

August 31, 1982



SECY-82-362

ADJUDICATORY ISSUE
(Information)

For: The Commissioners

From: Sheldon L. Trubatch
Acting Assistant General Counsel

Subject: DIRECTOR'S PARTIAL DENIAL OF 2.206
PETITION (IN THE MATTER OF COMMONWEALTH
EDISON COMPANY)

Facility: LaSalle County Nuclear Generating
Station, Units 1 and 2. 50-373 & 50-374

Purpose: To inform the Commission of the denial
of interim relief and to recommend
Ex. 5

Review Time Expires: September 16, 1982 (as extended).

CONTACT: Richard Parrish, OGC
x43224

9401270051 910526
PDR FOIA
GILINSK92-436 PDR

in accordance with the Freedom of Information
Act, exemptions 5
FOIA- 92-436

T/116

Discussion:

On July 28, 1982, Citizens Against Nuclear Power (CANP) petitioned the NRC pursuant to 10 CFR 2.206 to: (1) suspend and revoke any license allowing Unit 1 to operate at or above criticality; (2) immediately halt all operating license proceedings for Unit 1; and (3) to conduct public hearings on CANP's allegations and to admit CANP as a party to those proceedings. The Director, NRR, denied the requests for immediate action on August 6, 1982, prior to the issuance of the conditional full-power operating license for LaSalle, indicating that the staff would continue to pursue these matters as appropriate.

The CANP petition alleged various construction deficiencies and related problems as the bases for this request. First, CANP repeated allegations contained in 2.206 petitions filed by the State of Illinois and the Illinois Friends of the Earth, based on information contained in affidavits which accompanied those petitions. See SECY-82-314. The Director noted that these allegations had been thoroughly investigated and provided CANP a copy of the July 19, 1982 Director's Decision (DD-82-9) together with the underlying Investigation Report. CANP also alleged problems relating to the competence of Morrison (a contractor) project management and the adequacy of welding. However, the Director found no basis for emergency relief in CANP's unspecified allegations. CANP also cited construction deficiencies outlined in the testimony of former Zack Company quality assurance employees. The Director noted that the staff has reviewed information regarding the design, fabrication and installation of the heating, ventilation and air conditioning (HVAC) system. The Director again determined that emergency

3

relief was not necessary, based upon preliminary conclusions that the system's mechanical design contains inherent design margins, the results of pre-operational testing demonstrating that the system is capable of performing its intended function, and the ability to compensate for HVAC system failure during operation at or below 5% of full power. As for operation at higher powers, the Director noted that the licensee may not exceed 5% of full power until the staff is satisfied with the documentation of HVAC system design, fabrication and installation; and may not exceed 50% of full power until the staff accepts an independent review of the HVAC system. The Director expects that the independent review will not be completed until September 15, 1982 and that the plant will actually operate at only an average of 20% of full power during that time. Accordingly, the Director believes that there will be no significant buildup of fission products in the core until the independent review is completed, and thus, such operation will not present a significant potential for serious release of radioactivity. The Director noted that staff review of these matters was still in progress and that appropriate action would be taken within a reasonable time.

Finally, CANP alleged that the NRC's investigations were neither thorough nor independent. The Director concluded that, contrary to CANP's assertion, the staff's review of these matters was independent, responsible, and complete. The staff does not rely entirely upon the licensee's information to suggest investigative findings. Rather, the staff sought extensive independent verification of licensee information and conducted independent inspections to assure itself that the allegations were groundless.

Consequently, the Director denied CANP's request for emergency relief but noted that the staff would continue to review the matters raised in its petition.

In our view,

Ex. 1

Accordingly, we believe

that

Recommendation: *EXE*

Sheldon L. Trubatch
Sheldon L. Trubatch
Acting Assistant General Counsel

Attachments:

- 1. CANP Petition
- 2. Director's Partial Denial

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Rel.

ATTACHMENT I

CITIZENS AGAINST NUCLEAR POWER
407 S. Dearborn, Suite 930
Chicago, Illinois 60605

EXPRESS MAIL

July 28, 1982

Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555

Attention: Chief Docketing and Service Section

RE: Request to Institute A Show Cause Proceeding and for Other Relief
Commonwealth Edison Company
Docket Nos. 50-373, 50-374

Dear Sir or Madam:

Please find enclosed an original and 3 copies of Request To Institute A Show Cause Proceeding and for Other Relief for filing with the Nuclear Regulatory Commission. Please file the original and 2 copies as required by 10 CFR 2.708(d). Please stamp the third copy as "filed" and return it to this office in the enclosed self-addressed stamped envelope.

One copy of this document has been sent to Mr. J. Keppler at NRC Region III and one copy to Commonwealth Edison.

Edward M. Gogol
Executive Director
CITIZENS AGAINST NUCLEAR POWER
(312) 864-7897, 786-9041

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
COMMONWEALTH EDISON COMPANY
LaSalle County Atomic Power Plant
Units 1 and 2

Docket Nos. 50-373 and 50-374

REQUEST TO INSTITUTE A SHOW CAUSE PROCEEDING AND FOR OTHER RELIEF

I. RELIEF REQUESTED

CITIZENS AGAINST NUCLEAR POWER (CANP), an Illinois organization with more than 500 members, a substantial part of whom reside within 10 miles of the LaSalle County Atomic Power Plant, pursuant to the Atomic Energy Act and 10 C.F.R. 2.206, hereby requests the United States Nuclear Regulatory Commission, and/or the Director of Nuclear Reactor Regulation, to institute a proceeding pursuant to 10 C.F.R. 2.202:

- a. to suspend and revoke any license allowing Unit 1 reactor operation at or above criticality;
- b. to immediately halt all operating license proceedings for Units 1 and 2;
- c. to hold full and open public hearings into the evidence described in this petition, and to admit CANP as a party thereto.

