

July 26, 1982



SECY-82-314

**ADJUDICATORY ISSUE**  
(Notation Vote)

For: The Commissioners

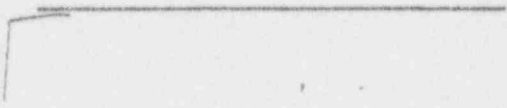
From: Leonard Bickwit, Jr.  
General Counsel

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

Facility: LaSalle County Nuclear Generating  
Station, Units 1 and 2

Purpose: To inform the Commission of the denial  
of that portion of a petition for  
enforcement action deemed relevant to  
the issuance of a full-power operating  
license for LaSalle Unit 1, and to  
recommend

EX.E



EX.E

Contact:  
Rick Parrish, OGC  
X43224

9403080047 930525  
PDR FOIA  
GILINSK92-436 PDR

117

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5  
FOIA: 92-436

5/22

Review Time  
Expires:

August 13, 1982

Discussion:

The Attorney General of the State of Illinois and Ms. Bridget Little Rorem, on behalf of the Illinois Friends of the Earth, each filed petitions requesting the institution of show cause proceedings to resolve concerns regarding the adequacy of construction at LaSalle County Station, Units 1 and 2. <sup>2/</sup> Following correspondence and consultation among the interested parties, Region III staff identified 36 separate alleged problems (listed in Attachment A). Twenty of these allegations, grouped as Category I, required resolution prior to the operation of Unit 1. These allegations are the subject of this Director's Decision and the Inspection Report upon which it is based.<sup>3/</sup> The remainder will be analyzed at a later date (Category II) or require no further NRC consideration (Category III).

The inspection report details the results of an exhaustive staff inquiry.

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<sup>2/</sup> Petitioners also sought to halt the loading of nuclear fuel at LaSalle Unit 1. Citing insignificant health and safety implications of preliminary start-up activities, the Director denied this aspect of their petitions by letters dated April 17, May 19, and June 2, 1982. See SECY-82-249.

<sup>3/</sup> The Director's Decision, DD-82-9, is attached. Special Inspection Report No. 50-373/82-35 (DETP); 50-374/82-06 (DETP), July 19, 1982, was distributed to Commission offices Friday, July 23. It has not been attached to this paper because of its length.

Of the Category I allegations, some were not substantiated, some were factually correct but did not constitute items of nonconformance, and two (improper security, falsification of torque wrench calibration records) were substantiated and corrective action taken or ordered. Our review of the resolution of selected allegations or general areas of concern follows. The remainder of the allegations were either unsubstantiated or were confirmed and dismissed as inconsequential.

Concrete: Foremost among petitioners' concerns were alleged problems in concrete work at LaSalle: drilling and coring which damaged reinforcing steel, voids and debris in the concrete, and miscellaneous allegations regarding improper concrete work. The factual bases for some of the allegations were verified. However, staff concluded that none of these problems amounted to items of noncompliance or were otherwise unacceptable. Other allegations were dismissed as unsubstantiated.

Concrete drilling and coring activities cut or damaged reinforcing steel (rebar) in the concrete. The staff concluded, however, that because of the margin of safety incorporated in the original designs, the structural integrity of the concrete had been maintained at an acceptable level. The following measures were offered in support of this conclusion:

All coring received the prior approval of Sargent and Lundy based on conservative engineering analysis of reinforcing steel likely to be cut or damaged. Subsequent analyses were based on the assumption that all steel likely to be cut or damaged was in fact cut or damaged (worst case assumption). Because of

this conservative assessment, reporting of steel cut or damaged during coring was not required.

Reinforcing steel which was cut or damaged during drilling operations was reported and the damage incorporated into appropriate drawings and analysis.

Additionally, cores were inspected, interviews conducted, records reviewed, and observations made to verify that the necessary procedural safeguards were in effect and margins of safety were maintained.

Further irregularities in the concrete work were identified and analyzed. Isolated instances of concrete discontinuities (voids, debris, honeycombing, wire displacement) were reviewed by the staff and correction of any problems reviewed. Some specific allegations could not be substantiated. In general staff found no evidence of generic problems with the concrete work.

Security: Staff inquired into the allegation that security personnel were forced to work long hours of overtime. Though concluding that working overtime did not affect the performance of security personnel, the staff did identify several unrelated violations of the licensee's security plan. The details are considered to be Safeguards Information, not subject to public disclosure, and will be reported separately.

Ex. 1  
Staff concludes that, despite these isolated violations, the security system at LaSalle provides an adequate level of protection. We

EX. 5

Torque Wrench Calibration:

EX. 5

The licensee has revisited the suspect bolts, checking and tightening where necessary (5 out of 6,000 checked). Additional auditing is anticipated and QA/QC program deficiencies will be pursued.

