

April 17, 1982

See attached page

Docket Nos.: 50-373  
and 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 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 La Salle County Nuclear Generating Station, Units 1 and 2 of the Commonwealth Edison Company, based on certain allegedly 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 La Salle 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.

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 1/.

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 Receipt of Application for Facility Operating Licenses; Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing, were published in the Federal Register regarding this facility on June 3, 1977. Consequently, a hearing opportunity regarding the La Salle 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.

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As one step in our investigation, we contacted the Commonwealth Edison Company (CECO) on March 29, 1982, and asked that they meet with us on March 31, 1982, to present information with regard to the matters you raised. This meeting was held in Bethesda, Maryland on March 31, 1982, and Ms. Judith S. Goodie, Esq. attended the meeting as a representative of your office. A verbatim transcript was taken of that meeting and has been made available to you.

Our Region III office is determining whether the applicant has adequately implemented its rebar damage identification and assessment activity in accordance with suitable procedures during the construction process. Also, our Office of Inspection and Enforcement is reviewing Region III's handling of the allegation regarding the off-gas building roof, and is further determining whether the off-gas building roof meets its design requirements as stated by CECO at the March 31 meeting and in the FSAR for the La Salle facility. In conjunction with Region III activities, my office is assessing the technical adequacy of the applicant's engineering design assessment in the affected areas as a result of these allegations.

I have considered your request at Section III.1 of your Petition for an immediate suspension of consideration of Commonwealth Edison's application for a fuel load and low power testing license for La Salle 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/

By letter dated February 4, 1982, CECO has addressed its startup test schedule for La Salle Unit 1. In this letter, the applicant estimates approximately 60 to 90 days will elapse from the time of issuance of the low power license until the time the reactor achieves initial criticality. The applicant's best current estimate is that this elapsed time will be approximately 61 days. During this time, there will be preliminary startup activities going on; however, since the reactor will not have been brought critical, there will be essentially no fission products in the core and no significant radiological hazard. Also, there will be no significant build-up of residual core activity through zero power physics testing.

During the zero power physics testing, the off-gas building would not receive any radioactive materials and thereby pose no public health and safety hazard should its roof fail. Also, continued structural integrity of concrete which

2/ Your Petition at page 9 also seeks suspension or stay of all "proceedings concerning Edison's applications for operating licenses" for the La Salle 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.

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In our efforts to investigate these matters, members of the NRC staff have made visits to the plant and to the Architect/Engineer's offices, Sargent and Lundy; have reviewed documents including structural drawings and several calculations performed by Sargent & Lundy and have held discussions with key applicant and Sargent & Lundy personnel (see Enclosures 1 and 2). While the reports on these efforts have not yet been finalized, the allegations set forth in your petition have not been substantiated.

We expect to complete our ongoing investigation of the allegations raised by your Petition in the next 30 to 60 days and we will make our findings at that time. In the interim, because there is no significant threat to the health and safety of the public represented by a core that has not experienced operation beyond initial criticality and zero power testing, I have determined the immediate suspension of Commonwealth Edison's request for a fuel load and low power operating license to be unwarranted. Any such license, however, will be conditioned to require prior NRC staff approval for any power operation following initial criticality and zero power physics testing. Our approval will not be given unless warranted by the results of our current ongoing investigations.

The NRC Staff will continue to review the remaining matters raised in your Petition, and I will issue a decision with regard to them in the reasonably near future. I will also consider your Petition in any future licensing actions I take with respect to the La Salle facility.

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

Sincerely,

*HS*

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

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Harold Denton, Director  
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\*See previous concurrences on next page

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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

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For the reasons stated above, it is my conclusion that Commonwealth Edison may safely undertake fuel loading and initial criticality testing at La Salle Unit 1 while we complete our investigations of the allegations in your Petition. Subsequent power operation up to the license power level of 5 percent will be permitted only upon approval by the NRC staff.

The NRC Staff will continue to review the remaining matters raised in your Petition, and I will issue a decision with regard to them in the reasonably near future. I will also consider your Petition in any future licensing actions I take with respect to the La Salle facility.

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The NRC Staff will continue to review the remaining matters raised in your Petition, and I will issue a decision with regard to them in the reasonably near future. I will also consider your Petition in any future licensing actions I take with respect to the La Salle facility.

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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 La Salle 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 La Salle 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.

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 1/.

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 Receipt of Application for Facility Operating Licenses; Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing, was published in the Federal Register regarding this facility on June 3, 1977. Consequently, a hearing opportunity regarding the La Salle 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.

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As one step in our investigation, we contacted the Commonwealth Edison Company (CECO) on March 29, 1982, and asked that they meet with us on March 31, 1982, to present information with regard to the matters you raised. This meeting was held in Bethesda, Maryland on March 31, 1982, and Ms. Judith S. Goodie, Esq. attended the meeting as a representative of your office. A verbatim transcript was taken of that meeting and has been made available to you.