II. BACKGROUND INFORMATION

Over the years of construction, a variety of information related to construction flaws at the LaSalle reactors has accumulated. This information includes:

- o two sworn affidavits obtained by the State of Illinois - one from Ernest Garrison, a LaSalle construction worker, and one, from the eminent nuclear engineer Dale Bridenbaugh, which assesses the significance of the conditions described by Mr. Garrison. These affidavits were presented to the Nuclear Regulatory Commission on March 24, 1982;
- o four sworn affidavits from LaSalle construction workers obtained by the Government Accountability Project, and provided to the Nuclear Regulatory Commission on April 28, 1982;
- o evidence presented to the Nuclear Regulatory Commission by former Quality Assurance employees of the Zack Co., which has been described by WMAQ-TV in a two-part series on July 23 and 24, 1982;

- o material which has been obtained by CANP at the NRC Public Document Room in Region III Headquarters; and
- o material which has been obtained from the NRC Office of Nuclear Reactor Regulation in response to a Freedom of Information Act Request dated March 11, 1982 (FOIA 82-168).

More than one investigation into these construction deficiencies has been undertaken by the NRC, and at least one such investigation is currently ongoing. Since July 21, 1982 (the date of Unit 1 initial criticality), these investigations have been carried out during periods of Unit 1 reactor operation.

Besides this petition, two requests to institute a show-cause proceeding with respect to LaSalle Units 1 and 2 are currently pending before the Nuclear Regulatory Commission - one by the State of Illinois and one by the Illinois chapter of Friends of the Earth.

There are no compelling reasons to rush the LaSalle plant into operation. The power that the plant would produce is not currently needed, as Commonwealth Edison has drastically overestimated real power needs. Indeed, keeping LaSalle closed until and unless the construction defects are corrected, will actually result in lower electric bills for Commonwealth Edison ratepayers because it will have the effect of keeping the \$2.5 billion already spent on LaSalle out of the "rate base".

Despite the evidence of construction defects described above, despite the ongoing investigations of these defects by the NRC, despite the pending petitions requesting the NRC to prohibit operation of either LaSalle reactor, and despite the absence of any compelling reasons to rush the LaSalle reactors into operation, the NRC has, in turn, authorized Edison (1) to load fuel into LaSalle Unit 1, (2) to operate Unit 1 at "zero power" (actually about 1% of rated thermal power), and (3) to operate Unit 1 at up to 5% of full power.

III. STATEMENT OF FACTS

The evidence which has accumulated in the last several years, especially that obtained as sworn affidavits from LaSalle construction workers, indicates the presence of widespread and severe construction flaws and defects in both "safety-related" and "non-safety-related" structures throughout the plant, including the primary containment structures for both reactors. This evidence indicates that many of these construction flaws were the result of willful and conscious misconduct on the part of supervisory personnel.

Example: Construction workers described widespread and massive honeycombing of concrete and massive and indiscriminate severing of reinforcing rods.

"Removing the panel revealed a giant void in the concrete, so large that a man could climb right in and lie down...I wondered how many other spots on the pedestal were honeycombed with holes. The construction crews did not remove all the steel plates to check."

* *

"...it was the usual practice, upon contacting metal reinforcement or rebar during core drilling, to drill through the metal rebar. I was instructed to follow this practice, and to the best of my knowledge it was the general practice among the other core drillers...On one occasion I drilled a 6" diameter hole through rebar in the reactor building of Unit 1. It was at a place where all the steel tied together, and I removed about 25-40 pounds of steel. It took me 2 or 3 days to drill this hole. [the foreman] instructed me to keep drilling the hole, and he added, "If you can't do it, we'll get someone who can."

* *

"Construction crews core drilled right through the reinforcement bars. Part of the reason for the damage was that there were internal voids in the concrete of the pedestal itself. When the jackhammers chipped into the concrete, the voids caused the jackhammers to jump. The jackhammers took off and both cut through reinforcement bars and increased the honeycombing already inside the concrete."

Concerning the overall status of the quality control program at LaSalle, the picture is the same. Evidence obtained from LaSalle construction workers indicates that widespread violations of quality-control procedures and standards occurred throughout the period of construction, involving structures and components in both "safety-related" and "non-safety-related" structures throughout the plant. Many of these quality control violations occurred as a result of willful and conscious misconduct on the part of supervisory personnel.

Example:

"The quality control inspectors did not seem to care. Quality control was more like a joke at LaSalle than anything else."

* *

"The construction crews would pack the outer two or three blocks in with mortar and just shove the rest in without any binding. When I complained to a foreman he said that Quality Control did not care.

"Even when mortar was used, it was shoddy quality. There was too much sand in the mortar...Around a third of the time my superintendent was present and ordered me to add extra sand...There were mortar tests, but the superintendent always knew when the tests were scheduled and let me do it right then."