EX. 5

Staff is satisfied that the technical problem has been resolved (p. 99).

OGC Analysis: We have reviewed

that

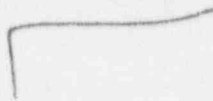
and conclude

EX. 5

EX. 5

believes that

OGC



Ex.  
5.

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4/ Staff response to an allegation of specific rebar damage during coring indicated that prior engineering approval of the location of the core was obtained, based on conservative engineering assessment of reinforcing steel likely to be cut or damaged (p.16).

Ex. 5



EX.  
5

Recommendation: <sup>gy</sup> E

*EC Bickwit*

Leonard Bickwit, Jr.  
General Counsel

Attachments: As stated

Commissioners' comments (or consent) should be provided directly to the Office of the Secretary ASAP.

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## CATEGORIZATION OF ALLEGATIONS

### CATEGORY 1 ITEMS - ITEMS OF SIGNIFICANCE WHICH MAY EFFECT UNIT 1 OPERATION

1. IMPROPER CORING AND DRILLING ACTIVITIES
2. VOIDS IN REACTOR PEDESTAL
3. 55 GALLON DRUM IN CONTAINMENT BASEMAT
4. DEBRIS IN CONCRETE
5. IMPROPER CONCRETE WORK IN THE SCREENHOUSE
6. MISALIGNED CONTAINMENT WALL
7. IMPROPER MASONRY WALL CONSTRUCTION AND POOR MORTAR QUALITY
8. INADEQUATE SECURITY
9. INADEQUATE CONCRETE VIBRATION
10. SECONDARY CONTAINMENT TEST EVENT
11. IMPROPER INSTALLATION OF HANGER SUPPORTS
12. AUXILIARY BUILDING WALL LEAKING
13. EXCESSIVE REACTOR BUILDING SETTLING
14. ACTS OF SABOTAGE IN 1979
15. WELDERS UNQUALIFIED OR NOT PROPERLY CERTIFIED
16. INADEQUATE TRAINING OF QUALITY CONTROL PERSONNEL
17. COVERUP OF DEFICIENCIES
18. NONCONFORMING MATERIAL
19. CONFLICT BETWEEN SPECIFICATIONS AND NRC REQUIREMENTS
20. FALSIFICATION OF TORQUE WRENCH CALIBRATION RECORDS

### CATEGORY 2 - RESOLUTION REQUIRED (BUT NOT IMMEDIATE)

1. ADVANCED KNOWLEDGE OF NRC INSPECTIONS
2. ARCHITECT ENGINEERS INABILITY TO CLEARLY COMMUNICATE
3. IMPROPER INSTALLATION ACTIVITIES IN UNIT 2
4. IMPROPER MANAGEMENT ATTITUDE
5. INSTALLATION OF DAMAGED EQUIPMENT
6. EVENT RELATING TO UNIT 2
7. CONDITION OF UNIT 2

CATEGORY 3 - REFER TO LICENSEE; STATE; OSHA; OR OTHER AGENCY/  
NO FURTHER INVESTIGATIVE ACTION REQUIRED

1. NRC INSPECTOR CONDUCT
2. IMPROPER INSTALLATION OF PIPING
3. INADEQUATE WORKER SAFETY 4. WASTE AT LA SALLE
5. DEFECTIVE CIRCULATING WATER PIPE
6. INSTALLATION OF PARTS NOT IN ACCORDANCE WITH PRINTS
7. LOOSE BOLTS ON BEAMS IN UNIT 2 TURBINE BUILDING
8. BULGE IN CONDENSER PIT CONCRETE WALL
9. ALCOHOL AND DRUG USE

Del

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

00-82-9

OFFICE OF NUCLEAR REACTOR REGULATION  
HAROLD R. DENTON, DIRECTOR

In the Matter of	)	
	)	
COMMONWEALTH EDISON COMPANY	)	Docket Nos: 50-373
	)	50-374
La Salle County Station	)	
(La Salle, Units 1 and 2)	)	(10 CFR 2.206)

