FREEDOM OF INFORMATION ACT REQUEST

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), U.S.C. 552, Beyond Nuclear hereby requests from the U.S. Nuclear Regulatory Commission (NRC) information for the subject matter described as follows. This request covers, but is not limited to, all logs, calendars and schedules, draft and final reports, correspondence, memoranda, handwritten notes, records of telephone contacts, receipts, electronic communications, including fax transmissions and Email, or otherwise written records, whether in paper or computer files, preserved via the use of any medium (e.g., paper documents, final notes, or word processors or computer discs, diskettes, hard drives, or network systems). In addition, this request includes studies, photographs (print and digital), analyses, work papers, internal or external communications of any sort, testimony, press releases, reports, data, inspection reports, radiography test results, ultrasonic test results, other test results, engineering calculations, memoranda or the like, concerning, recording, or in any way related to:

1) The “gap” or “air pocket” in the concrete Shield Building/secondary radiological containment structure at the Davis-Besse atomic reactor in Oak Harbor, Ohio, reportedly first discovered by sub-contractors, contractors, and/or workers employed by FirstEnergy Nuclear Operating Company (FENOC) late Thursday night, February 13, 2014, and first reported by FENOC to NRC on Friday morning, February 14, 2014, at 11:14 A.M. Eastern time, as publicly reported in news articles published by the Toledo Blade on February 14 and 15, 2014. (These articles can be accessed online at [http://www.toledoblade.com/local/2014/02/14/Gap-in-concrete-discovered-in-Davis-Besse-s-protective-shell.html](http://www.toledoblade.com/local/2014/02/14/Gap-in-concrete-discovered-in-Davis-Besse-s-protective-shell.html) and [http://www.toledoblade.com/Energy/2014/02/15/Davis-Besse-had-air-gap-in-shield-building.html#FAPYhYP7IMKFWU0L.99](http://www.toledoblade.com/Energy/2014/02/15/Davis-Besse-had-air-gap-in-shield-building.html#FAPYhYP7IMKFWU0L.99)) This Shield Building wall “gap” or “air pocket” revelation is also documented in NRC Event Notification Report, Event Number 49828, dated February 14, 2014, the Event Text of which reads:

**SHIELD BUILDING CONSTRUCTION OPENING**

"On 02/14/2014, an unfilled area was discovered in the concrete along the top of the shield building construction opening on the annulus side. The
condition was discovered during the current steam generator replacement outage, and is likely due to not completely repouring the shield building wall opening in 2011. Analysis shows this condition is bounded by previous calculations that demonstrate the containment function is maintained such that the protection of the health and safety of the public was not in question. Further analysis is planned to reconfirm previous calculations.

"The NRC Resident Inspector has been notified."


2) All communications to and from the NRC, including its Region III Office, and FENOC, including to/from/by FENOC contractors, sub-contractors, and other third parties, that reference the “gap” or “air pocket” in the concrete Shield Building mentioned above;

3) All communications to and from NRC, including its Region III Office, and FENOC, including to/from/by FENOC contractors, sub-contractors, and other third parties, having to do with NRC’s mid- to late-November, 2011 decision to authorize the pouring of concrete and/or emplacement of steel rebar to re-seal the breach opened in the Davis-Besse Shield Building, in order to allow restart of the Davis-Besse atomic reactor, after its reactor lid replacement, despite the mid-October 2011 revelation of severe cracking in the concrete Shield Building;

4) All communications to and from NRC, including its Region III Office, and FENOC, including to/from/by FENOC contractors, sub-contractors, and other third parties, having to do with the concrete pour and/or steel rebar emplacement to re-seal the breach (opened in order to replace the degraded reactor lid) in the concrete Shield Building at Davis-Besse in late November to early December 2011, including all inspection reports, radiography test results, ultrasonic test results, other test results, quality assurance (QA) inspections, tests, programs, protocols, methods, activities, logs, etc., and engineering calculations, used to ascertain or determine that the patch job on the Shield Building (concrete pour, steel rebar emplacement, etc.) performed in late 2011 by FENOC, its contractors, sub-contractors, etc., met NRC construction, quality assurance (QA), health, safety and environmental protection requirements and regulations;

