



Mid-America Coalition For Energy Alternatives

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

NRC PUBLIC DOCUMENT ROOM

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Richard Kennedy, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

John Aherne, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Commissioners:

On October 16, 1978, I wrote to you and the other Commissioners on behalf of the Mid-America Coalition for Energy Alternatives, an intervenor in the Wolf Creek Construction permit proceedings, regarding the apparently defective concrete in the base mat of the unit, under construction near Burlington, Kansas. I write now, pursuant to 10 CFR 2.206, to request a formal suspension of the construction permit for the Wolf Creek facility.

We attended a meeting addressed to the base mat concrete problem at your offices in Bethesda on January 4, 1979, during which we learned that your Inspection and Enforcement Office has determined that serious deficiencies exist in the licensee's quality assurance and quality control programs, or in its ability to carry those programs out. For instance, it was agreed at the meeting that the licensee had not qualified its base mat concrete mix design in accordance with accepted industry procedure, and as required by the construction permit. Moreover, it became apparent that no concrete yet poured at the site had been so qualified, despite the advanced state of construction of safety related structures. Your staff's conclusion was that

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the utility seemed to place its reliance on luck instead of engineering.

We learned also at the meeting that your Region IV had written to the licensee on December 19, 1978, confirming their understanding that the licensee would immediately halt the placement of concrete in safety related structures until a large number of steps were taken to increase the chance that the facility will be built properly. A copy of that letter is enclosed.

Your Inspection and Enforcement Office has given considerable attention to the licensee's performance, and on at least one occasion has made specific recommendations for overall quality assurance and quality control improvement. However, the failure of the licensee to build the plant in the manner required by the construction permit, despite repeated warnings, is a situation contemplated by your agency's regulations. 10 CFR 50.100 authorizes you to revoke, suspend, or modify the construction permit, in whole or in part, and licensees should expect the application of official sanction with at least as much certainty as if they had violated a traffic ordinance. Your inspection and enforcement program -- particularly in view of the incredibly few inspectors for which your agency is budgeted -- requires no less to be effective.

We understand the natural inclination of your people to prefer informal procedures in many instances. We believe that whatever merit there may be in informality, it is not appropriate here. Your staff has stated that in its view the licensee proceeds "at its own risk" and that any construction in violation of the terms of the understanding will cause the staff to seek at once a formal stop work order from you. The fact, however, is that the licensee is now legally free to pursue construction on any portion of the power plant at any time. It is also a fact that realistically the licensee does not proceed at its own risk -- that all expenditures made decrease the practical options available to you in dealing with the situation, and increase the practical likelihood that the operating license will simply have to be granted.

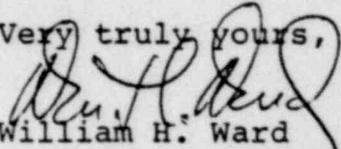
Moreover, there is no basis for the tacit assumption that the lack of quality assurance is confined to concrete work. The licensee's record indicates just the opposite. Yet, the informal understanding leaves the licensee free to perform all other construction activities, regardless of their significance for safety. The licensee has agreed only to "discuss" its progress with regional personnel before it pours more concrete for safety related structures, and is not legally bound to do even that.

It is for these reasons that we request action pursuant to 10 CFR 50.100. We believe that your staff would welcome additional

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guidance from you with respect to when it is appropriate to suspend a construction permit.

Very truly yours,


William H. Ward
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WHW:bw

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enclosure