* *

"Sometimes Morrison project management says to accept some things that are not according to our standard operation procedures. For example, welders may be certified to a weld procedure after the weld is made. Sometimes, if a welder is not qualified on a weld he has made, the management says, 'We will call it another kind of weld.'"

* *

the foremen say sloppy work is okay because it is in some place hard to see. The foremen say they will never see it; it is okay."

Many times I have overheard a quality control inspector tell construction that something was done wrong and that he would be back. Soon the inspector would come back and say the defect was OK after all.

Although primary blame for these quality control violations and construction defects must lie with Commonwealth Edison, the Nuclear Regulatory Commission must also take some responsibility. Evidence obtained from LaSalle construction workers and from the Nuclear Regulatory Commission indicates that the NRC's quality oversight duties were in many respects not performed at all or performed in an extremely flawed manner.

The construction flaws and quality control violations which have come to light in the last several months should have been discovered by the NRC years earlier, when the faulty construction work was done. Material obtained from the NRC via a Freedom of Information Act request indicates that many of these defects were unknown to the NRC until the State of Illinois and the Government Accountability Project presented the NRC with sworn affidavits from construction workers detailing them.

Example:

CANP's Freedom of Information Act Request (mailed March 30, 1982) requested any and all information related to, among other things, "concrete defects, including honeycombing, especially honeycombing of the Units 1 and 2 reactor pedestals and primary containment structures; improper pouring procedures; improper procedures for vibrating of concrete; improper procedures during concrete setting, especially concrete setting too fast; improper mixing of concrete."

Despite this request, however, the NRC's response (dated one and one-third months later!) included only one incomplete reference to a concrete void, and contained no references whatsoever to the voids in the Unit 1 reactor pedestal which were apparently common knowledge to a great many construction workers. (Copies of CANP's request and the NRC's response are appended hereto.)

Furthermore, some evidence of construction defects and quality control violations that was brought to the NRC's attention as early as 1978 was either ignored, or not seriously investigated.

Example:

In 1978 a General Accounting Office investigation at LaSalle resulted in workers making detailed statements describing construction defects. An NRC memorandum (dated 2/2/78, from C. E. Norelius to R. F. Beishmann) specifies that the NRC will "conduct a detailed investigation into the GAO findings" and will "prepare two inspection reports". Nevertheless, no written results of any such NRC investigation were included in the NRC response to the FOIA request.

Attached to Norelius' memo was a document, "Statements Concerning Quality of Plant Construction", apparently prepared by GAO investigators and given to the NRC so that the NRC could follow up. It included names and phone numbers of the workers who described the construction flaws.

Also attached was a photocopy of 12 pages of written notes, poorly photocopied and essentially illegible. Apparently this gibberish was the sum total of the NRC's "detailed investigation" into the evidence brought out by the GAO. Although this material was brought forward in 1978, nothing else in any NRC document since then alludes to it. -

A 1/31/78 memo to R.F. Heishmann from D.W. Hayes is a similar example. This memo notes that Hayes, the Chief of the Projects Section of RIII, received call from an electrician concerned about unsafe, poor quality welding on electrical cable tray supports within Unit 1 containment. Although this material was brought forward in 1978, nothing else in the NRC response alludes to it. The allegation appears to be completely unresolved.

Certain aspects of the NRC's current investigation(s) into these matters indicates that the NRC is accepting as truth reassurances from Commonwealth Edison Company while ignoring the sworn affidavits from construction workers which contradict these reassurances. Such practices by the NRC are at best highly questionable.

Example:

The 3/29/82 "OFF-GAS BUILDING ROOF REPORT" by Daniel Shamblin concludes categorically that "The Off-Gas Building roof concrete is 12 inches thick per specifications. There is no abnormal concrete cracking due to concrete expansion anchors and/or the former electrical equipment. The roof will serve its intended function." A close reading reveals that Mr. Shamblin's only bases for this conclusion are reassurances by personnel of the Walsh Construction Co. and Commonwealth Edison. Mr. Shamblin made no tests himself, despite a construction worker's statement, referred to in the memo by J. Foster, that "holes drilled for expansion anchors in the ceiling of the off-gas building (725 foot elevation) penetrated the concrete and asphalt roof covering."

The NRC's "Report No. 50-373/83-35 (DETP); 50-374/82-06 (DETP)" (hereinafter referred to as the "July 11 NRC report"), which alleges that "there are no remaining technical issues to preclude the licensee from operating Unit 1 above zero percent power", indicates that the NRC "investigation" of this evidence has not been objective; rather, that this "investigation" has been severely biased; and that this "investigation" is based on paper assurances and not real objective data.

Example:

In the July 11 report (page 8), the NRC states that they consider Sargent & Lundy's "estimate" of 5 to 6 pounds of steel cut and removed by Ernest Garrison during the drilling of one hole to be valid (and Mr.

Garrison's first-hand knowledge that he removed 25 to 40 pounds invalid). "Calculations" can easily be wrong; especially when performed by persons with a vested interest in covering up their mistakes. Yet the NRC unquestioningly accepts Sargent & Lundy's assertion as truth.

In the July 11 report, the ERC attempts to maintain the fiction that rebar severing was neither indiscriminate nor unreported: "Drawings on which the specifics of any damaged or cut reinforcing steel were designated, were continuously maintained and updated by Sargent & Lundy as information of damaged steel was received from the field contractors." The report contradicts itself, however, one page further: "The site contractors are not required to report reinforcing steel which has been cut or damaged during the coring operation."