5) All communications to and from NRC (and its predecessor agency, the Atomic Energy Commission, AEC), including its Region III Office, and FENOC (and its predecessor companies), including to/from/by FENOC contractors, sub-contractors, and other third parties, having to do with the composition of the concrete, and steel rebar, used to re-seal the Shield
Building breach in late 2011, as well as the *composition* of the concrete, and steel rebar, to be used to re-seal the Shield Building after the steam generators’ replacement has been completed, and also the *composition* of the concrete, and steel rebar, used to re-seal the Shield Building after previous breaches that occurred before 2011 (such as used to re-seal the Shield Building after the 2002-2004 vessel head replacement, as well as used to seal the Shield Building’s Initial Construction Opening in the 1970s);

6) All communications to and from NRC (and its predecessor agency, AEC), including its Region III Office, and FENOC (and its predecessor companies), including to/from/by FENOC contractors, sub-contractors, and other third parties, having to do with the *composition* of the concrete, and steel rebar, used to initially construct the Shield Building’s structure in the 1970s;

7) All communications to and from NRC (and its predecessor agency, AEC), including its Region III Office, and FENOC (and its predecessor companies), including to/from/by FENOC contractors, sub-contractors, and other third parties, having to do with the *methods* used to pour concrete, and emplace steel rebar, in order to re-seal the Shield Building breach in late 2011, as well as the *methods* to be used to re-seal the Shield Building after the current steam generator replacements has been completed, and also the *method* used to re-seal the Shield Building after previous breaches before 2011 (such as used to re-seal the Shield Building after the 2002-2004 vessel head replacement, as well as used to seal the Shield Building’s Initial Construction Opening in the 1970s);

8) All communications to and from NRC (and its predecessor agency, AEC), including its Region III Office, and FENOC (and its predecessor companies), including to/from/by FENOC contractors, sub-contractors, and other third parties, having to do with the *method* of pouring concrete, and emplacing steel rebar, in order to initially construct the Shield Building’s structure in the 1970s;

9) All communications to and from NRC (and its predecessor agency, AEC), including its Region III Office, and FENOC (and its predecessor companies), including to/from/by FENOC contractors, sub-contractors, and other third parties, regarding *which companies, besides FENOC, including contractors and sub-contractors, etc.*, were responsible for making the repairs to the Shield Building following the October 2011 reactor head replacement breach, as well as for repairing the Shield Building following the 2002-2004 reactor head replacement breach, and also for sealing the Initial Construction Opening in the 1970s;

10) All communications to and from NRC (and its predecessor agency, AEC), including its Region III Office, and FENOC (and its predecessor companies), including to/from/by FENOC contractors, sub-contractors,
and other third parties, regarding how much concrete and steel rebar would be necessary for the late 2011 repair job, and whether the actual amounts used differed from the estimates, as well as how much concrete and steel rebar was predicted to have been necessary for the 2002-2004 repair job, and whether the actual amounts used differed from the estimates, and finally, how much concrete and steel rebar is predicted to be needed to repair the Shield Building after the current steam generator replacements have been carried out;

11) All communications to and from NRC (and its predecessor agency, AEC), including its Region III Office, and FENOC (and its predecessor companies), including to/from/by FENOC contractors, sub-contractors, and other third parties, regarding what follow-up was conducted to ensure that the late 2011 Shield Building breach repair job was completed properly (including whether or not NRC inspectors were on hand when the concrete was prepared and poured, and the steel rebar was fabricated and emplaced), what follow-up was conducted to ensure that the 2002-2004 Shield Building breach repair job was completed properly, and finally what follow-up was conducted to ensure that the 1970s patch job on the Shield Building’s Initial Construction Opening was completed properly;

12) All communications to and from NRC, including its Region III Office, and FENOC, including to/from/by FENOC contractors, sub-contractors, and other third parties, regarding why industry standard wooden forms were not used, and simply removed after the Shield Building replacement wall’s concrete had cured in late 2011;

13) All communications to and from NRC, including its Region III Office, and FENOC, including to/from/by FENOC contractors, sub-contractors, and other third parties, regarding why FENOC, etc., missing the “air pocket” or “gap” in the Shield Building wall, because it had installed metal plates on the inside surface of the wall when pouring the replacement concrete in late 2011; including any communications about FENOC, etc., leaving the metal plates in place, making visual examinations and inspections of the concrete and steel rebar impossible.

14) All communications to and from NRC, including its Region III Office, and FENOC, including to/from/by FENOC contractors, sub-contractors, and other third parties, regarding which suitable alternative inspection methods (such as x-rays, ultrasonic tests, etc.) were utilized to compensate for FENOC’s departure from standard industry practice when it employed a technique that prevented normal post-concrete-pour examination and inspection methods (such as visual examinations), including why such methods were selected, or why they were not utilized.

