonstrate that NIPSCO's expert witness in the construction permit hearing had assumed conservative soil permeabilities when he predicted drawdown effects--i.e., that his assumptions are likely to over-predict drawdown.

Therefore, your conclusion must rest upon "studies and monitoring" by the Department of the Interior. You cite only "Reassessment of the Effects of Construction Dewatering on Ground-Water Levels in the Cowles Unit, Indiana Dunes National Lakeshore, Indiana, Supplement to Geological Survey Water-Resources Investigations 78-138" (USGS Report 80-1105), a report which in turn relies upon "Effects of Seepage from Fly-Ash Settling Ponds and Construction Dewatering on Ground-Water Levels in the Cowles Unit, Indiana Dunes National Lakeshore, Indiana" (USGS Report 78-138). As the enclosed report demonstrates and we shall summarize below, those reports cannot suffice as the bases for concluding that the impacts of construction dewatering were inadequately addressed earlier.

Your letter states that the Deputy Director of the National Park Service advised NIPSCO early in 1980:

. . . that proposals for an alteration in the dewatering procedure, together with new information about the hydrology of the . . . Lakeshore, indicated that construction dewatering would adversely impact the lakeshore.
(Page 1, emphasis added.)

That is incorrect. At the meeting to which you refer, NIPSCO was advised that the USGS, using a hypothetical case in its ground-water model, predicted water level changes up to 0.5 feet in the Cowles Bog area. No technical substantiation for the prediction was offered.

I turn now to your discussion of USGS Report No. 80-1105. Your letter states that there is

strong evidence of a hydrological connection between the lower aquifer . . . and the surface aquifer . . . at both the Bailly excavation site and the central area of Cowles Bog

In fact, the USGS report concedes that there is virtually no evidence of such a connection in the bog area. The existence of

Mr. Cecil D. Andrus

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the connection or "discontinuity" is only a hypothesis for which there is no direct evidence. The USGS and NPS did collect information indicating that there is a "ground-water mound" in the Cowles Bog area. The USGS report then speculated:

The mound is probably produced by the upward discharge of ground water from unit 3 into 1 through a "discontinuity" in the confining unit that normally separates the two aquifers.
(USGS Report No. 80-1105, p. 48, emphasis added.)

Although the hypothesis of the "discontinuity" in the confining unit at Cowles Bog has not been proven with direct evidence such as test borings and corings, the mound in unit 1 indirectly supports it. The USGS and NPS will continue to gather data that will expand and refine the present understanding of the hydrology of Cowles Bog. For now, the hypothesis that a "discontinuity" exists in the confining unit underlying Cowles Bog is assumed, and the model simulations that follow incorporate this "discontinuity."
(USGS Report No. 80-1105, p. 32, emphasis added.)

Your letter goes on to state that the USGS report "indicates that . . . construction dewatering will result in water level declines at Cowles Bog" Again, this is an overstatement of the results set out in the report. That document states that the hypothetical "discontinuity"

could intensify the impact of construction dewatering on water levels at Cowles Bog, particularly if a large part of the water pumped from the excavation came from unit 3.
(Report No. 80-1105, p. 3, emphasis added.)

It must also be recalled that we are talking about predictions made by a computer simulation:

Simulations also indicate that the "discontinuity" could cause intensified water-level declines in unit 1 at Cowles Bog during phase 2 construction dewatering
(Report No. 80-1105, p. 48, emphasis added.)

Computer simulations can be extremely valuable, of course. However, as the USGS Report expressly recognizes

Mr. Cecil D. Andrus

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. . . Whether the actual ground-water system will behave in the same manner as the model simulation depends on how well the model simulates the physical properties of the ground-water system and the artificial recharge of water for mitigation. Therefore, these model simulations should not be viewed as precise predictions of what will occur in the field, but rather as an estimation of what may occur (Report No. 80-1105, p. 27, emphasis added.)

It is therefore incorrect to characterize, as your letter does, the report as concluding "that those [estimated] water level declines cannot be fully mitigated."

The conclusions stated in the USGS report are expressly qualified to an extraordinary degree. The report therefore cannot be accepted as an engineering analysis upon which reliable conclusions can be based. In fact, the observed data does not support the hypothesis incorporated in the report.