Incontrovertible proof that the ERC has not been carrying out an unbiased investigation of all the evidence is provided by the fact, referred to by Mr. Bridenbaugh in his affidavit, that the operation of the reactor at any power level above criticality precludes full access to all structures and components.

This sad spectacle of an NRC unwilling to carry out its responsibility to protect the public health and safety, highlights the necessity of evaluating the evidence in open, public hearings. The State of Illinois has retained the eminent nuclear engineer Dale G. Bridenbaugh (formerly employed by General Electric) as a consultant on this case; and the eminent nuclear scientist Dr. Robert Pollard (formerly employed by the Nuclear Regulatory Commission and now with the Union of Concerned Scientists) has also commented. The participation of such independent and eminent authorities can only help the NRC in the proper evaluation of this evidence. Furthermore, there is no compelling reason not to hold such hearings, since the power from the LaSalle reactors is not currently needed and since any delay in bringing LaSalle "on-line" will help to hold down electric bills to Commonwealth Edison ratepayers.

IV. EMERGENCY NATURE OF REQUEST

CANP requests that the NRC suspend any operating license for LaSalle Unit 1 reactor immediately, or, failing that, within the shortest possible time span - certainly within one week from receipt of this document.

Such rapid action is necessitated by the extreme and unacceptable dangers posed by the LaSalle Unit 1 reactor. Even operating at only a few percent of full power, the reactor produces very large quantities of long-lasting and extremely toxic radioactive poisons. Even if the plant had been built exactly to specifications, a devastating accident involving the release of this radioactive garbage to the environment cannot be ruled out. Given the severe construction defects and quality control violations described herein, the risk

of such a catastrophe is increased to an unknown but unacceptable degree. Eliminating this risk, especially in the clear lack of any countervailing benefits from operation of the LaSalle plant, is a public health responsibility of the highest degree, and a responsibility which the NRC should clearly take on. LaSalle Unit 1's operating license should be revoked immediately.

Edward Gogol

Edward Gogol
Coordinator
CITIZENS AGAINST NUCLEAR POWER

July 28, 1982

March 30, 1982

U.S. Nuclear Regulatory Commission
Director, Division of Rules and Records
Office of Administration
Washington, DE 20555

Gentlemen:

Pursuant to the Freedom of Information Act, as amended, 5 USC 552, and the Privacy Act of 1974, 5 USC 552A, I hereby request a copy of any and all documents relative to the Commonwealth Edison construction of two nuclear power plants in LaSalle, Illinois, Docket Nos. 50373 and 50374, as hereinafter specified.

Construction problems, defects, lack of adherence to government construction codes or standards, relating to, but not limited to, the following:

1. Concrete defects, including honeycombing, especially honeycombing of the Units 1 and 2 reactor pedestals and primary containment structures; improper pouring procedures; improper procedures for vibrating of concrete; improper procedures during concrete setting, especially concrete setting too fast; improper mixing of concrete;
2. Failure to remove debris from forms before pouring concrete, debris including wood, barrels, metal, plastic tarps, etc.
3. Improper assembly of steel rod reinforcing structures, especially indiscriminate or excessive cutting of assembled structures.
4. Poor quality welding of pipes and other structures, including failure to seat pipe ends prior to welding, visible pipe leaks, welds with open gaps containing only weld material, lack of adherence to pipefitting or welding codes, poor quality control, lack of inspection or radiography of welds.

5. Improper or incomplete mortaring of high-density concrete block structures, including use of poor quality mortar or mortar with improper proportions of ingredients.
 6. Covering up with concrete of ends of pipe inserted into main reactor containment structures for strengthening cable to be passed through.
 7. Cracks or other defects in the stack or the steel supports for the stack.
 8. Any and all explosions, including, but not limited to, explosions in the area of the top of reactor 1; explosions which blew off either the reactor lid or the lid the reactor refueling pit; explosions which blew a hole in the reactor building roof; explosions resulting from purging, pressurization or depressurization tests of the containment structures.
 9. Sabotage by construction workers.
 10. Fraud by construction companies or Commonwealth Edison personnel.
 11. Deaths or maiming injuries to construction workers;
- If you determine that some portions of the requested information are exempt:
1. Please provide me with a copy of the remainder of the file;
 2. Advise of the specific exemptions which you think justifies your refusal to release the information; and
 3. Inform me of your agencies appeal procedures.

As you know, the amended act permits you to waive or reduce the fees if that "is in the public interest because furnishing the information can be considered as primarily benefitting the public". I believe that this request plainly fits this category; and, accordingly, request that you waive any fees. If your agency elects not to waive said fees, please advise of the costs involved.

U.S. Nuclear Regulatory Commission
Director, Division of Rules and Records
Pgge 3
March 30, 1982

As provided for in the amended act, I shall expect to receive a reply
within ten (10) working days. Thank you for your cooperation.

Very truly yours,

Jan L. Kodner
Attorney for Citizens
Against Nuclear Power, Inc.

JLK/vl



NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 11, 1982

Jan L. Kodner, Esquire
Tutt and Kodner - Suite 1004
173 West Madison Street
Chicago, IL 60602

IN RESPONSE REFER
TO FCIA-82-168

Dear Mr. Kodner:

This is in response to your letter dated March 30, 1982, in which you requested, pursuant to the Freedom of Information Act, copies of all documents relative to the Commonwealth Edison construction of two nuclear power plants in LaSalle, Illinois, Docket Nos. 50-373 and 50-374, and concerning the eleven categories defined in your letter.