Our Region III office is determining whether the applicant has adequately implemented its rebar damage identification and assessment activity in accordance with suitable procedures during the construction process. Also, our Office of Inspection and Enforcement is reviewing Region III's handling of the allegation regarding the off-gas building roof, and is further determining whether the off-gas building roof meets its design requirements as stated by CECO at the March 31 meeting and in the FSAR for the La Salle facility. In conjunction with Region III activities, my office is assessing the technical adequacy of the applicant's engineering design assessment in the affected areas as a result of these allegations.

Consequently, through the zero power physics testing portion of CECO's startup program for the La Salle Unit 1, the off-gas building would not receive any radioactive materials and thereby pose a public health and safety hazard should its roof fail. Also, continued structural integrity of concrete which may have been effected by the alleged drilling and boring is not essential for even in the most severe incident which could be postulated, the radioactive releases, would be insubstantial. With respect to the concern raised in your Petition at Section II.8 that fuel loading of Unit 1 should be postponed "until the Commission fully examines the potential safety hazard presented by the cutting of reinforcing steel as alleged herein" on the grounds that the presence of the fuel in the structure of Unit 1 will interfere with the investigation of the allegations and with any corrective measures that might be ordered, the insignificant build-up of residual core activity through zero power physics testing presents no significant impediment to completing the investigative efforts associated with the alleged concerns.

I have considered your request at Section III.1 of your Petition for an immediate suspension of consideration of Commonwealth Edison's application for a fuel load and low power testing license for La Salle 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/

2/ Your Petition at page 9 also seeks suspension or stay of all "proceedings concerning Edison's applications for operating licenses" for the La Salle 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.

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By letter dated February 4, 1982, CECO has addressed its startup test schedule for La Salle Unit 1. In this letter, the applicant estimates approximately 60 to 90 days will elapse from the time of issuance of the low power license until the time the reactor achieves initial criticality. The applicant's best current estimate is that this elapsed time will be approximately 61 days. During this time, there will be preliminary startup activities going on; however, since the reactor will not have been brought critical, there will be essentially no fission products in the core and no radiological hazard. Also, there is no significant build-up of residual core activity through zero power physics testing.

We expect to complete our ongoing investigation of the allegations raised by your Petition in the next 30 to 60 days and we will make our findings at that time. In the interim, because there is no significant threat to the health and safety of the public represented by a core that has not experienced operation beyond initial criticality and zero power testing, I have determined the immediate suspension of Commonwealth Edison's request for a fuel load and low power operating license to be unwarranted. Any such license, however, will be conditioned to require prior NRC staff approval for any power operation following initial criticality and zero power physics testing. Our approval will not be given unless warranted by the results of our currently ongoing investigations.

Consequently, for the reasons stated above, it is my conclusion that Commonwealth Edison may safely undertake fuel loading and initial criticality testing at La Salle Unit 1 while we complete our investigations of the allegations in your Petition. Subsequent power operation up to the license power level of 5 percent will be permitted only upon approval by the NRC staff. 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 La Salle 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

cc: See next page

NRR:DIR  
HDenton  
7/82

\*See attached page for previous concurrences

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SURNAME	ABournia:pt	ASchwencer	RTedesco	JPKnight	KCyr	CNorelius	DEisenhut
DATE	4/5/82	4/5/82	4/5/82	4/5/82	4/6/82	4/6/82	7/82



We expect to complete our ongoing investigation of the allegations raised by your Petition in the next 30 to 60 days. We will make further findings at that time. In the interim, because there is no significant threat to the health and safety of the public represented by a core that has not experienced power operation beyond initial criticality, I have determined the immediate suspension of Commonwealth Edison's request for a fuel load and low power operating license to be unwarranted. Such a license, however, will be conditioned to require prior NRC approval for any power operation following initial criticality and zero power physics testing. Our approval will not be given unless warranted by the results of our currently ongoing investigations.

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 initial criticality testing at La Salle Unit 1 pending completion of our investigations of the allegations in your Petition. Subsequent operation up to the license power level of 5% will be permissible upon approval by the NRC. I intend to issue such a license shortly.

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Office of Nuclear Reactor Regulation

cc: See next page

NCR:DIR  
HDenton

*Verbal Concurrence*  
*H. R. Weber* / 1 / 82

\*See attached page for previous concurrences

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Mr. Louis O. DelGeorge  
Director of Nuclear Licensing  
Commonwealth Edison Company  
P. O. Box 767  
Chicago, Illinois 60690

cc: Philip P. Steptoe, Esquire  
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Chairman  
La Salle County Board of  
Supervisors  
La Salle County Courthouse  
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Attorney General  
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Springfield, Illinois 62701

Department of Public Health  
ATTN: Chief, Division of Nuclear Safety  
535 West Jefferson  
Springfield, Illinois 62761

The Honorable Tom Corcoran  
United States House of Representatives  
Washington, D. C. 20515

Chairman  
Illinois Commerce Commission  
Leland Building  
527 East Capitol Avenue  
Springfield, Illinois 62706

ENCLOSURE 1

DESIGNATED ORIGINAL

Certified By \_\_\_\_\_