



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR-016

Cross-reference
50-373/374

August 24, 1982

Philip P. Steptoe, Esquire
Isham, Lincoln & Beale
Three First National Plaza
Chicago, IL 60602

IN RESPONSE REFER
TO FOIA-82-A-15
(FOIA-82-248)

Dear Mr. Steptoe:

This is in reply to your letter dated July 21, 1982 in which you appealed Mr. J. M. Felton's denial of your Freedom of Information Act (FOIA) request for four affidavits which referred to allegations of improper construction practices at the LaSalle plant.

Acting on your appeal, I have carefully reviewed the record in this case and have determined that some additional information can now be provided to you. Therefore, your appeal is partially granted and partially denied.

The affidavits are being provided to you as we received them from the Government Accountability Project (GAP) with the exception of some information on page 4 of Edwin Greve's affidavit and some information on page 4 of the 6 page affidavit. This information is being withheld pursuant to exemption (7)(A) of the Freedom of Information Act (5 U.S.C. 552(b)(7)(A)) and 10 CFR 9.5(a)(7)(i) of the Commission's regulations because disclosure of the information would interfere with an ongoing enforcement proceeding. Also enclosed for your information is the May 11, 1982 letter from Thomas Devine of GAP which transmitted the affidavits.

With respect to your allegation that the NRC plays favorites in responding to FOIA requests, I can categorically assure you that this is not the case. The documents made available to Mr. Jan L. Kodner relate primarily to the allegations made by Illinois Attorney General in March 1982 and which were already a matter of public record. In fact, it is my understanding that the Commonwealth Edison Company received a copy of Attorney General's allegations. Because the allegations were public, Mr. James G. Keppler, Regional Administrator of Region III, determined on April 16, 1982 that the documents would not interfere with the ongoing enforcement investigation. The four affidavits you refer to, although mentioned in the Attorney General's amended petition of May 3, 1982, were not a matter of public record. Consequently, Mr. Keppler determined on June 11, 1982 that disclosure of the four affidavits would interfere with the investigation ongoing at that time. Part of the investigation of LaSalle Unit 1 was completed on July 19, 1982, and most of the information in the four affidavits may now be released. The remaining information is being withheld for the reason stated above.

Philip P. Steptoe, Esquire

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This is a final agency action. As set forth in the Freedom of Information Act (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in either the district in which you reside, have your principal place of business, or in the District of Columbia.

Sincerely,

A handwritten signature in dark ink, appearing to read "William J. Dircks". The signature is fluid and cursive, with a large initial "W" and "D".

William J. Dircks
Executive Director for Operations

Enclosures: As stated

Z + E

ISHAM, LINCOLN & BEALE
COUNSELORS AT LAW

EDWARD S. ISHAM, 1872-1908
ROBERT T. LINCOLN, 1874-1969
WILLIAM G. BEALE, 1885-1923

THREE FIRST NATIONAL PLAZA
CHICAGO, ILLINOIS 60602
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PRINCIPAL STAFF	
✓	5/18
✓	5/18
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WASHINGTON OFFICE
1120 CONNECTICUT AVENUE, N.W.
SUITE 840
WASHINGTON, D.C. 20036
107 533-9730

May 17, 1982

Mr. James G. Keppler
Regional Administrator
U. S. Nuclear Regulatory Commission
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Re: Commonwealth Edison Company
La Salle County Nuclear Generating
Station, Unit 1 and Unit 2

FREEDOM OF INFORMATION
ACT REQUEST
FOIA-82-248
Rec'd 5-27-82

Dear Mr. Keppler:

On May 3, 1982 the Attorney General of the State of Illinois filed an "Amendment to Request For Show Cause Proceeding" concerning Commonwealth Edison's La Salle County Nuclear Generating Station, Docket Nos. 50-373 and 50-374. This pleading refers to 4 affidavits from La Salle County construction workers which apparently are being submitted to you by the Government Accountability Project of the Institute For Policy Studies. These affidavits apparently contain allegations of improper construction practices at LaSalle County Nuclear Station. The pleading states that the Government Accountability Project has provided these affidavits to the Illinois Attorney General's office with certain identifying information deleted.

