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August 24, 1982

Mr. Harold Denton, Director
Nuclear Reactor Regulation
Nuclear Regulatory Commission
9720 Norfolk Avenue
Bethesda, Maryland 20814

Re: Commonwealth Edison Company, LaSalle County Units
1 and 2, Docket Nos. 50-373, 374, Independent
HVAC Review and Related License Conditions

Dear Mr. Denton:

This letter presents further comments and questions on behalf of the People of the State of Illinois relating to the Commission's recent decisions to authorize LaSalle County Unit 1 to operate above 5% power and up to 50% power, and to require an independent review of the safety of the LaSalle County HVAC system. These comments will be among those presented by this office at a public meeting, scheduled for August 24, 1982 at the NRC Region III offices, to discuss the plan for C.F. Braun's independent HVAC review.

At this time, our comments are limited to the documents on these matters that are presently available to us:

1. Amendment No. 4 to the LaSalle County Operating License, issued August 13, 1982 (and received August 19);
2. Commonwealth Edison Company's letter to C.F. Braun and Company, dated August 13, 1982 (and received August 20) outlining the scope of the HVAC review;
3. Government Accountability Project's (GAP) letter to James Keppler, Region III Administrator, dated August 13, 1982 (and received August 23) commenting on the Braun review as discussed at the public meeting of August 11, 1982.

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4. Documents presented at meetings of the NRC staff and of the Commission on August 2, 4 and 5, 1982, by Edison and by the NRC staff.

We have not been provided with any proposal or description of the independent review process by C. F. Braun, nor with any agreement or purchase order which specifies the nature of the review. Nor have we received any documentation of the technical basis for license conditions 2 C(33)(a) and (b), authorizing 5% and 50% power operation, respectively, prior to the completion and approval of the HVAC review. Upon receipt of such additional documentation this office reserves the right to file additional substantive comments on the independent HVAC review and upon the manner in which the Commission has licensed LaSalle for operation above 5% power.

Licensing Decisions

1. Upon what technical basis did the Commission decide that the HVAC design, fabrication and installation at LaSalle Unit 1 warranted permitting the operation of the plant at 5% to 50% power?
 - a. What formal documentation did Edison submit according to License Condition 2.C(33)(a)?
 - b. Upon what technical basis did the Commission determine that it had reasonable assurance that operation at 5% to 50% power can be conducted without endangering the public health and safety, as required by 10 C.F.R. 50.57, in view of the allegations by GAP of the failure of the Zack Company quality assurance program to verify the quality of the HVAC system?
 - c. What was the role of Edison's testing schedule, which called for achieving 50% power by September 15, 1982, and Edison's proposal of August 4 to submit an independent review of the HVAC system by September 15, in the Commission's decision to permit power operation up to 50% pending approval of the independent review?
 - d. Does the Commission or the staff intend to publish a Safety Evaluation Report of its technical basis for License Condition 2 C(33)?

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2. Upon Edison's submittal of an approved independent review of the HVAC system, and upon the NRC staff's finding that no safety concerns remain as to the design, fabrication and installation thereof, does the Commission or the staff intend to publish a Safety Evaluation Report explaining such a finding?
3. Does the Commission understand License Condition 2 C(33) (b) to require that the NRC staff approve the independent review and make findings on the question of safety concerns prior to the plant's exceeding 50% power operation? This question is prompted by Edison's letter to C. F. Braun expressing an intention to submit the review to the NRC at the time 50% power testing is scheduled to be completed.
4. Will the HVAC system at LaSalle Unit 2 be subjected to similar independent scrutiny prior to the decision on a low power operating license for Unit 2?

Edison's Proposal for Independent HVAC Review

Edison's letter and Attachment dated August 13, 1982 are very general as to the scope of the HVAC review. Because we have not had an opportunity to read and consider Braun's more detailed proposal for carrying out the study, these comments must be regarded as preliminary only. It is regrettable that the Braun proposal will not be available prior to the meeting called to discuss the HVAC review. Assuming that a written detailed plan for the HVAC review will be forthcoming at some time either from Braun or from Edison, prior to the NRC's approval of the plan, Illinois requests sufficient time to review the plan with our consultant and to submit further questions and comments prior to its acceptance by the NRC. Without such an opportunity to comment, meaningful public discussion of the independent review is hardly possible. Nevertheless, certain comments are appropriate based on the materials now available.

