

LEIGHTON K. CHONG

ATTORNEY AT LAW

464 WEST BROADWAY  
NEW YORK, N.Y. 10012

REGISTERED AGENT.

U.S. PATENT &amp; TRADEMARK OFFICE

May 20, 1980

James M. Allan, Deputy Director  
U.S. Nuclear Regulatory Commission  
631 Park Avenue  
King of Prussia, Pennsylvania 19406

Dear Sir:

Thank you for forwarding a copy of NRC Investigation Report No. 50-322/79-24 concerning the allegations of construction defects at the Shoreham Nuclear Power Station. I have reviewed the report and would like to comment on its scope, methodology, and findings.

From our earliest contacts in providing information on the defects to Dr. Charles Gallina and other NRC investigators, we have tried to impress upon the NRC our belief that the problems at Shoreham reflect more generally the failure of LILCO's project management to implement the stringent labor practices and exercise the supervisory control required for defect-free construction of the nuclear reactor system. This failure is implicitly acknowledged by LILCO in explanation for the soaring cost overruns and delays to completion of the reactor, was noted in the Booz-Allen study done for LILCO in 1978, is documented in monthly contractor summaries and trend analysis reports showing repeated deficiencies and low worker productivity, is the subject of investigation by the Public Service Commission of New York, can be inferred from the variety and depth of the defects alleged, and appears to be common knowledge among the workers themselves when speaking privately or anonymously. However, the point seems to be lost with the NRC which, according to Dr. Gallina, "does not get involved with labor problems." The myopia of the present investigation report, which looks only to specific pieces of hardware without regard to the context of the allegations, underscores ever more clearly the urgent need for a complete physical inspection of the construction thus far and a review of quality control procedures and documents by an independent and objective consultant, in order to determine whether the Shoreham reactor has been constructed or can be completed in a condition which ensures the public safety.

Moreover, the methodology of this investigation shows that the NRC is unwilling or incapable of taking the action

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May 27, 1980

Honorable Don Fuqua  
Committee on Science and Technology  
U.S. House of Representatives  
Suite 2321 Rayburn House Office Building  
Washington, D.C. 20515

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COMMITTEE ON SCIENCE  
AND TECHNOLOGY

Dear Sir:

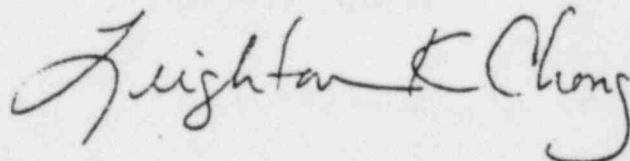
This is to advise you of developments subsequent to my letter of January 10, 1980 regarding allegations of defective construction at the Shoreham Nuclear Power Station in Long Island, New York.

As you may know, the Nuclear Regulatory Commission has recently issued its investigation report which concluded that it could find no basis to substantiate any of the thirty allegations. A careful review of the report shows that the investigation was seriously deficient and biased toward absolving LILCO. For your information, I enclose a copy of our response to the NRC report detailing the failures of the investigation in its scope, methodology, and substance.

At the risk of seeming repetitious, I state once again that the history of shoddy construction practices at Shoreham, which the allegations only highlight, casts a doubt whether the reactor system can be operated without a major accident. The NRC response to these early warning signs has been and in all likelihood will continue to be lackadaisical in the absence of a stern message of Congressional oversight. I strongly urge you and the members of your Committee to review this situation and to take corrective action while it is still possible.

I would appreciate your making copies of this letter and the enclosed document available particularly to those members of your Committee from New York.

Sincerely yours,



DON FUQUA, FLA., CHAIRMAN

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COMMITTEE ON SCIENCE AND TECHNOLOGY  
U.S. HOUSE OF REPRESENTATIVES  
SUITE 2321 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515

June 12, 1980

HAROLD P. HANSON  
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PAUL A. VANDER MYDE  
MINORITY STAFF DIRECTOR

Leighton K. Chong, Esquire  
464 West Broadway  
New York, New York 10012

Dear Mr. Chong:

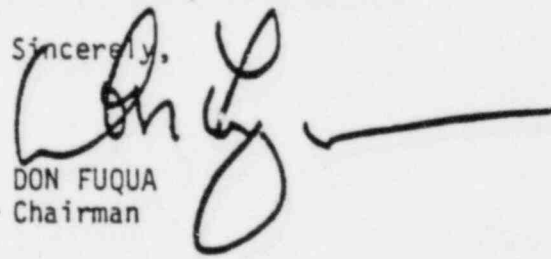
Thank you for your letter of May 27, 1980 advising me of your assessment of the Nuclear Regulatory Commission's investigation into the alleged construction defects at the Shoreham Nuclear Power Plant. In essence, I understand your assessment to mean that the NRC has investigated your claims in a circumspect manner and, as a result, did not substantiate your charges.

