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April 2, 1982

MEMORANDUM FOR: Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

FROM: James P. Murray  
Acting Deputy Executive Legal Director

SUBJECT: 2.206 PETITION OF THE STATE OF ILLINOIS REQUESTING  
THAT A SHOW CAUSE PROCEEDING BE INSTITUTED AND FOR  
OTHER RELIEF BASED ON ALLEGED SAFETY DEFICIENCIES AT  
LASALLE UNITS 1 AND 2

By its Request to Institute a Show Cause Proceeding and for Other Relief dated March 24, 1982 (Petition), the Attorney General for the State of Illinois requested that a proceeding be instituted under 10 C.F.R. § 2.202 to examine certain alleged newly discovered safety issues regarding the LaSalle County Nuclear Generating Station, Units 1 and 2 of the Commonwealth Edison Company. The issues relate to (1) the drilling of holes in concrete walls, floors and ceilings of certain buildings at the LaSalle facility and (2) the structural adequacy of the off-gas building roof.

In addition to requesting that a proceeding be instituted pursuant to 10 C.F.R. § 2.202, the Petition also requests immediate suspension of consideration of Edison's application for a fuel load and low power testing license at Unit 1. The letter which acknowledges receipt of the State's Petition should address this request for immediate suspension of further consideration of the issuance of a fuel load and low power testing license.

This office will work with your staff to develop an appropriate response. Enclosed for your use are drafts of:

1. A letter to Mr. Fahner, the Attorney General, acknowledging receipt of the Petition, indicating our preliminary findings with respect to the issues identified, indicating what further steps are

CONTACT:  
Richard K. Hoefling, ELD  
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going to be taken to fully investigate these issues, and indicating why the Petition would not influence your decision to authorize fuel loading and low power testing of LaSalle County Unit 1. I have indicated in the draft letter where technical substantive information should be inserted to support the findings made.

2. A notice of receipt of request for publication in the Federal Register; and

3. The original of the Petition filed by the State of Illinois.

While it was initially decided that this Petition would not be formally transmitted to your office as an expedited response was planned, I understand that a two-part response is now being contemplated with the final response some weeks away. Consequently, our standard approach with issuance of a Federal Register notice is suggested.

James P. Murray  
Acting Deputy Executive Legal Director

Enclosures: a/s

bcc:  
Colleen Woodhead

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Docket No-. 50-373  
50-374

Tyrone C. Fahner, Esquire  
Attorney General  
State of Illinois  
160 North La Salle Street  
Chicago, Illinois 60601

Dear Mr. Fahner:

This letter is sent to acknowledge receipt of your Request to Institute a Show Cause Proceeding and for Other Relief (Petition) dated March 24, 1982 filed with the Nuclear Regulatory Commission on behalf of the State of Illinois. The Petition principally seeks institution of a show cause proceeding under 10 C.F.R. § 2.202, and suspension of further consideration of the operating license application regarding the LaSalle County Nuclear Generating Station, Units 1 and 2 of the Commonwealth Edison Company, based on certain alleged newly discovered safety issues. The issues raised in your Petition are two in number. The first issue relates to the drilling of holes in the concrete walls, floors, and ceilings of certain buildings at the LaSalle facility, including in some instances severance of steel reinforcing bar (rebar) with the potential for affecting structural integrity. The second issue relates to the structural adequacy of the off-gas building roof. Your Petition alleges substantial cracking of this roof and the possibility that the roof thickness does not meet design specifications.

A12/1

Your Petition has been referred to me by the Commission for consideration pursuant to 10 C.F.R. § 2.206, and appropriate action will be taken on your petition within a reasonable time. The NRC Staff is investigating the allegations contained in your Petition. Specifically, our Region III office is [indicate task]. The Office of Inspection and Enforcement is also conducting a site review [indicate task]. My office is [indicate task]. In addition, on March 31, 1982, a meeting was held in my offices with Commonwealth Edison to pursue the matters raised in your Petition. 1/ Ms. Judith S. Goodie, Esq. attended the meeting as a representative of your office.

Preliminary findings with respect to each of the issues raised by your Petition are as follows:

[Describe in detail each of the allegations in the petition re concrete holes. Provide findings in response to each allegation.]