While we recognize that the NRC has a duty to maintain confidentiality of its informants when requested to do so, Commonwealth Edison believes it has a right to know what charges are being made since they conceivably could prejudice its pending application for a full power operating license for LaSalle County Unit 1. Accordingly, Commonwealth Edison hereby requests copies of the 4 affidavits referred to in the Attorney General's letter with such deletions as are necessary to protect the confidentiality of any informants to whom a promise of confidentiality was made by the NRC. Please consider this a request under the Freedom of Information Act.

Sincerely,
Philip P. Steptoe
Philip P. Steptoe

PPS:es

cc Harold Denton
Richard Hoefling
L. Del George

820712-0263
PDR



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 23, 1982

Philip P. Steptoe, Esquire
Isham, Lincoln & Beale
Three First National Plaza
Chicago, IL 60602

IN RESPONSE REFER
TO FOIA-82-248

Dear Mr. Steptoe:

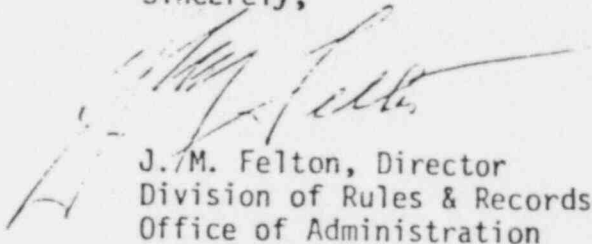
This is in response to your letter dated May 17, 1982 addressed to Mr. James G. Keppler, Regional Administrator, in which you request, pursuant to the Freedom of Information Act, four affidavits which you say contain allegations of improper construction practices at the LaSalle plant.

The four affidavits are being withheld from public disclosure pursuant to exemption (7)(A) of the Freedom of Information Act (5 U.S.C. 552(b)(7)(A)) and 10 CFR 9.5(a)(7)(i) of the Commission's regulations because disclosure would interfere with an ongoing enforcement action.

Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. James G. Keppler, Regional Administrator, Region III.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and should clearly state on the envelope and in the letter that it is an "Appeal from an initial FOIA Decision."

Sincerely,


J.M. Felton, Director
Division of Rules & Records
Office of Administration

~~820720260~~
PAR

LAW OFFICES
TUTT AND KODNER
173 WEST MADISON STREET
SUITE 1004
CHICAGO, ILLINOIS 60602

RONALD TUTT
JAN L. KODNER

312/263-1535

March 30, 1982

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-82-168
Rec'd 4-1-82

U.S. Nuclear Regulatory Commission
Director, Division of Rules and Records
Office of Administration
Washington, DE 20555

Gentlemen:

Pursuant to the Freedom of Information Act, as amended, 5 USC 552, and the Privacy Act of 1974, 5 USC 552A, I hereby request a copy of any and all documents relative to the Commonwealth Edison construction of two nuclear power plants in LaSalle, Illinois, Docket Nos. 50373 and 50374, as hereinafter specified.

Construction problems, defects, lack of adherence to government construction codes or standards, relating to, but not limited to, the following:

1. Concrete derects, including honeycombing, especially honeycombing of the Units 1 and 2 reactor pedestals and primary containment structures; improper pouring procedures; improper procedures for vibrating of concrete; improper procedures during concrete setting, especially concrete setting too fast; improper mixing of concrete.
2. Failure to remove debris from forms before pouring concrete, debris including wood, barrels, metal, plastic tarps, etc.
3. Improper assembly of steel rod reinforcing structures, especially indiscriminate or excessive cutting of assembled structures.
4. Poor quality welding of pipes and other structures, including failure to seat pipe ends prior to welding, visible pipe leaks, welds with open gaps containing only weld material, lack of adherence to pipefitting or welding codes, poor quality control, lack of inspection or radiography of welds.