DIRECTOR'S DECISION UNDER 10 C.F.R. 2.206

Attorney General Tyrone C. Fahner, Esquire, on behalf of the State of Illinois, has filed a petition pursuant to 2.206, dated March 24, 1982, and an amendment thereto, dated May 3, 1982, requesting institution of a show cause proceeding on Commonwealth Edison Company's, La Salle County Station, Units 1 and 2. The petition and amendment set forth allegations of poor construction. In addition, Ms. Bridget Little Rorem, on behalf of the Illinois Friends of the Earth, Essex, Illinois has also filed a petition, dated April 28, 1982, pursuant to 10 CFR 2.206, requesting institution of show cause proceedings on the basis of certain allegations concerning improper construction practices at the La Salle County Station, Units 1 and 2, and further, sought to halt immediately further loading of nuclear fuel at La Salle Unit 1. Ms. Rorem's petition enclosed four affidavits from construction workers setting forth allegations of various improper practices. The NRC staff denied the petitioner's requests for immediate relief by letters dated April 17, 1982, May 19, 1982 and June 2, 1982. In connection with its review of the Attorney General's petition, the NRC staff met with representatives of Commonwealth Edison Company, Sargent and Lundy, and the Attorney General

on March 31, 1982, in Bethesda, Maryland. On April 13, 1982, the Attorney General submitted comments on Commonwealth Edison Company's presentation at the March 31st meeting. Commonwealth Edison Company has responded to the Attorney General's petition in submittals dated March 31, May 7, and May 18, 1982. The Attorney General provided additional comments in a letter dated May 26, 1982.

A license was issued on April 17, 1982 to the Commonwealth Edison Company to permit the loading of nuclear fuel assemblies into La Salle Unit 1 and also permitting initial criticality and low power physics testing. The April 17, 1982 license authorized power levels up to and including 5 percent of rated power; however, it requires NRC staff approval prior to going beyond zero power testing. Specifically, the license contained a license condition which stated:

"The licensee shall complete its assessment of the rebar damaged due to drilling and coring in concrete and the structural adequacy of the off-gas building roof. The results shall be reported to the NRC staff for review and approval, prior to operation following initial criticality and zero power physics testing."

The NRC staff has completed its special inspection into those allegations identified in the above petitions required in order to proceed with licensing of La Salle, Unit 1. The enclosed Region III special inspection report addresses the NRC findings with respect to these allegations as expanded following interviews held with allegers. As indicated in the report, we have grouped the allegations as expanded into three categories:

- (1) Category 1 - those allegations requiring satisfactory resolution in order to proceed with the licensing process of La Salle Unit 1;
- (2) Category 2 - those allegations that were judged to require a followup on a longer time frame which relate to only La Salle Unit 2, personnel concerns, and activities not having immediate safety impact; and

- (3) Category 3 - those allegations which range from the too general and unsubstantiated to pursue to those which are subject to regulatory jurisdiction of other agencies, or for which no further action is required by the NRC staff.

As indicated by the report, there were 20 Category 1 allegations of which some were not able to be substantiated by the NRC investigation. For several others, the factual allegations were correct; however, these conditions were found to be acceptable when the entire system of controls was examined. One allegation relating to improper site security matters resulted in finding violations of the licensee's security requirements. When these were brought to the licensee's attention, prompt corrective actions were taken. One allegation of falsification of torque wrench calibration records by a site contractor was substantiated. In a related area, although separate in its cause, a few loose bolts were found on some valves. To provide greater assurance of the adequacy of the bolt tightness, the license of La Salle Unit 1 is being amended to include a license condition requiring that prior to January 15, 1983, the licensee check the torque on all non-pressure boundary bolts (bolts whose failure will affect the operability of the valve) on each safety-related valve located outside the containment. For non-pressure boundary bolts on safety-related valves located inside containment, a similar program was successfully completed by the licensee prior to the conclusion of this inspection period. For the remainder of the safety-related valve bolting, namely those at the reactor coolant pressure boundary, such a check is not being required on the basis that this bolting has been functionally checked during a preoperational hydro test on the reactor coolant boundary.

The items included in Category 2 concerned matters regarding La Salle Unit 2 and other matters requiring further NRC attention. These matters arose primarily out of allegations contained in the affidavits submitted to the NRC and in statements made by persons interviewed by the NRC staff in the course of investigating the allegations. The allegations concern installation activities, a fire, and the condition of the basemat at La Salle Unit 2. The NRC staff will consider these matters further through review of prior inspection reports, additional inspections, and interviews of plant personnel. On the basis of this additional review, the NRC staff intends to issue an additional decision prior to taking licensing actions on La Salle Unit 2.

Other Category 2 items included allegations in the affidavits of installation of damaged equipment, communication problems with representatives of the architect-engineer and poor attitude on the part of management and supervisory personnel. In addition, further assurance that this problem does not exist will be obtained during pre-operational testing, since testing should reveal any problems attributable to damaged or defective equipment. The NRC staff will perform follow-up investigation of allegations directed toward Commonwealth Edison's management and the architect-engineer. On the basis of our review of the allegations, no immediate and substantial safety issue has been identified that would warrant enforcement action or further restrictions of authorized power level.