On the contrary, we submit that the hard evidence, including field data, presented in the enclosed report supports these conclusions:

1. Using actual field data (including the results of pumping tests and demonstrated permeabilities), the calculated lateral extent of drawdown produced by NIPSCO's planned dewatering system (the "radius of influence") is less than 950 feet. Even when the erroneous coefficient of permeabilities assumed by the USGS is used in the calculations, the radius of influence does not exceed 1450 feet. It is therefore clear that dewatering associated with construction of Bailly N-1 cannot have any effect on Cowles Bog, which is more than 8000 feet away.
2. The drawdown predicted by the USGS is wrong and unreliable for several reasons. The USGS model ignored or misused a substantial body of field data available for the study area. The assumptions used by USGS bear little resemblance to the field data. Finally, there are defects in application of the model itself.

The effects of dewatering were carefully and accurately addressed during the Bailly construction permit hearing on environ-

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mental matters. A substantial quantity of additional field data has been accumulated since the hearing, which demonstrates that the predictions of dewatering effects made at the hearing were conservative--i.e., the predicted effects are greater than the actual effects. The additional data provided in the attached report clearly demonstrate that Bailly N-1 dewatering cannot affect Cowles Bog, obviating any reason to update or supplement the Environmental Impact Statement in order to re-examine dewatering effects.

The conclusions stated in your October 3 letter are not supported by the highly tentative and qualified USGS report. There is in fact not a "very real possibility of serious and irreparable damage to Cowles Bog" Our letter and the USGS reports provide no basis for concluding that the prior environmental review "inadequately addressed the impacts of construction dewatering."

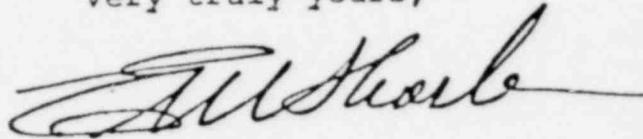
As a Chairman of the Nuclear Regulatory Commission advised the then-Secretary of the Interior in response to the latter's request for action with respect to Bailly: "In a licensing process which is often aggravatingly complex, and certainly extended, there must be a point when the proceedings are properly considered to be completed." In view of the complete lack of basis for the conclusions asserted in your letter of October 3, 1980, we urge you to advise the NRC that you are withdrawing your request for

*/ Letter, Chairman Rowden to Secretary Kleppe, p. 2
(July 15, 1976):

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preparation of a supplemental environmental impact statement at this time.

Very truly yours,



EMS/dgg

Enclosure

cc: R. Dickenson, Director
National Park Service

J. Whitehouse, Superintendent
Indiana Dunes National Lakeshore

D. K. Stewart, District Chief
U.S. Department of the Interior
Geological Survey-Water Resources Division



Northern Indiana Public Service Company

General Offices / 5265 Hohman Avenue / Hammond, Indiana 46325 / Tel.: 853-5200 (219)

EUGENE M. SHORB
FIRST VICE PRESIDENT

December 8, 1980

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Dr. Erie Loucks
Technical Institute of Ecology
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Indianapolis, Indiana 46208

Gentlemen:

Northern Indiana Public Service Company (NIPSCO) has recently learned that you are members of a wetlands ecology panel convened by the National Park Service to consider the ecological impacts, if any, of water table fluctuations as simulated by the USGS studies in the Cowles Bog area of the Indiana Dunes National Lakeshore and related wetlands area. It is our understanding that the panel has been asked to furnish a written report to the Park Service.

Dr. Daniel Willard
Dr. J. S. Olson
Dr. James W. Geis
Dr. Erie Loucks

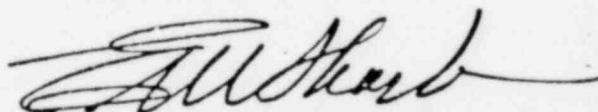
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We do not know precisely what information has been furnished to you by the Park Service and/or the Department of the Interior. However, we assume that the information included at least USGS Open File Report 80-1105, "Reassessment of the Effects of Construction Dewatering on Ground-Water Levels in Cowles Unit, Indiana Dunes National Lakeshore, Indiana, Supplement to Geological Survey Water-Resources Investigations 78-138." We therefore wish to draw to your attention the fact that the referenced report is seriously deficient and rests upon a number of incorrect assumptions. As we have previously advised the Department of the Interior and the Nuclear Regulatory Commission, the USGS prediction of drawdown of groundwater levels in the Cowles Bog area is wrong and unreliable. It would thus appear that reliance on the flawed report would be inappropriate and could easily lead to incorrect and misleading conclusions.

