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*Ref***NUCLEAR INFORMATION AND RESOURCE SERVICE**1424 16TH STREET NW SUITE 404

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January 16, 2003

Chief

FOIA Branch

Division of Freedom of Information and Publication Services

Office of Administration

U.S. Nuclear Regulatory Commission

Washington, DC 20555

BY E-MAIL < foia@nrc.gov >

To Whom It May Concern:

On behalf of Nuclear Information and Resource Service (NIRS), and pursuant to the Freedom of Information Act, 5 U.S.C. 552(b), et. seq., I hereby request that you make available copies of all documents in the U.S. Nuclear Regulatory Commission's (NRC) possession which describe or discuss communications between NRC staff and management and Davis-Besse nuclear generating station license holder Toledo Edison, Centerior Service Company, Cleveland Electric Illuminating Company and FirstEnergy regarding the licensee's corrective actions in response to Confirmatory Order Modifying License- Davis-Besse Nuclear Power Station, Unit No. 1 (TAC No. M85542) dated June 22, 1998 as described more fully below.

This request covers but is not limited to all draft and final versions of Requests for Additional Information (RAI), draft and final orders, correspondence, work orders, condition reports, memoranda, notes, records of telephone contacts, fax transmissions and e-mail, or other written records, whether in paper or electronic 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 analyses, working papers, internal or external communications of any sort concerning, recording or in any way related to:

- 1) All communications during the time frame of June 01, 1998 to June 30 1999 between Office of Nuclear Reactor Regulation (NRR) at NRC Headquarters in Rockville, Maryland as well as to and from Toledo Edison, Centerior Service Company, and Cleveland Electric Illuminating Company regarding licensee actions to complete and close-out Thermo-Lag 330-1 fire barrier corrective action programs by December 31, 1998 as identified in NRC Confirmatory Order dated June 22, 1998 (TAC No. M85542).

- 2) All communications during the time frame of June 01, 1998 to June 30, 1999 between the staff of the Division of Reactor Projects, NRR Region III and Toledo Edison, Centerior Service Company and Cleveland Electric Illuminating Company regarding licensee actions to complete and close-out Thermo-Lag 330-1 fire barrier corrective action programs by December 31, 1998 as identified in NRC Confirmatory Order dated June 22, 1998 (TAC No. M85542).
- 3) All NRC Regional III inspections reports pertaining to fire protection systems including the triennial inspection of fire protection features at Davis-Besse from the time period of June 01, 1998 and June 30, 1999.
- 4) All Davis-Besse Condition Reports and Work Orders filed by the licensee during the time frame of June 01, 1998 and June 30, 1999 in the possession of NRR and Region III.
- 5) All records generated by the NRC resident inspectors at Davis-Besse including written summaries of telephone conference calls or other correspondence with NRR headquarters and Region III that reflect Status Reports and Progress Reports of commitments and corrective action programs identified in Confirmatory Order Modifying the License at Davis-Besse nuclear power station No. 1 (TAC No. M85542) for the time period of June 22, 1998 and December 31, 1998.

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 1-5.

For any portion of the request that you deem appropriate to deny, NIRS 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.

Pursuant to NRC regulations at 10 CFR 9.41, NIRS 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 regulatory compliance at nuclear power stations. The requested information is not currently available in the NRC's Public Document Room.

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

NIRS is qualified to make use of the requested information. The NIRS staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Members of the NIRS staff have published articles in such national journals as The Progressive, Nuclear Times, and Newsday. NIRS is quoted as a reliable source of information on nuclear safety issues and regulatory compliance in newspapers across the country, including the New York Times, The Washington Post, The San Francisco Chronicle, The Toledo Blade, The Cleveland Plain Dealer, and The Akron Beacon Journal.

NIRS has a working relationship with policy analysts, fire consultants, attorneys, physicists, mechanical and nuclear engineers and other respected professionals who contribute to the full understanding of nuclear regulatory compliance and adherence to a robust public safety policy.

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

NIRS seeks the requested information solely to contribute to and help shape the public debate on regulatory compliance and public safety. NIRS intends to use the information in order to advance the concerns for public understanding of nuclear regulatory compliance and public safety.

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

The public understanding of the issues of nuclear regulatory compliance will be enhanced by the contribution of this information.

5) Size and nature of the public to whose understanding a contribution will be made:

NIRS has an active subscribing membership of over 1500 throughout the United States. Several thousand additional members periodically receive mailings from NIRS. NIRS provides resource material to electronic and print media outlets with very broad outreach to a safety conscious audience. Additionally, NIRS has a web site (www.nirs.org) which receives on average of 1500 visitors per day where postings on this issue will be made available.

6) Means of distribution of the requested information:

NIRS will use its own newsletter publication The Nuclear Monitor and our media contacts in both the electronic and print media outlets to provide very broad outreach to the public concerned about regulatory compliance and public safety. NIRS will also share information with other interested parties concerned about regulatory compliance

and public health and safety. Additionally, NIRS will post information on its web site (www.nirs.org) which receives on average of 1500 visitors per day.

7) Whether free access to information will be provided:

NIRS 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. NIRS will also provide a copy of information to all interested parties without charge.

8) No commercial interest by NIRS or any other party:

NIRS has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of NIRS is to promote a policy debate on nuclear regulatory compliance and the protection of public health and safety.

Sincerely,
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