The affidavits contain some general allegations of inadequate NRC inspection coverage and improper inspector conduct toward plant workers. In the absence of a demonstrable link to specific safety problems or licensee

misconduct, improper conduct or inadequate inspections by NRC inspectors would not warrant initiation of show cause proceedings against the licensee to rectify what would be essentially an internal Commission problem. The NRC staff has thoroughly reviewed and pursued the allegations in the petitions and the affidavits and has not found to date a substantial safety hazard warranting initiation of show cause proceedings.

The NRC staff has included in Category 3 allegations derived from the affidavits and additional statements made by persons interviewed by the NRC for which insufficient information could be developed to warrant further NRC action or for which NRC would not take action. Allegations in the affidavits that piping was improperly installed and that equipment was not installed in accordance with blueprints could not be addressed owing to the lack of specific information that could be developed on the basis of pursuing the allegations with the allegeders. During the course of the NRC's investigation of the matters raised in the petitions and affidavits, a general allegation was made that drug and alcohol abuse had occurred at the site, but the allegeder was unable to provide any specific information. In view of the lack of specific information and in view of the results of the remainder of the NRC staff's investigation of the allegations, no further action is contemplated and no basis for enforcement action exists on the basis of the foregoing allegations at this time.

Allegations were made by the affiants and during further interviews that the circulating water pipe was defective, a bulge existed in the concrete

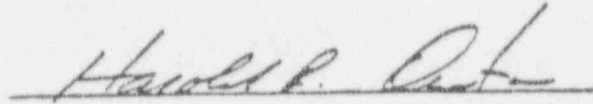


wall of the condenser pit, and there were loose bolts on beams in the Unit 2 turbine buildings. No further NRC action is planned with respect to these allegations because the allegations do not concern safety-related structures and equipment. These matters have been identified to Commonwealth Edison Company for its action as appropriate. Similarly, no further action is contemplated by the NRC with respect to alleged "gross waste" and cost increases that have no apparent bearing on the NRC's health and safety responsibilities. The allegations concerning poor working conditions and inadequate worker safety have been referred to appropriate governmental authorities with jurisdiction over occupational health and safety matters. It should be noted that neither the Attorney General nor Bridget Little Rorem rely specifically in their petitions on the foregoing aspects of the affidavits as a basis for initiating show cause proceedings and halting further licensing of the La Salle facilities.

For the reasons set forth in this decision and in my interim responses to the petitioners, the requests of the Attorney General and Bridget Little Rorem for initiation of show cause proceedings have been denied with respect to La Salle Unit 1.

In view of the above, I have concluded that for La Salle Unit 1 the public health and safety is not jeopardized, and does not warrant issuance of an order to show cause. However, for La Salle Unit 2, further investigations will be performed with respect to those outstanding allegations pertaining only to La Salle Unit 2, and the NRC staff will continue to review these matters and issue a further decision prior to taking licensing actions on Unit 2. As provided

In 10 CFR 2.206(c), a copy of this decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

A handwritten signature in cursive script, appearing to read "Harold R. Denton", is written over a horizontal line.

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland  
this 19th day of July 1982

UNITED STATES NUCLEAR REGULATORY COMMISSION  
DOCKET NOS. 50-373 AND 50-374  
COMMONWEALTH EDISON COMPANY  
LA SALLE COUNTY STATION, UNITS 1 AND 2  
ISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has denied the petitions and amendment under 10 CFR 2.206 filed by the Attorney General, of Illinois and Illinois Friends of the Earth for La Salle County Station, Unit 1. With respect to La Salle County Station, Unit 2, the Director has indicated further investigations. A supplemental decision must be made with respect to those allegations pertaining only to Unit 2.

The two petitions addressed numerous allegations of poor construction, falsification of records, inadequate quality control, etc. These allegations were categorized into three categories; whereby the NRC staff concluded that only Category 1 allegations required resolution to proceed with the La Salle Unit 1 licensing process. For La Salle Unit 2, the Category 2 allegations were deferred and the NRC will continue to investigate these matters for a decision in the reasonably near future. Category 3 allegations are those not under NRC jurisdiction or are too general to pursue and no further action is required by the NRC staff.

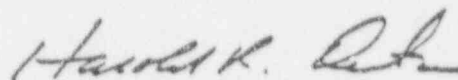
The reasons for the above conclusions are fully described in a "Director's Decision Under 10 CFR 2.206," which is available for public inspection in the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555, and at the Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348. A copy of the decision will be filed with

- 2 -

the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland this 19th day of July 1982.

FOR THE NUCLEAR REGULATORY COMMISSION



Harold R. Denton, Director  
Office of Nuclear Reactor Regulation