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5. Improper or incomplete mortaring of high-density concrete block structures, including use of poor quality mortar or mortar with improper proportions of ingredients.
6. Covering up with concrete of ends of pipe inserted into main reactor containment structures for strengthening cable to be passed through.
7. Cracks or other defects in the stack or the steel supports for the stack.
8. Any and all explosions, including, but not limited to, explosions in the area of the top of reactor 1; explosions which blew off either the reactor lid or the lid the reactor refueling pit; explosions which blew a hole in the reactor building roof; explosions resulting from purging, pressurization or depressurization tests of the containment structures.
9. Sabotage by construction workers.
10. Fraud by construction companies or Commonwealth Edison personnel.
11. Deaths or maiming injuries to construction workers.

If you determine that some portions of the requested information are exempt:

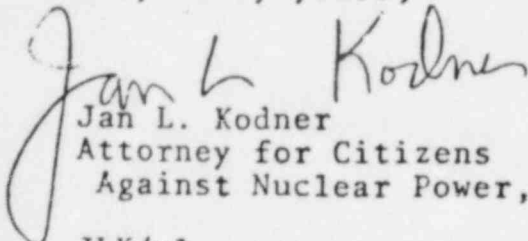
1. Please provide me with a copy of the remainder of the file;
2. Advise of the specific exemptions which you think justifies your refusal to release the information; and
3. Inform me of your agencies appeal procedures.

As you know, the amended act permits you to waive or reduce the fees if that "is in the public interest because furnishing the information can be considered as primarily benefitting the public". I believe that this request plainly fits this category; and, accordingly, request that you waive any fees. If your agency elects not to waive said fees, please advise of the costs involved.

U.S. Nuclear Regulatory Commission
Director, Division of Rules and Records
Page 3
March 30, 1982

As provided for in the amended act, I shall expect to receive a reply within ten (10) working days. Thank you for your cooperation.

Very truly yours,


Jan L. Kodner
Attorney for Citizens
Against Nuclear Power, Inc.

JLK/v1

5/1
May 11, 1982

Jan L. Kodner, Esquire
Tutt and Kodner - Suite 1004
173 West Madison Street
Chicago, IL 60602

IN RESPONSE REFER
TO FOIA-82-168

Dear Mr. Kodner:

This is in response to your letter dated March 30, 1982, in which you requested, pursuant to the Freedom of Information Act, copies of all documents relative to the Commonwealth Edison construction of two nuclear power plants in LaSalle, Illinois, Docket Nos. 50-373 and 50-374, and concerning the eleven categories defined in your letter.

In response to your request, copies of the documents listed on Appendix A hereto are enclosed.

Portions of the documents listed on Appendix A hereto, which have been identified with an asterisk (*), have been deleted in order to withhold the names of individuals and their personal identifiers so as to protect the confidentiality of these sources. Because disclosure of this information would constitute a violation of a pledge of confidentiality, it is being withheld from public disclosure pursuant to Exemption (7)(D) of the Freedom of Information Act (5 U.S.C. 552(b)(7)(D)) and 10 CFR 9.5(a)(7)(iv) of the Commission's regulations.

Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. James G. Keppler, Regional Administrator, Region III.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

Finally, in addition to the documents identified on Appendix A, approximately 90 drawings, each measuring 3 feet by 4 feet in size were brought to the March 31, 1982 meeting with Commonwealth Edison personnel at the NRC. Only this one set of drawings is available in the NRC. We estimate that the charge to reproduce a copy of each drawing for your use would be approximately \$18.00 per drawing (i.e. 3 feet x 4 feet x approximately \$1.50 per square foot = \$18.00 per drawing).

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Jan L. Kodner, Esquire

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Please advise us if you want copies of the drawings reproduced for your use. If so, the NRC will bill you for the actual cost of reproduction as set forth in the Commission's regulation, 10 CFR Part 9.14(b)(2).