In response to your request, copies of the documents listed on Appendix A hereto are enclosed.

Portions of the documents listed on Appendix A hereto, which have been identified with an asterisk (*), have been deleted in order to withhold the names of individuals and their personal identifiers so as to protect the confidentiality of these sources. Because disclosure of this information would constitute a violation of a pledge of confidentiality, it is being withheld from public disclosure pursuant to Exemption (7)(D) of the Freedom of Information Act (5 U.S.C. 552(b)(7)(D)) and 10 CFR 9.5(a)(7)(iv) of the Commission's regulations.

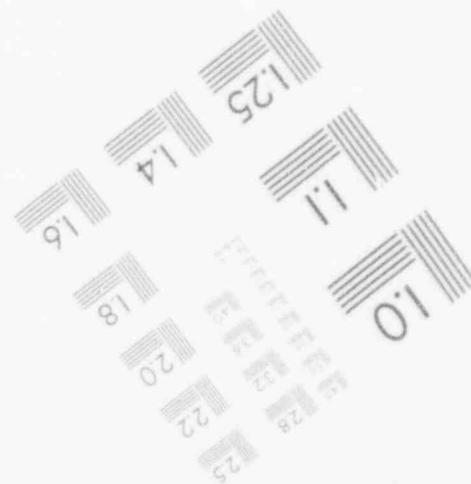
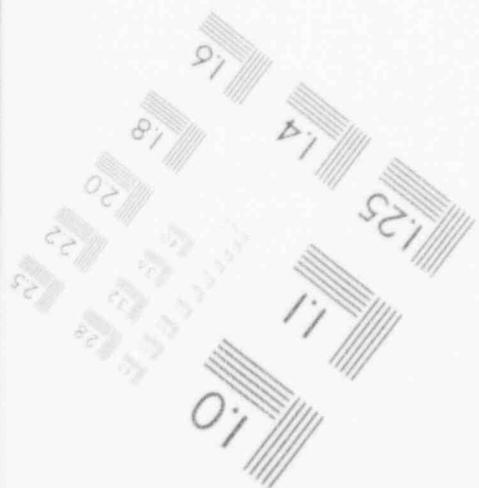
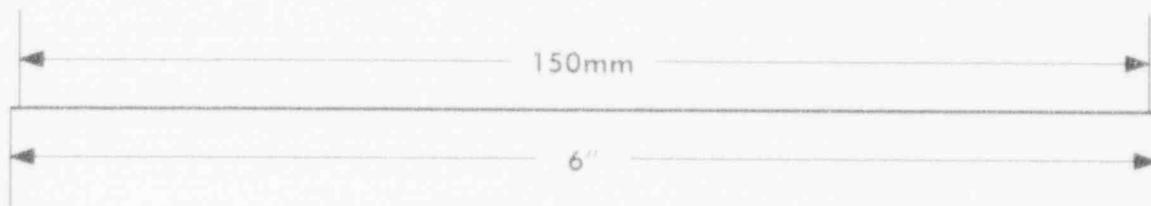
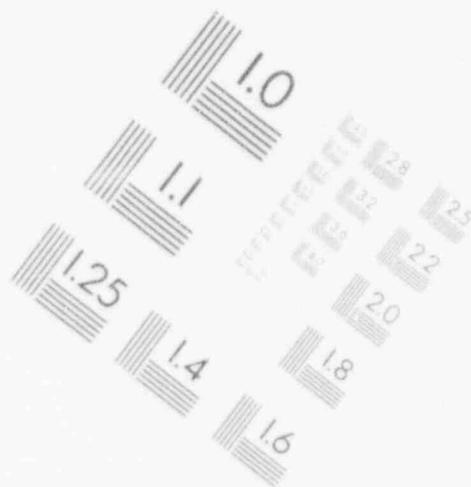
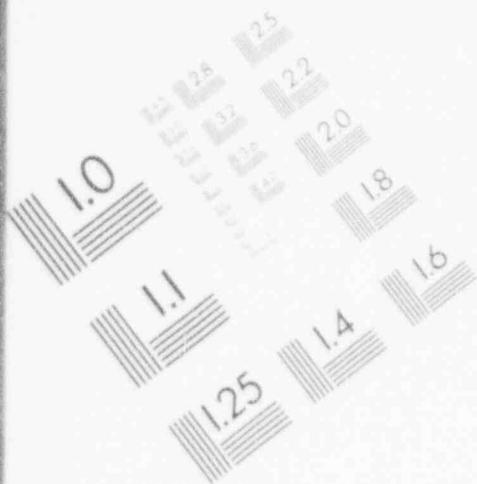
Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. James G. Keppler, Regional Administrator, Region III.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial OIA Decision."

Finally, in addition to the documents identified on Appendix A, approximately 90 drawings, each measuring 3 feet by 4 feet in size were brought to the March 31, 1982 meeting with Commonwealth Edison personnel at the NRC. Only this one set of drawings is available in the NRC. We estimate that the charge to reproduce a copy of each drawing for your use would be approximately \$18.00 per drawing (i.e. 3 feet x 4 feet x approximately \$1.50 per square foot = \$18.00 per drawing).