1. The suggestion of a time limitation of September 15, 1982 appears unrealistic and inappropriate, especially considering that an agreement between Edison and Braun will not be finalized until 3 weeks or less before the target date. Pressure from Edison to meet even a suggested deadline may inhibit the independence of the reviewer.
2. To the extent that Braun may rely upon verification of existing material, structural, or field testing performed by others, such reliance must be justified by a specific demonstration of

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the suitability of the testing relied upon.

- A. If the testing was performed by an independent laboratory or other person or agency, Braun must demonstrate that the testing was done properly, and according to accepted standards, and that the testing agency was truly independent.
 - B. If the prior testing was performed by Edison, it must be demonstrated that the testing was by physical measurement or sampling of some kind and according to accepted standards. Quality assurance sign-offs or other paper procedures that may have been performed by Edison are not acceptable for verifying "existing material structural and field testing already performed."
 - C. Where existing testing is relied upon, a detailed justification must be made of the representativeness of the sample and of the reliability of the sample size.
3. It is assumed that no reliance whatsoever will be placed upon any documents provided by the Zack Company to verify any aspect of the HVAC system.
 4. It is noted that both NRC and Edison have designated this project as a "review" rather than as an "audit." No inference should be allowed from this choice of terms to suggest that anything less than a complete study of every aspect of the system specified in Edison's scope of work is expected, and that thorough documentation of every finding will be required.
 5. Any reports or findings, whether interim or final, generated by Braun to Edison should be filed simultaneously with the NRC. There is no public benefit to be derived from allowing Edison to read the reports before they are distributed. Edison's Attachment A, at pp. 5-6, implies that Edison may take corrective action on findings of a potential safety concern before it even notifies the NRC that the concern exists. At this late date the NRC should not be placed in the position of accepting further faits accomplis handed to it by Edison. If a safety concern materializes, the NRC should be notified immediately by Braun and take all appropriate actions to deal with the concern.

A second reason for giving the NRC simultaneous notice of Braun's reports and findings is to facilitate the approval process. NRC should have as much time as Edison to review and make findings on any information provided by Braun, in order to avoid a hasty and less than complete approval process. If Edison waits until

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September 15, or until some other date of its own choosing to submit the Braun report to the NRC, inordinate pressures may be brought to bear on the NRC staff to approve full power operation according to Edison's time schedule, without due regard for the staff's need to independently assess the report. Such dilemmas can and must be avoided by simultaneous submittals to Edison and the NRC.

The plan should provide for Braun's continuing participation in the decision for taking action upon the finding of a potential safety concern. If Braun and Edison disagree as to the nature of the potential concern or its solution, the NRC should be advised of the respective positions and should be the final decision maker.

6. Edison's definition of a substantive interest for full time personnel (Attachment A, Independence, par. 1) is phrased ambiguously. It should be made clear that any work on the LaSalle County Station, whether direct or indirect, even if the person was not in the employ of Edison or Zack, constitutes a substantive interest. This is consistent with the provisions of paragraphs 2 and 3 under "Independence."
7. All former Zack employees who submitted affidavits to the Commission should be interviewed by Braun and utilized as a source of information for the the HVAC review.
8. Edison's draft agreement to be signed by participants in the review, known as Exhibit 2, should provide that the person may testify at public information meetings or formal hearings on the information obtained in the course of his work. The airing of differing professional opinions in a public forum is essential to meaningful public scrutiny of the independent review. If the purpose of the agreement is to prevent leaks to Edison or to the public prior to Braun's reporting to Edison, that can be accomplished through more careful drafting without limiting sincere professional debate. Once Edison has received the reported findings, no need for secrecy remains.
9. To protect the signatory to the agreement it should also provide that the Project Manager will not unreasonably withhold approval of disclosure.
10. Upon receipt by the NRC of interim or final reports from Braun, the NRC should make them available to the participants in the public meetings of August 11 and 24, 1982, and particularly to GAP and the Attorney General of Illinois. Meaningful comments by the public participants will not be possible unless they have a

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reasonable opportunity to review the findings and consult with the experts of their choice. Early disclosure of the Braun findings will facilitate the expeditious decision making that will undoubtedly be requested by Edison.

These written comments will be presented and discussed at the meeting of August 24, 1982 with the Region III staff. Further comments and questions will be submitted once a detailed plan for the review is presented by Zack.

Very truly yours,

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JSG:b;

cc: James G. Keppler, Regional Administrator
Philip Steptoe
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