Sincerely,

John D. Phillips

(for) J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosures: As stated

Appendix ADocuments relative to Items 1 and 3

1. 2/2/78 Memo to: Norelius from: Heishman w/attachments (2 pages)
 - *a. Statements Concerning Quality of Plant Construction (3 pages)
 - *b. Notes from GAO (13 pages)

12/12/77 Letter from GAO is not in RIII files.
- *2. 1/31/78 Memo to: Heishman from: Hayes (1 page)

*Attachment was a handwritten note with several references to the "electrician" and the references could not be bracketed.
3. 3/18/82 Letter to: Anthony Bournia, NRR, from: J. S. Goodie, Assistant Attorney General (2 pages)
4. 3/25/82 Memo to: Norelius from: Warnick w/attachments (2 pages)
 - *a. 3/13/82 Memo from: James Foster to RIII files thru R. Warnick (2 pages)
 - *b. 1/28/82 Memo from: Warnick to: RIII files (2 pages)
 - *c. 2/10/82 Memo from: Foster to: RIII files (2 pages)
 - *d. 2/26/82 Memo from: Warnick to: RIII files (2 pages)
5. 3/30/82 Memo from: Keppler to: DeYoung (1 page)
6. 3/29/82 Notes "Off-Gas Building Roof Report" (2 pages)
- *7. 3/31/82 Memo from: Foster to: RIII files Thru: R. Warnick (1 page)
- *8. Partial LaSalle Chronology (11/7/75 thru 4/2/82) (2 pages)
9. 10/10/74 GC Nonconformance Report for Construction and Test (6 pages)
10. 8/25/77 A&H Engineering Corporation, Report of Concrete Placement (3 pages)
11. Walsh Construction Company instructions entitled, "General" (8 pages)
- *12. 3/8-9/78 Request for documents from Morrison Construction Co., Inc. (4 pages)
13. 3/8/78 Request for documents from Mr. Kranz signed by Foster (1 page)

Appendix ADocuments relative to Items 1 and 3

- *14. 10/18/77 Morrison Construction Company, Report of Radiographic Examination (2 pages)
- 15. 4/76 Morrison Construction Company - Standard Operating Procedure (8 pages)
- 16. Key Plan - LaSalle Site (1 page)
- 17. Business card - Tom W. Miller, P. E. (1 page)
- *18. Undated Action Plan (1 page)
- *19. Undated Items to be inspected (after interviews) (1 page)

Documents relative to Items 1 and 2

- *20. Individual Identifier Code - Reports 50-373/78-06 and 50-374/78-05 (1 page)
- *21. 2/27/78 Interview (3 pages)
- *22. 2/27/78 Interview (4 pages)
- *23. 2/28/78 Interview (3 pages)
- *24. 3/1/78 Interview (1 page)
- *25. 3/2/78 Interview (2 pages)
- *26. 3/6/78 Interview (1 page)
- *27. 3/6/78 Interview (1 page)
- *28. 3/7/78 Interview (3 pages)
- 29. 3/7/78 Interview (1 page)
- *30. 3/8/78 Interview (1 page)
- 31. 3/8/78 Interview (1 page)
- *32. 3/8/78 Interview (1 page)
- *33. 3/8/78 Interview (1 page)
- *34. 3/13/78 Interview (1 page)
- 35. Undated Interview (1 page)
- *36. 2/4/82 Interview (3 pages)

Appendix A

- *37. 3/8/82 Interview (1 page)
- *38. 3/8/82 Interview (1 page)
- *39. 3/26/82 Interview (1 page)

*Names and personal identifiers of individuals have been deleted and withheld to protect confidential sources.

Documents relative to Item 9

- 40. 4/15/81 Daily Reports (1 page)
- *41. 4/21/81 Daily Reports (1 page)
- *42. 4/24/81 Daily Reports (1 page)
- *43. 4/27/81 Daily Reports (1 page)
- *44. 4/30/81 Daily Reports (1 page)
- *45. 5/7/81 Daily Reports (1 page)

Documents relative to Item 3

- 46. 9/23/76 Exhibit 4A - Sargent & Lundy Engineers, Chicago - Specification for Concrete Expansion Anchor Work, LaSalle County Station - Units 1 and 2 (214 pages)
- 47. 3/24/82 Letter To: Secretary, U.S. NRC, Form: J. S. Goodie re: Request to Institute A Show Cause Proceeding and for Other Relief - Commonwealth Edison Companys Docket Nos. 50-373, 50-374 w/attached affidavits (29 pages)
- 48. 3/31/82 Transcript: COMMONWEALTH EDISON COMPANY, LaSalle County Nuclear Generating Station, Unit 1 and Unit 2, Docket Nos. 50-373 and 50-374, Pages 1 - 77