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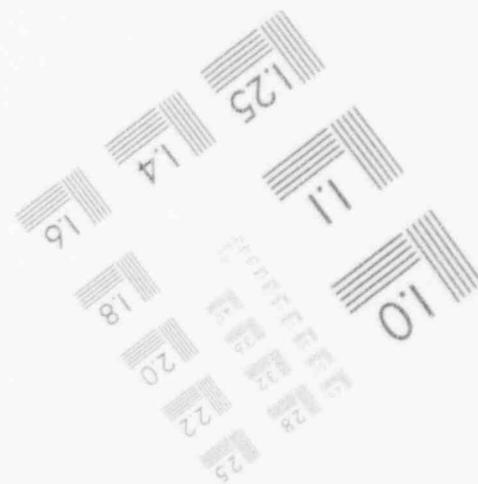
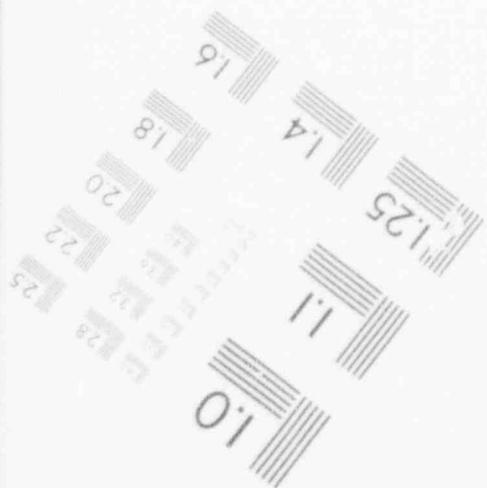
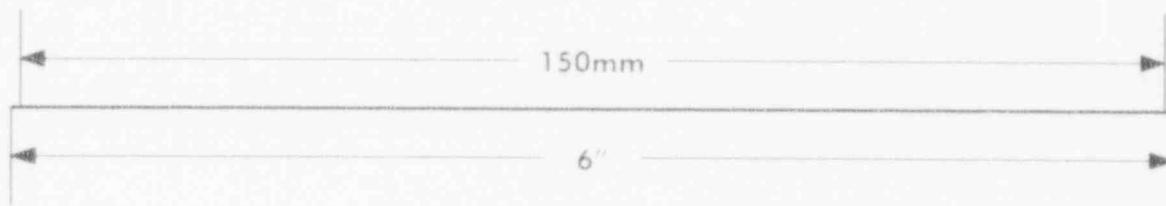
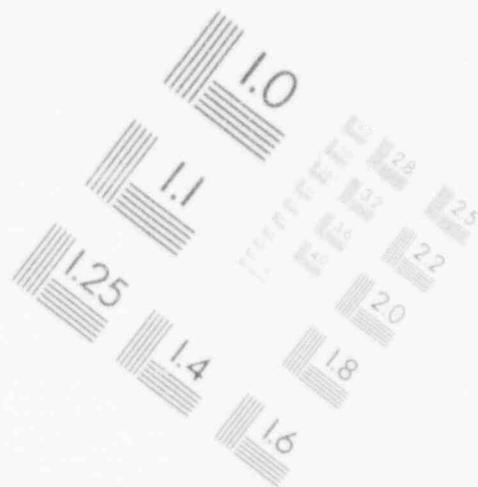
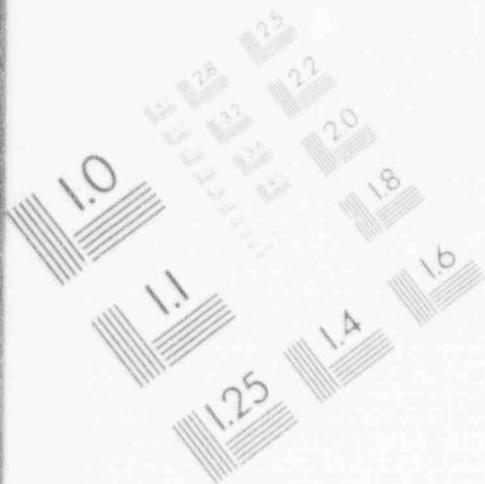
IMAGE EVALUATION TEST TARGET (MT-3)



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770 BASKET ROAD
P.O. BOX 338
WEBSTER, NEW YORK 14580
(716) 265-1600