15) All communications to and from the NRC, including its Region III Office, and FENOC, including to/from/by FENOC contractors, sub-contractors, and other third parties, regarding the basis for, and the modeling done to
support, FENOC spokesperson Jennifer Young’s claim, reported in a February 14, 2014 Toledo Blade article (posted online at http://www.toledoblade.com/local/2014/02/14/Gap-in-concrete-discovered-in-Davis-Besse-s-protective-shell.html), that there is “no reason to believe the flaw [the air pocket or gap in the Shield Building wall first reported that very day] compromised the integrity of the outer shield building while the plant was online the last two years.”

16) All communications to and from the NRC, including its Region III Office, and FENOC, including to/from/by FENOC contractors, sub-contractors, and other third parties, regarding the basis for, and the modeling done to support, the statement contained in the NRC Event Notification Report, Event Number 49828, dated February 14, 2014, which states, in part, that:

“…Analysis shows this condition is bounded by previous calculations that demonstrate the containment function is maintained such that the protection of the health and safety of the public was not in question. Further analysis is planned to reconfirm previous calculations.”

This NRC Event Notification Report, Event Number 49828, dated February 14, 2014, is posted online at: http://www.nrc.gov/reading-rm/doc-collections/event-status/event/en.html#en49828

17) All communications to and from NRC, including its Region III Office, and FENOC, including to/from/by FENOC contractors, sub-contractors, and other third parties, having to do with an admission made by Ms. Jennifer Young, spokesperson for FENOC, as reported by the Toledo Blade on February 15, 2014, that: “…Some of the shield building’s rebar needs to be replaced. It appears to have been damaged by the cut made through the wall, she said.” (The article can be accessed online at http://www.toledoblade.com/Energy/2014/02/15/Davis-Besse-had-air-gap-in-shield-building.html#FAPYhYP71MKFZULO.99)

18) All communications to and from NRC, including its Region III Office, and Members of the U.S. Congress (including U.S. Representative Dennis Kucinich (D-OH), U.S. Rep. Marcy Kaptur (D-OH), U.S. Rep. Ed Markey (D-MA), etc.), Members of the State of Ohio Legislature, Governor’s Office, and Executive Branch agencies, and other federal, state, county, and local government officials, regarding the late 2011 Davis-Besse Shield Building reactor lid replacement project and Shield Building breach, including regarding the Shield Building breach repair job, including the concrete pour and steel rebar emplacement.

19) All communications to and from NRC, including its Region III Office, and FENOC, including to/from/by FENOC contractors, sub-contractors, and other third parties, regarding the steps that will be necessary, under NRC regulations, before NRC can and will allow the Davis-Besse Shield Building
to be patched again, and its atomic reactor to be re-started, given the
Thursday, February 13, 2014 discovery, and Friday, February 14, 2014
report to NRC, of this observed 25-foot-long “gap” or “air pocket” in the
Shield Building wall.

20) All communications to and from NRC, including its Region III Office, and
FENOC, including to/from/by FENOC contractors, sub-contractors, and
other third parties, including retained law firms/legal counsel, including
internal communications within NRC, its Region III Office, its Office of
General Counsel, and its Atomic Safety and Licensing Board (ASLB),
regarding Beyond Nuclear et al.’s (environmental interveners’) “PETITION TO INTERVENE AND FOR AN ADJUDICATORY
PUBLIC HEARING OF FENOC LICENSE AMENDMENT REQUEST,”
submitted to NRC ASLB on May 20, 2013, including any such
documentation generated during the course of the intervention proceeding,
including the transcript, and any related documentation and
communications, generated from the Wednesday, July 24, 2013 oral
argument pre-hearing conducted by the ASLB on Beyond Nuclear et al.’s
“PETITION TO INTERVENE” cited above;

21) Any communications to and from NRC, including its Region III Office,
and FENOC, including to/from/by FENOC contractors, sub-contractors,
and other third parties, including retained law firms/legal counsel, and
other U.S. nuclear utilities, including to/from/by the nuclear utilities’
contractors, sub-contractors, and other third parties, including retained
law firms/legal counsel, which document that any other atomic reactors in
the U.S. have breached their Shield Building, or similar radiological
containment concrete structure, four times, as has FENOC’s Davis-
Besse atomic reactor (those breaches at Davis-Besse, specifically, due to the 1970s
Initial Construction Opening, the 2002-2004 reactor head replacement
project, the 2011 reactor head replacement project, and the 2014 steam
generator replacements project).

