Enclosure 5

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
631 PARK AVENUE
KING OF PRUSSIA, PENNSYLVANIA 19406

JUN 13 1980

MEMORANDUM FOR: Victor Stello, Jr., Director, Office of Inspection and Enforcement

FROM: Boyce H. Grier, Director, Region I

SUBJECT: INVESTIGATION INTO ALLEGATIONS OF CONSTRUCTION DEFICIENCIES - SHOREHAM NUCLEAR POWER STATION (INVESTIGATION REPORT NO. 50-322/79-24)

Attached is a copy of a letter dated May 20, 1980 from Leighton K. Chong commenting on the subject investigation report. Mr. Chong is one of two lawyers that defended an individual for trespassing onto Shoreham Nuclear Power Station property during June 1979. The individual's trial was held in Suffolk County, New York, during December 1979, and it was during this trial that allegations were first made regarding construction deficiencies at Shoreham.

You will note from the attached memorandum dated May 22, 1980 from H. D. Thornburg to D. Thompson, that the investigation report was reviewed by DRCI for technical accuracy. Comments contained in Mr. Thornburg's May 22 memo were responded to in my June 10, 1980 memorandum to D. Thompson, copy attached.

Mr. Chong charges on page 8 of his May 20, 1980 letter that the investigators were under pressure to produce a whitewash for LILCO and that substantial editing of the written investigation findings took place. To my knowledge, these accusations cannot be substantiated; nevertheless, I believe those to be strong accusations and I suggest that the Office of Inspector and Auditor be requested to conduct a full investigation into these charges. We will withhold any response to Mr. Chong until after you have reached a decision on this matter.

Boyce H. Grier
Director

Enclosures:
1. Ltr dtd 5/20/80 fm L. K. Chong to J. M. Allan
2. Memo dtd 5/22/80 fm H. D. Thornburg to D. Thompson
3. Memo dtd 6/10/80 fm B. H. Grier to D. Thompson

cc: w/o encls
D. Thompson
H. D. Thornburg ✓

We do not consider it necessary to issue a revision to this investigation report even though some increased clarity might be achieved in some cases.

Boyce H. Grier
Director

cc:
H. D. Thornburg, DRCI
J. B. Henderson, DRCI
W. J. Ward, XOOS ✓
C. O. Gallina, RI
R. Carlson, RI

Enclosure 2

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
631 PARK AVENUE
KING OF PRUSSIA, PENNSYLVANIA 19406

JUN 10 1980

MEMORANDUM FOR: D. Thompson, Executive Officer for Operations Support, IE

FROM: B. H. Grier, Director, Region I

SUBJECT: SHOREHAM NUCLEAR POWER STATION INVESTIGATION REPORT NO. 50-322/79-24

With respect to a memorandum from H. D. Thornburg to you dated May 22, 1980 on the above referenced subject, we are providing the following comments.

1. Relative to observation 1a, our statement was that the condenser was not classified as a Code vessel "as the shell side is under vacuum" due to the fact that Section VIII, Division 1, U-1(Scope), Paragraph (c)(8) specifically excludes those vessels with internal or external pressures less than 15 psi. We agree that the phase could have been deleted without significantly affecting the conclusion drawn.

2. Relative to observation 1b, our statement "this was confirmed by the NRC" refers to our confirmation of S&W statements regarding the procedures utilized to retube a partially built condenser. Since this conclusion was made by an inspector who is considered to be an expert in the design and construction of condensers, we concluded that that fact provided enough basis for our "confirmation."

3. Relative to observation 1c, the rationale for selecting the outlet tube ends for examination was based on the allegation that the tubes were hammered in, allegedly using a two by four piece of lumber. Any damage caused by such hammering would evidence itself on the hammered end, in this case, the outlet side of the tubes. The inlet side of the tubes might be subjected to scoring, an area covered in the report, while deformation would occur at the outlet end as a result of the alleged hammering.

4. Relative to observation 1d, we agree with your comments. The words, "This request to withhold" refers to an internal decision by the licensee to not include the results from the septic system boring with those being assembled relative to the liquefaction study which was underway at the time. This, in our judgement, was justified. There was no willful attempt to withhold any of the liquefaction data from the NRC. The one-time-only septic system borings had no relationship to the liquefaction study. This matter could have been more clearly stated in the report.

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reference to a "request to withold."

2. Subject to the above comments, we find that the report documents what appears to be an extensive and well performed investigation.

H. D. Thornburg,
Director
Division of Reactor Construction
Inspection
Office of Inspection
and Enforcement

cc:
B. H. Grier, RI
C. O. Gallina, RI
W. J. Ward, X00S