We have contacted the Nuclear Regulatory Commission to seek their response to your criticisms. They have advised me that they are reviewing the appropriateness of the scope, methodology and findings of their report pursuant to your remarks in your letter to Mr. Allan dated May 20, 1980. I would hope that their review adequately responds to your comments.

Your criticisms of the NRC investigation and report often involve presumptions, which may or may not be correct, as to the methodology used in evaluating your claims. If correct, I do believe that further investigative action by NRC is necessary to assure that a thorough inquiry will have been made into this matter. I will be looking for the NRC response to your May 20, 1980 letter, which I am requesting from the NRC with a copy of this letter to the Chairman of the Commission.

Thank you again for providing me with this follow-up information.

Sincerely,

  
DON FUQUA  
Chairman

DF/Vwm

cc: John Ahearne, Chairman  
U. S. Nuclear Regulatory Commission

Honorable John Wydler  
Member of Congress

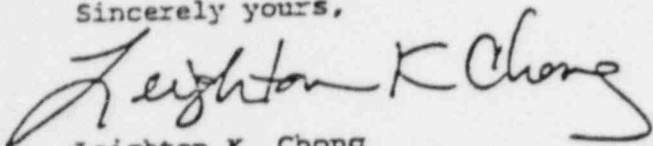
Mr. J. Strickler

- 3 -

July 10, 1980

Please let me know if you have any questions on the above or if there is any further information I can provide.

Sincerely yours,

A handwritten signature in cursive script that reads "Leighton K. Chong". The signature is fluid and somewhat stylized, with the first name being the most prominent.

Leighton K. Chong

LKC:mir

cc: Honorable Don Fuqua, U.S. House of Representatives  
Committee on Science and Technology

John Ahearn, Chairman  
U.S. Nuclear Regulatory Commission

substantial publicity for his testimony on construction defects in a prior court proceeding. However, there is no necessary connection between the prior testimony and the identification of persons for the investigation.

3. During the investigation, Dr. Gallina stated to me that a majority of the allegations could be confirmed as having occurred, although many of the deficiencies did not, in his opinion, have a safety significance. He also stated to Mr. McCrystal that 62 improper welds of the type Mr. McCrystal identified had been found. In contrast, Dr. Gallina's report on the investigation concludes that no basis to substantiate any of the allegations was found, and it cites as infractions only two of the welding defects Mr. McCrystal identified.

4. Some of the allegations, notably welding defects and the failure to follow prescribed concrete curing procedures, were in fact confirmed by the investigation. However, Dr. Gallina avoided crediting the allegations in his report by the artifice of explaining that the deficient parts or practices could meet applicable design standards. The overall thrust of the allegations is that sloppy practices and work deficiencies are common occurrences at the construction site. By focusing on the sufficiency of individual problem areas which were located, Dr. Gallina sidestepped the question of overall construction practices and the untold deficiencies which may exist but were not located.

5. Dr. Gallina's findings on allegation No. 30, regarding intimidation and pressure on workers not to disclose information, is totally at odds with the circumstances as they exist at Shoreham. Dr. Gallina was aware of the threats and unlawful actions directed at Jock McCrystal and John Everett, the two construction workers who came forward with information to the NRC. He also knew that many of the other witnesses who were contacted insisted that they remain anonymous and not meet with him because their jobs and physical safety were at stake. Furthermore, given the acknowledged reality of practices at nuclear construction sites, the fact that Dr. Gallina received not a single call in response to his invitation for worker disclosures shows that the conspiracy of silence through intimidation at Shoreham is absolute. Dr. Gallina's suggestion that the lack of response means that the project is defect-free makes a mockery of his role and the NRC's function in the investigation.

In addition to the above circumstances, the shallowness of the investigation methodology makes it clearly evident that less than diligent effort was applied to resolve the issues raised by the allegations. In many cases Dr. Gallina relied for the most part upon the licensee's paperwork and the glib statements of its employees and subcontractors to rebut the allegations without actually testing the subject areas of the allegations. To the extent the methodology of the investigation requires technical analysis, these areas must be more carefully considered by review of the Office of Inspection and Enforcement.