Pursuant to this request, please provide all documents and communications prepared or
utilized by, in the possession of, or routed through the NRC related to items 1-21
above.

For any portion of the request that you deem appropriate to deny, Beyond Nuclear
requests that you describe the information that is denied, identify the exception to the
FOIA on which you rely, and explain how that exception applies to the withheld
information. Any inappropriate attempts to withhold documents due to their
supposedly “proprietary” nature will be challenged.

Pursuant to federal regulations at 10 CFR 9.41, Beyond Nuclear requests that any
searching and copying fees incurred as a result of this search be waived, and provides
the following information in response to the eight criteria listed in Section 9.41(b):
1) Purpose of request:

The purpose of the request is to gather information on interactions, communications, and meetings between NRC and FENOC, and/or any NRC officials or staff persons and their counterparts at FENOC. The requested information is currently not publicly available through the agency’s public document room.

2) Extent to which Beyond Nuclear will extract and analyze the substantive content of the records:

Beyond Nuclear is qualified to make use of the requested information. The staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Beyond Nuclear staff is quoted as a reliable source of information on nuclear issues in newspapers and magazines across the country, including the New York Times, Washington Post, Los Angeles Times, Chicago Tribune, Newsweek, and many others, as well as major television and radio outlets. Beyond Nuclear staff is frequently quoted in electronic as well print media resources, and is also published in journals of national repute.

Beyond Nuclear has a working relationship with attorneys, experts on transparency in government, nuclear engineers and other respected professionals who contribute to a fuller understanding of the influence of the nuclear power industry upon, and its involvement in, federal policy making and regulatory decision-making.

In addition, Beyond Nuclear is a party in good standing to the Atomic Safety and Licensing Board (ASLB) proceeding on FENOC’s request for a 20-year license extension at Davis-Besse, and thus has a particular interest in this subject matter.

3) Nature of the specific activity or research in which the records will be used and Beyond Nuclear qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding:

Beyond Nuclear seeks the requested information solely to contribute to and help shape the public debate on the influence of the nuclear power industry upon, and its involvement in, federal policy making and regulatory decision-making. Beyond Nuclear intends to use the information in order to advance the concerns for public understanding of transparency in government, or lack thereof.

4) Likely impact on the public understanding of the subject as compared to the level of understanding of the subject prior to disclosure:

The public understanding of the influence of the nuclear power industry upon, and its involvement in nuclear promotional activity or a production agenda in federal policy making and regulatory decision-making, will be enhanced by the contribution of this information.
5) Size and nature of the public to whose understanding a contribution will be made:

Beyond Nuclear has a membership of nearly 20,000 throughout the United States. Nearly 15,000 members periodically receive mailings from Beyond Nuclear. Beyond Nuclear provides resource material to electronic and print media outlets with very broad outreach to our constituency and interested public. Additionally, Beyond Nuclear has a web site (www.beyondnuclear.org) where postings on this issue will be made available.

6) Means of distribution of the requested information:

Beyond Nuclear will use its own newsletter publication resources and our media contacts in both the electronic and print media outlets to provide very broad outreach to the public. Beyond Nuclear will also share information with other interested parties concerned about the influence of the nuclear power industry upon, and its involvement in nuclear promotional activity and a production agenda in federal policy making and regulatory decision-making. Additionally, Beyond Nuclear will post information on its web site (www.beyondnuclear.org).

7) Whether free access to information will be provided:

Beyond Nuclear will provide the information without charge to all members of the public. Information prepared from the FOIA requested will be posted on the web site for downloading free of charge. Beyond Nuclear will also provide a copy of information to all interested parties without charge.

8) No commercial interest by Beyond Nuclear or any other party:

Beyond Nuclear has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of Beyond Nuclear is to promote a policy debate on the influence of the nuclear power industry upon, and its involvement in, nuclear promotional activity and a production agenda in federal policy making and regulatory decision-making.

Sincerely,

/s/ Kevin Kamps
Kevin Kamps
Beyond Nuclear
6930 Carroll Avenue Suite 400
Takoma Park, MD 20912
Tel. 301 270 2209
http://www.beyondnuclear.org
kevin@beyondnuclear.org