I am enclosing copies of letters concerning this matter which we have sent to the Secretary of the Interior and the Nuclear Regulatory Commission, together with the reports prepared by our consultant which are mentioned in those letters. One of our reports is a review of the soil parameters used by the U.S. Geological Survey; the other addresses in greater detail the flaws of the USGS report referred to above. NIPSCO is prepared to provide any additional information in our possession which may be of assistance to you in making a responsible report to the Park Service. Please do not hesitate to contact us.

Very truly yours,



EMS/dgg

Enclosures

cc: Mr. Cecil D. Andrus, Secretary
U.S. Department of the Interior

Mr. Russell Dickenson, Director
National Park Service

Mr. James Whitehouse, Superintendent
Indiana Dunes National Lakeshore



Northern Indiana Public Service Company

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EUGENE M. SHORB
FIRST VICE PRESIDENT

December 31, 1980

Mr. Russell E. Dickenson
Director, National Park Service
U.S. Department of the Interior
Washington, D.C. 20240

Dear Sir:

We have received the final report, "Effects of Dewatering on the Indiana Dunes National Lakeshore," prepared by a panel of wetlands ecologists which the National Park Service (NPS) assembled.

The report lists among its objectives "to report on the available information base and provide an evaluation of the prospective effects on the Cowles Bog National Landmark area, and neighboring ecosystems" (emphasis added) of certain postulated changes in ground water levels. Nevertheless, it appears that in fact members of the panel were not aware of much of the "available information base." We are dismayed to find no indication that panel members were advised of the extensive monitoring programs which have been conducted in the area of interest for more than six years by Northern Indiana Public Service Company (NIPSCO). With the exception noted below, the Park Service has been furnished with all information gathered through the monitoring programs; failure to furnish that information to the panel members is inexplicable. The apparent unawareness of the panel members of this basic information and their resulting inability to take it into account in their review inevitably casts additional, substantial doubt upon the scientific validity of their report.

For example, there is no indication that panel members reviewed the twenty-five quarterly or six annual reports of the environmental monitoring programs which have been and are being conducted by Texas Instruments Incorporated, Ecological Services

* / As you know, we have concluded that the ground water draw down postulated by the USGS (and apparently assumed by the wetlands ecologists) is plainly wrong. I shall not argue that point here but refer you to my letters to Secretary Andrus of November 3 and December 8.

Mr. Russell E. Dickenson

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(Ecological Services) for NIPSCO. These studies have been underway in the vicinity of the Baily Generating Station Nuclear-1 (Baily N-1) since May 1974. They include surface water and vegetation monitoring on both NIPSCO and NPS property.

Intensive studies were conducted during 1974 and early 1975. The results are considered representative of local environmental conditions prior to construction of the nuclear plant since, at that time, only limited excavation work had been done at the plant site. Monitoring has continued to date and is scheduled to be conducted during 1981-82.

The surface waters of all ash-settling ponds, two interdunal ponds, and Cowles Bog were sampled essentially monthly during 1974 and early 1975. The samples were analyzed for general water quality, aquatic nutrient, trace elements and indicator parameters to establish baseline water chemistry conditions in these water-bodies. This monitoring has been done on essentially a quarterly basis from 1975 through 1980 and monthly sampling is scheduled to resume during 1981.