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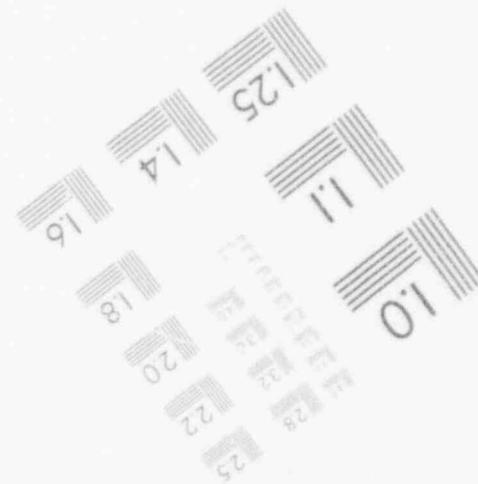
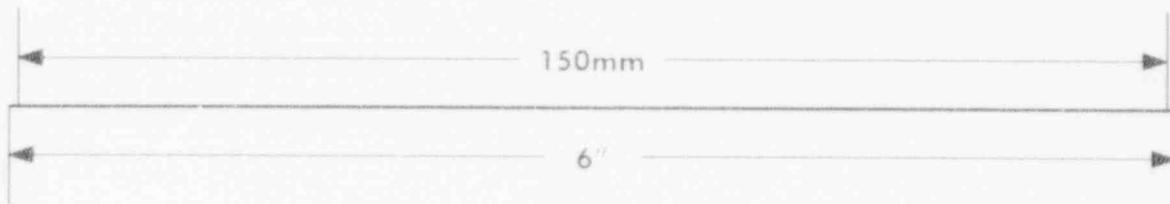
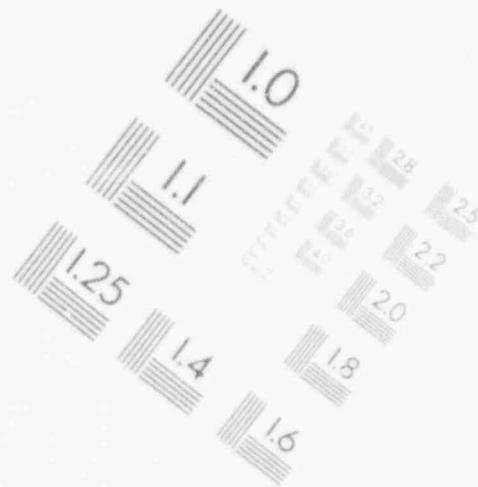
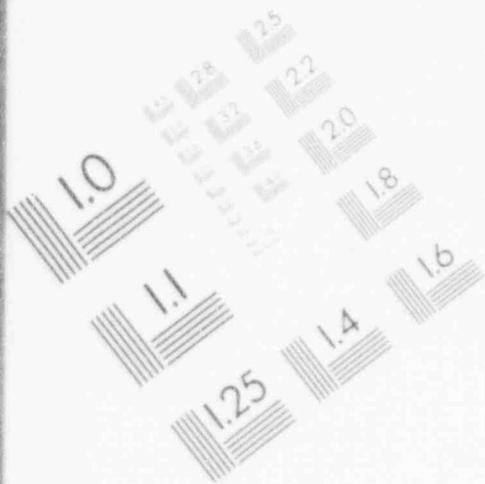
IMAGE EVALUATION TEST TARGET (MT-3)



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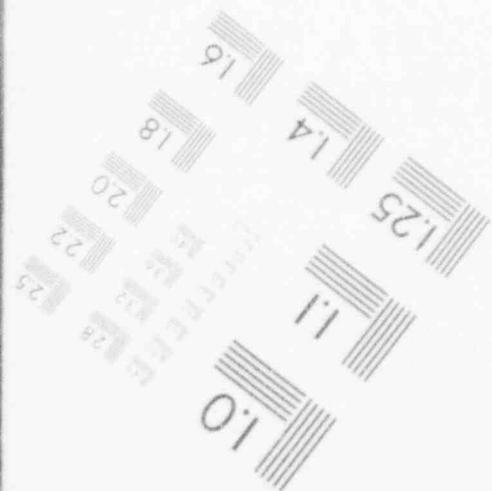
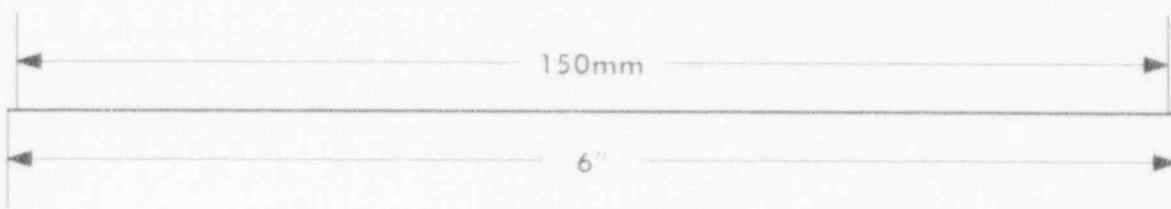
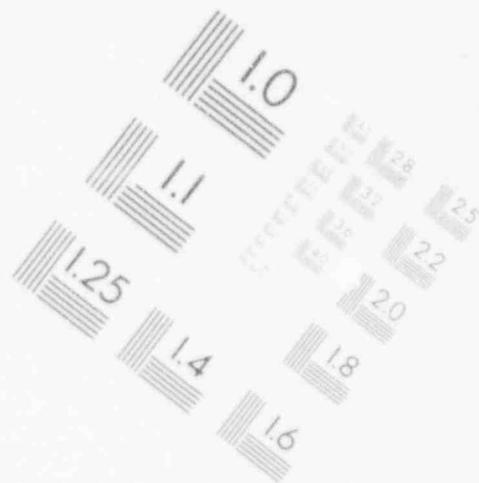
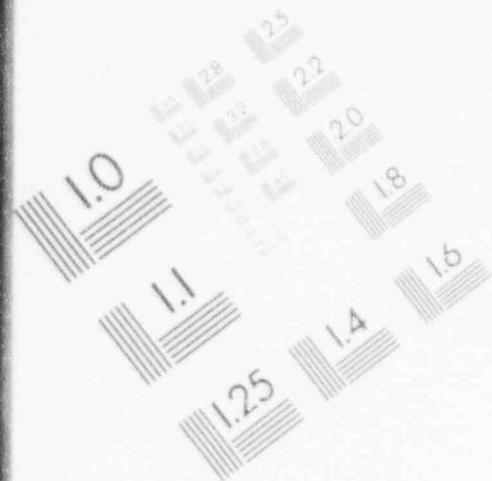
IMAGE EVALUATION TEST TARGET (MT-3)



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IMAGE EVALUATION TEST TARGET (MT-3)



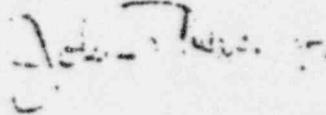
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Jan L. Kodner, Esquire

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Please advise us if you want copies of the drawings reproduced for your use. If so, the NRC will bill you for the actual cost of reproduction as set forth in the Commission's regulation, 10 CFR Part 9.14(b)(2).

