

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

in the Matter of)	
)	
COMMONWEALTH EDISON COMPANY)	Docket Nos. 50-454
)	50-455
(Byron Station, Units 1 and 2))	

AFFIDAVIT OF WILLIAM L. FORNEY

I, William L. Forney, being duly sworn depose and state as follows:

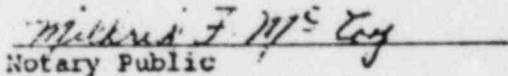
1. I am employed by the U.S. Nuclear Regulatory Commission as a Senior Resident Inspector at the Byron Nuclear Station. A copy of my professional qualifications is attached.
2. I have read the DAARE/SAFE Petition for Waiver of or Exception to Financial Qualifications Regulations and the attached exhibits. With regard to the QA/QC deficiencies reflected in Exhibit T-1 through T-10, the Applicant has generally taken prompt corrective action. Of the 15 original deficiencies regarding electrical construction identified in Exhibit S, only three items remain open. Region III is continuing to investigate the areas identified in Exhibit Q.
3. The deficiencies identified in Exhibits Q, S, and T range from Severity Level IV to Severity Level VI. The safety significance of these deficiencies are relatively minor. Severity Level IV violations are of more than minor significance whereas Severity Level V and the former Level VI involve deficiencies of minor significance.

4. The SALP evaluations and an NRC Construction Assessment Team have determined the Applicant has demonstrated a good overall QA/QC program.
5. Finally, neither the DAARE/SAFE waiver petition nor the documents upon which it relies show that the QA/QC deficiencies were caused by financially motivated corner-cutting. The Staff inspection reports for Byron and LaSalle have not disclosed any evidence that QA/QC deficiencies resulted from financial considerations.

The foregoing and the attached statement of professional qualifications are true and correct to the best of my knowledge.


William L. Forney

Subscribed and sworn to before
me this 17th day of August, 1982


Notary Public

My Commission Expires: Dec 13, 1983

PROFESSIONAL QUALIFICATIONS

WILLIAM L. FORNEY

U.S. NUCLEAR REGULATORY COMMISSION

I am employed as a Senior Resident Inspector at the Byron Station, in the Region III, Division of Projects and Resident Programs, Branch 1, Section 1B.

I received a B.S. degree in Management Science from California State University, Hayward, California, in 1974.

I was assigned as the Senior Resident Inspector at Byron on October 5, 1981. In this capacity I have performed inspections of construction and testing activities during the construction and preoperational test phases to ascertain licensee conformance with NRC regulatory requirements, FSAR commitments, and locally prepared administrative and technical documents. Prior to assignment at Byron, I was the Senior Resident Inspector at the LaCrosse facility. In this capacity I performed inspections of operational, testing, refueling, security, rad-chemistry, and facility modification activities to ascertain licensee's conformance with NRC regulatory requirements, FSAR commitments, technical specification requirements and locally prepared operational, administrative and technical documents.

Prior to joining the Commission in January 1980, I worked 13 years for the Department of Defense, U.S. Navy, Mare Island Naval Shipyard, Vallejo, California. I held the position of Senior Nuclear Ship Superintendent, Senior Refueling Engineer and Reactor Plant Test Manager.

From September 1959 to January 1967 I was in the United States Navy. While in the Navy, I was nuclear and submarine qualified.



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

AUG 6 1982

Docket Nos.: 50-373/374

Edward M. Gogol
Executive Director
Citizens Against Nuclear Power
407 S. Dearborn
Suite 930
Chicago, Illinois 60605

Dear Mr. Gogol:

This letter is to acknowledge receipt of a Request to Institute a Show Cause Proceeding and for Other Relief dated July 28, 1982 (Petition) filed by you with the Nuclear Regulatory Commission on behalf of Citizens Against Nuclear Power (CANP). The Petition principally seeks institution of a Show Cause Proceeding under 10 CFR 2.202 to examine certain alleged safety issues described in the Petition. The alleged safety issues consist of construction deficiencies identified in affidavits previously provided to the Commission by the State of Illinois and Illinois Friends of the Earth in their petitions filed pursuant to 10 CFR 2.206 on March 24, 1982, and April 28, 1982, respectively. In addition, your Petition alleges deficiencies in the work of the Zack Company which were described in a television series on July 23 and 24, 1982.

Your Petition has been referred to me by the Commission for consideration pursuant to 10 CFR 2.206 and appropriate action will be taken on your Petition within a reasonable time.