Vegetation studies also were initiated during 1974. Color infrared (CIR) photography was used to determine and document both native and cultivated vegetation types within a 5-mile radius of the plant site. Using the 1974 CIR photography as well as information collected earlier, the vegetation in the plant vicinity was divided into 55 vegetation types or areas of similar vegetative composition and character. A quantitative sampling program, utilizing at least ten sampling plots, was established within the eight most intensive cover types. A qualitative sampling program, utilizing a walk-through survey, was established for three other cover types. Quantitative and qualitative sampling was conducted twice during 1974 and 1975, again to establish baseline conditions. All sampling plots and walk-through locations have been monitored annually from 1976 to the present. Additionally, after ash pond sealing began during 1980, CIR photography studies covering the same 5-mile radius studied during 1974 were again performed. These studies are intended to identify changes in land use/land cover types, to examine vegetation stress from changes in the hydrological regime of the area, and to establish a new baseline for comparison of any future environmental changes. Vegetation monitoring studies are scheduled to continue at a once-per-year frequency through 1982.

Mr. Russell E. Dickenson

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In addition, NIPSCO is conducting an independent study of interdunal ponds and ash pond water levels and water chemistries assisted by Northern Laboratories, Inc. and Salisbury Engineering, Inc. Monitoring of interdunal pond levels and ash pond levels began in March 1972 and the water chemistry analyses began in March 1974. These ongoing studies consist of weekly water level measurements and water chemistry analyses of four ash ponds, seven interdunal ponds, the wetlands near Cowles Bog, and Cowles Bog. The seven interdunal ponds lie between the Bailly N-1 site and the wetlands west of Cowles Bog. The water chemistry analyses consist of temperature, dissolved oxygen, pH, turbidity, chlorides, conductivity, salinity, sulfates, phosphates, dissolved solids, nitrates and nitrites.*

NIPSCO has installed a series of ground water observation wells. This program was initiated in October 1973 and is ongoing and consists of water level measurements in 39 wells installed by NIPSCO, 26 of which have continuous recorders, and 13 wells installed by the NPS/U.S. Geological Survey (USGS), 7 of which have continuous recorders. At present, the results of these ground water level measurements are published on a weekly basis with copies to the Indiana Dunes National Lakeshore (IDNL), USGS, and Nuclear Regulatory Commission (NRC).

The wetland panel's report (Section III.E.1) recommends the establishment of a "comprehensive monitoring system" including observation of ground and surface waters which would document seasonal changes in the water quality and level. Apparently the panel was not aware that such a system has been in place since 1974.

Section III.E.2 of the report suggests that stations for monitoring both the water regime and plant communities be established "throughout" the National Lakeshore, and that observations taken at these stations be frequently replicated. NIPSCO's monitoring program includes vegetation and surface water studies in the

*/ NIPSCO is not obliged by any governmental requirement, or license condition to perform these water chemistry analyses and the results thereof have not been furnished to NPS in the past. If NPS has any interest in the information, we shall be pleased to supply it.

Mr. Russell E. Dickenson

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vicinity of Bailly N-1, the area of greatest potential impact. Observations taken at the established monitoring stations are frequently replicated. In our view, the report's recommendation is presently being implemented. The NPS is of course free to establish additional monitoring stations "throughout" the Lakeshore although that is unnecessary in order to monitor the potential impact of construction of Bailly N-1.

Section III.E.3 of the panel report suggests implementation of a research program to measure the population and microhabitats of "selected threatened species" and suggests that species with high rating coefficients (Wilhelm 1978) be considered for the study. Species with high rating coefficients are important components of the natural vegetation; however, they are not necessarily considered as "threatened." In fact, no threatened or endangered species has been identified during the six years of monitoring already conducted. The suggested threatened species study appears to be of doubtful value.

In short, NIPSCO believes that all the useful information which the panel report suggests should be obtained is in fact being, or has been, collected.

The panel's final recommendation "that proposed construction dewatering should be postponed until further studies are completed" (Report, p. 12) is obviously unwarranted and premised on erroneous information as to the studies already conducted and a review of less than all of the available information. Failure to provide such information to the panel is not consistent with any intention to determine the actual facts of the matter.