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1/ Your Petition at page 2 states that there is an operating license proceeding presently before the Commission and that no hearing has been requested or noticed in this proceeding. A Notice of Opportunity For Hearing [supply correct title] was published in the Federal Register regarding this facility on [supply date and Fed. Reg. cite]. Consequently, a hearing opportunity regarding the LaSalle facility operating licenses was noticed. No hearing was requested pursuant to the notice and consequently no operating license "proceeding" is before the Commission. I am presently considering Commonwealth Edison's license application, and have under consideration the issuance of a fuel load and low power testing (up to 5% rated power) license in the very near future.

[Describe in detail each of the allegations in the petition re off-gas roof inc. Provide findings in response to each allegation.]

Additionally, I have considered your request for an immediate suspension of consideration of Commonwealth Edison's application for a fuel load and low power testing license for LaSalle Unit 1 until the allegations contained in your Petition are investigated and a decision made regarding institution of the requested show cause proceeding under 10 C.F.R. § 2.202. 2/

I have determined that immediate suspension of further consideration of Commonwealth Edison's request for a fuel load and low power operating license is not warranted.

Indeed, I have decided to issue such a license to Commonwealth Edison on \_\_\_\_\_. [Recount here the safety review, inspections and regional write-off, and that 10 C.F.R. § 50.57 has been complied with for fuel load and low power testing.] Based upon this review by the NRC Staff of the LaSalle Unit 1 facility, I have concluded that activities associated with fuel loading and low power testing can be conducted with reasonable assurance that the health and safety of the public will be protected.

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2/ Your Petition at page 9 also seeks suspension or stay of all "proceedings concerning Edison's applications for operating licenses" for the LaSalle facility. As discussed in footnote 1, supra, there are no such "proceedings" pending. The only relevant pending matter is my consideration of Commonwealth Edison's license application including its request for a fuel load and low power testing license.

With respect to the allegations of your Petition, I have considered these allegations in reaching my conclusion that fuel load and low power testing can be safely conducted at the LaSalle Unit 1. My considerations specifically included the following:

[Identify specifically the low power concerns that might be raised by the concrete holes. Provide technical basis why not a concern.]

[Identify specifically the low power concerns that might be raised by the cracks in the off-gas building roof. Provide technical basis why not a concern.]

Consequently, for the reasons stated above, the allegations of your Petition do not cause me to alter my conclusion that Commonwealth Edison may safely undertake fuel loading and low power testing at LaSalle Unit 1, I intend to issue such a license shortly.

The NRC Staff will continue to review your Petition and I will issue a decision with regard to it in the reasonably near future. I will also consider your Petition in any future licensing actions I take with respect to the LaSalle facility.

I enclose for your information a copy of the Notice that is being filed for publication with the Office of the Federal Register.

Harold Denton, Director  
Office of Nuclear Reactor Regulation

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-373; 50-374]

COMMONWEALTH EDISON COMPANY

(LaSalle County Nuclear Generating Station, Unit 1 and Unit 2)

Request for Action Under 10 C.F.R. 2.206

Notice is hereby given that by its Request to Institute a Show Cause Proceeding and for Other Relief dated March 24, 1982 (Petition), the Attorney General for the State of Illinois requested that certain actions be taken by the Nuclear Regulatory Commission with respect to the LaSalle County Units 1 and 2 of the Commonwealth Edison Company, in light of alleged newly discovered safety issues. Alleged safety issues concern the drilling of holes into structural concrete at the LaSalle facility and also concern the structural adequacy of the off-gas building roof for that facility. The relief requested included institution of a show cause proceeding pursuant to 10 C.F.R. § 2.202 and immediate suspension of further consideration of Edison's application for operating licenses. This request is being treated as a petition pursuant to 10 C.F.R. 2.206 of the Commission's regulations, and accordingly, action will be taken on the Petition within a reasonable time.

Copies of the Petition are available for inspection in the Commission's public document room at 1717 H Street, N.W., Washington,



D.C. 20555, and in the local public document room for the LaSalle County Plant, Units 1 and 2 located at [insert location of LPDR].

Dated at Bethesda, Maryland this . day of , 1982.

FOR THE NUCLEAR REGULATORY COMMISSION

Harold R. Denton  
Director  
Office of Nuclear Reactor Regulation