I have considered your request at page 6 of your Petition, which sought emergency action, namely, immediate suspension of any operating license for the La Salle Unit 1 reactor presently in effect and also your request at page 1 of your Petition for an immediate halt in all further operating license proceedings for the La Salle facility. Your Petition asserts as grounds for these requests: (a) information contained in affidavits submitted by the State of Illinois on March 24, 1982 and by the Illinois Friends of the Earth on April 28, 1982, (b) certain allegations concerning Morrison program management, and (c) allegations relating to the work by the Zack Company.

The La Salle Unit 1 facility is presently authorized for operation up to and including 5% of rated power. Prior to authorizing this level of operation, the allegations which were the subject of the affidavits submitted by the State of Illinois on March 24, 1982, and by Illinois Friends of the Earth on April 28, 1982 were thoroughly investigated by both the staff of the Commission's Region III office and by members of my staff. The allegations were unsubstantiated. In the course of reviewing the allegations contained in the affidavits, additional allegations were also investigated. Two of these additional allegations were substantiated. In these limited instances in which a safety issue was identified, I undertook appropriate action, including conditioning of the operating license, to ensure that operation of Unit 1 posed no danger to the public health and safety. Enclosed is a copy of my denial pursuant to 10 CFR 2.206 of both the Petitions of the State of Illinois and the Illinois Friends of the Earth and the Investigation Report on which that denial was based. Given the thorough examination that these allegations have received, I see no basis for undertaking

any suspension of the current license under which the La Salle Unit 1 facility is being operated, nor do I see any reason for withholding the Amendment to the license for full power for this facility, given the thorough examination that these allegations have received.

Your Petition does present two additional allegations related to construction deficiencies which were not addressed in my denial of the Petitions of the State of Illinois and the Illinois Friends of the Earth. These generalized allegations relate to the competency of Morrison project management and the adequacy of welding and are identified at pages 3 and 4 of your Petition. In my judgement, these unspecified allegations provide no basis for immediate license suspension or for withholding the Amendment to the license for full power. The NRC staff will pursue these allegations in an effort to obtain the specificity required to investigate them. Should a health or safety problem be identified, I will take appropriate action which could include suspension, modification or revocation of the license.

Your Petition presents as a further basis for license suspension alleged irregularities at the Zack Company which have recently been the subject of media coverage in the Chicago area. These allegations were also the subject of a July 26, 1982 letter to the Chairman of the Nuclear Regulatory Commission from the Government Accountability Project with requested investigation into the matter before permitting full power operation of the La Salle Unit 1 reactor. Also relevant to this subject is a communication dated August 2, 1982 from the Zack Company to the Commission pursuant to 10 CFR Part 21 identifying additional deficiencies with respect to discrepancy between the welder of record and the welder who may have actually performed the welds.

The Commission's Region III and IV offices and members of my staff are conducting a vigorous inquiry into the substance of the allegations related to the Zack Company. The staff's efforts to date may be summarized as follows. The staff has reviewed information regarding the design, fabrication, and installation of the Heating Ventilation and Air Conditioning (HVAC) system provided to the staff by the licensee in meetings held on August 2 and 4, 1982. The staff has reviewed design documents, conducted inspections of HVAC activities including pre-operational testing, and conducted independent materials testing on material samples removed from the system. Our review of this matter is still in progress. However, certain preliminary conclusions have been reached. Testing results indicate that materials with acceptable chemical properties were used in the system fabrication. The design review confirmed that the system mechanical design possesses inherent design margin. The staff has also reviewed the pre-operational testing which was performed on the HVAC system. The pre-operational testing demonstrated that the system is capable of performing its intended function. Operation of the system to date has been normal.

To the extent that there may be structural deficiencies in the HVAC system, such deficiencies could impact plant operation in two ways. First, structural failure of the system could result in portions of the system falling and affecting other safety-related equipment. Such a failure is unlikely in light of the inherent design margins in the system, the confirmation that acceptable

materials were used in the system, and the licensee's inspections which have concluded that system supports have been installed in their proper locations. It is also possible that failure in the HVAC system could cause loss of its heating and ventilation function and so affect habitability of the control room or adequate cooling of certain plant components. For the same reasons as stated above, such a failure is unlikely. However, even in the event of such a failure, compensating actions could be taken. Portable fans and blowers used for smoke removal would be available to provide adequate air flow movement for heat removal. Within the control room, both permanent and portable air systems are provided to control room personnel for breathing, resulting in acceptable inhalation doses. For these reasons, I have concluded that continued operation of the La Salle Unit 1 facility at 5% power is justified.