Beyond the questions raised by the inexplicable withholding of significant information from the wetlands panel members, NIPSCO is perplexed by the Park Service's solicitation of, or apparent acquiescence in, these vague recommendations for environmental monitoring. As the Park Service well knows, NIPSCO has been collecting environmental data for more than six years. All that information has long since been made available to NPS. To the best of our knowledge, NPS has never voiced any criticism of the monitoring programs, requested any changes therein, or suggested any improvements. In view of NIPSCO's cooperation with the Park Service during the past six years and the Park Service's failure to identify any problems or suggest improvements throughout that period, the motivation for the current actions of the Park Service is not wholly apparent.

Mr. Russell E. Dickenson

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December 31, 1980

We assume that the NPS shares our goal of protecting the Lakeshore. To that end, we invite representatives of the Service to meet promptly with NIPSCO representatives and consultants to discuss the existing monitoring programs and information gathered through those programs as well as any possible improvements in those programs. We shall be particularly pleased if the NPS invites the wetlands panel members to participate. Please contact Mr. Bohn of my staff to arrange the time and place of the meeting.

Very truly yours,

A handwritten signature in cursive script, appearing to read "E. M. Shub", with a long horizontal flourish extending to the right.

EMS/dgg



Northern Indiana Public Service Company

General Offices / 5265 Hohman Avenue / Hammond, Indiana 46325 / Tel.: 853-5200 (219)

EUGENE M. SHORB
FIRST VICE PRESIDENT

December 31, 1980

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Indianapolis, Indiana 46208

Gentlemen:

On December 10, 1980, Mr. Whitehouse, Superintendent of the Indiana Dunes National Lakeshore, furnished us a copy of the report, "Effects of Dewatering on the Indiana Dunes National Lakeshore," which you prepared for the Park Service.

I regret that my letter of December 8 and its enclosures did not reach you before you completed your report. We do not know what "summary of the D'Appolonia study" you received but I can assure you that, with the materials which I sent you on

Dr. Daniel Willard
Dr. J. S. Olson
Dr. James W. Geis
Dr. Erie Loucks

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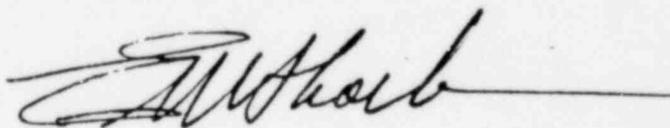
December 31, 1980

December 8 in hand, you could not validly have concluded that "it is generally consistent with the USGS studies" and dismissed "resolution of the differences" to some undefined future "research" (Report, p. 9) while going on to predict that "[c]onstruction dewatering will reduce the hydrostatic head in the spring mire and lower the ground water level there." (Report, p. 10.) I renew NIPSCO's offer to assist you in evaluating available information concerning the magnitude of potential ground water changes. With all due respect, such assistance would appear to be essential before you can properly assess potential ecological impacts.

Our review of your report also indicates that you were not advised of the existence of extensive environmental monitoring programs which have been conducted at the NIPSCO site and within the Lakeshore since 1974. I am enclosing a copy of my letter to the Director of the Park Service of December 31 which outlines the nature and extent of those programs. We stand ready to furnish you with all of the information collected in those programs.

As you will note from the enclosed letter, NIPSCO has requested that the Park Service meet with us promptly to consider what, if any, changes might appropriately be made in the existing monitoring programs. We have urged the Park Service to include you in these discussions and we shall independently continue to keep you informed of developments in that regard. Please do not hesitate to call upon us for information or other assistance.

Very truly yours,



EMS/dgg
Enclosure

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket No. 50-367
)	
NORTHERN INDIANA PUBLIC)	(Construction Permit
SERVICE COMPANY)	Extension)
)	
(Bailly Generating Station,)	January 5, 1981
Nuclear-1))	

CERTIFICATE OF SERVICE

I hereby certify that copies of a Letter dated December 31, 1980, addressed to Mr. Harold Denton, Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 from E. M. Shorb, Northern Indiana Public Service Company, together with the enclosures thereto, were served on the following by deposit in the United States mail, postage prepaid, on this 5th day of January, 1981:

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Washington, D.C. 20555

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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard F. Cole
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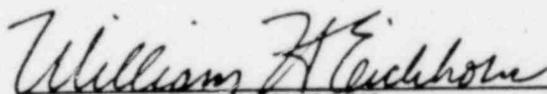
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