Sincerely,



J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosures: As stated

Appendix A

Documents relative to Items 1 and 3

1. 2/2/78 Memo to: Norelius from: Heishman w/attachments (2 pages)
 - *a. Statements Concerning Quality of Plant Construction (3 pages)
 - *b. Notes from GAO (13 pages)

12/12/77 Letter from GAO is not in RIII files.
- *2. 1/31/78 Memo to: Heishman from: Hayes (1 page)

*Attachment was a handwritten note with several references to the "electrician" and the references could not be bracketed.
3. 3/18/82 Letter to: Anthony Bournia, NRR, from: J. S. Goodie, Assistant Attorney General (2 pages)
4. 3/25/82 Memo to: Norelius from: Warnick w/attachments (2 pages)
 - *a. 3/13/82 Memo from: James Foster to RIII files thru R. Warnick (2 pages)
 - *b. 1/28/82 Memo from: Warnick to: RIII files (2 pages)
 - *c. 2/10/82 Memo from: Foster to: RIII files (2 pages)
 - *d. 2/26/82 Memo from: Warnick to: RIII files (2 pages)
5. 3/30/82 Memo from: Keppler to: DeYoung (1 page)
6. 3/29/82 Notes "Off-Gas Building Roof Report" (2 pages)
- *7. 3/31/82 Memo from: Foster to: RIII files Thru: R. Warnick (1 page)
- *8. Partial LaSalle Chronology (11/7/75 thru 4/2/82) (2 pages)
9. 10/10/74 GC Nonconformance Report for Construction and Test (6 pages)
10. 8/25/77 A&H Engineering Corporation, Report of Concrete Placement (3 pages)
11. Walsh Construction Company instructions entitled, "General" (8 pages)
- *12. 3/8-9/78 Request for documents from Morrison Construction Co., Inc. (4 pages)
13. 3/8/78 Request for documents from Mr. Kranz signed by Foster (1 page)

Appendix A

Documents relative to Items 1 and 3

- *14. 10/18/77 Morrison Construction Company, Report of Radiographic Examination (2 pages)
- 15. 4/76 Morrison Construction Company - Standard Operating Procedure (8 pages)
- 16. Key Plan - LaSalle Site (1 page)
- ✓ 17. Business card - Tom W. Miller, P. E. (1 page)
- ✓ *18. Undated Action Plan (1 page)
- ✓ *19. Undated Items to be inspected (after interviews) (1 page)

Documents relative to Items 1 and 2

- *20. Individual Identifier Code - Reports 50-373/78-06 and 50-374/78-05 (1 page)
- *21. 2/27/78 Interview (3 pages)
- *22. 2/27/78 Interview (4 pages)
- *23. 2/28/78 Interview (3 pages)
- *24. 3/1/78 Interview (1 page)
- *25. 3/2/78 Interview (2 pages)
- *26. 3/6/78 Interview (1 page)
- *27. 3/6/78 Interview (1 page)
- *28. 3/7/78 Interview (3 pages)
- 29. 3/7/78 Interview (1 page)
- *30. 3/8/78 Interview (1 page)
- 31. 3/8/78 Interview (1 page)
- *32. 3/8/78 Interview (1 page)
- *33. 3/8/78 Interview (1 page)
- *34. 3/13/78 Interview (1 page)
- 35. Undated Interview (1 page)

Appendix A

- *37. 3/8/82 Interview (1 page)
- *38. 3/8/82 Interview (1 page)
- *39. 3/26/82 Interview (1 page)

*Names and personal identifiers of individuals have been deleted and withheld to protect confidential sources.

Documents relative to Item 9

- 40. 4/15/81 Daily Reports (1 page)
- *41. 4/21/81 Daily Reports (1 page)
- *42. 4/24/81 Daily Reports (1 page)
- *43. 4/27/81 Daily Reports (1 page)
- *44. 4/30/81 Daily Reports (1 page)
- *45. 5/7/81 Daily Reports (1 page)

Documents relative to Item 3

- 46. 9/23/76 Exhibit 4A - Sargent & Lundy Engineers, Chicago - Specification for Concrete Expansion Anchor Work, LaSalle County Station - Units 1 and 2 (214 pages)
- 47. 3/24/82 Letter To: Secretary, U.S. NRC, From: J. S. Goodie re: Request to Institute A Show Cause Proceeding and for Other Relief - Commonwealth Edison Companys Docket. Nos. 50-373, 50-374 w/attached affidavits (29 pages)
- 48. 3/31/82 Transcript: COMMONWEALTH EDISON COMPANY, LaSalle County Nuclear Generating Station, Unit 1 and Unit 2, Docket Nos. 50-373 and 50-374, Pages 1 - 77

Ret.

ATTACHMENT 2



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

LBB
r-RP

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.

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