For these same reasons, I have recommended to the Commission on August 5, 1982 the issuance of a license amendment to operate the La Salle Unit 1 facility at 100% power, subject to certain conditions. The Commission adopted my recommendation and voted in favor of the issuance of such an amended license. The license would be subject to the following conditions:

- (1) Prior to exceeding 5% power operation, the licensee must provide formal documentation satisfactory to the staff of information regarding HVAC system design, fabrication, and installation presented in meetings with the NRC staff on August 2 and 4, 1982.
- (2) Prior to exceeding 50% power operation, the licensee shall submit the results of an independent review acceptable to the NRC staff of the HVAC system, including design changes, fabrication, and installation. The review shall encompass all safety-related HVAC systems and the effect of non-safety related HVAC system failures on the safety systems.

It is estimated that the verification called for in the second license condition will be completed by September 15, 1982. During this relatively brief period when operation will be permitted up to 50% of full power, actual power operation is expected to average only 20% of full power. This will sharply limit the buildup of fission products in the reactor core resulting in significantly reduced potential for a serious radioactive release.

Your Petition also questions the thoroughness and independence of the NRC staff's investigation into alleged construction defects at the La Salle facility raised by the State of Illinois and the Illinois Friends of the Earth. You appear to challenge the NRC staff's procedure of relying upon the licensee's information to support the staff's investigative findings. While the NRC staff does rely upon submittals from the licensee in the conduct of its regulatory oversight, it does so only after assuring itself that such information is accurate and reliable. In the case at hand, the NRC staff undertook an extensive evaluation of the specific allegations raised by the State of Illinois and the Illinois Friends of the Earth. This investigative effort pursued the allegations raised by these entities and included extensive independent verification by the staff of information submitted by the licensee and independent inspections to provide assurance to the staff that the allegations raised were indeed groundless.

Mr. Edward M. Gogol

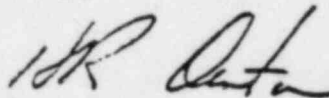
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It should be noted that the staff's investigation extended beyond the allegations raised in the Petitions filed pursuant to § 2.206 and encompassed additional allegations as they were raised during the course of the investigation. This exhaustive effort by the staff did substantiate two allegations, neither of which were raised in the original petitions filed pursuant to § 2.206. As noted above, I have taken steps to deal with the safety significance of the matters identified. In my view, the staff's investigation into the matters raised by the State of Illinois and by the Illinois Friends of the Earth indicated that the staff's review was independent, responsible and complete - quite the contrary to what you assert. I see nothing in your papers to support any other conclusion.

Consequently, for the reasons discussed above, I decline to either suspend the current operating license for the La Salle Unit 1 reactor or to withhold the Amendment to the license for full power operation for that unit. The NRC staff will continue to review the matters raised in your Petition. Following the staff's evaluation of the independent review of the HVAC system to be conducted pursuant to the license condition discussed above, I will issue a decision with regard to these matters.

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

Sincerely,



Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures:
As stated

cc: See next page

La Salle

Mr. Louis O. DelGeorge
Director of Nuclear Licensing
Commonwealth Edison Company
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Chairman
La Salle County Board of Supervisors
La Salle County Courthouse
Ottawa, Illinois 61350

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
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Springfield, Illinois 62706

U. S. NUCLEAR REGULATORY COMMISSION

(Docket Nos. 50-373 and 50-374)

COMMONWEALTH EDISON COMPANY

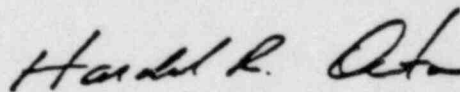
(La Salle County Nuclear Generating Station, Unit 1 and Unit 2)

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 July 28, 1982 (Petition), Citizens Against Nuclear Power (CANP) requested that certain actions be taken by the Nuclear Regulatory Commission with respect to the La Salle County Station, Units 1 and 2, of the Commonwealth Edison Company in light of certain alleged safety issues. The alleged safety issues consist of deficiencies in construction and quality control at the La Salle County Station, Units 1 and 2. The relief requested included institution of a Show Cause proceeding pursuant to 10 C.F.R. 2.202 and immediate suspension of any operating license of the La Salle Unit 1 reactor. 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 for the La Salle County Station, Units 1 and 2, located at Illinois Valley Community College, Rural Route #1, Ogelsby, Illinois 61348.

Dated at Bethesda, Maryland, this 6th day of August, 1982.

FOR THE NUCLEAR REGULATORY COMMISSION



Harold R. Denton, Director
Office of Nuclear Reactor Regulation