



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

AUG 12 1986

Ms. Billie Pirner Garde  
Citizens Clinic Director  
Government Accountability Project  
1555 Connecticut Avenue, NW, Suite 202  
Washington, DC 20036

IN RESPONSE REFER  
TO FOIAs-86-80, 86-82, 86-126,  
86-127, 86-131, 86-166, 86-201,  
86-209, AND 86-263

Dear Ms. Garde:

This is in further response to your letters dated February 3, February 10, February 17, February 24, March 3, March 10, March 17, March 24, and March 31, 1986, in which you requested, pursuant to the Freedom of Information Act (FOIA), documents generated or prepared by Victor Stello since his appointment as Acting Executive Director for Operations. In a telephone conversation with Carol Ann Reed of my staff on January 28, 1986, you narrowed the scope of your previous requests for the same types of documents to 1) handwritten and typed notes of Victor Stello; 2) notes and correspondence dictated by V. Stello; 3) records reflecting V. Stello's decisions and comments and the records upon which the decisions and comments were based; 4) correspondence and other records prepared by V. Stello's staff which carry out a V. Stello directive; and 5) SECY papers signed by V. Stello. Therefore, these requests have been processed using these same guidelines.

The documents listed on the enclosed Appendix D are being placed in the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC. You may obtain access by presenting a copy of this letter to the PDR staff or by requesting PDR folder FOIA-86-263 under your name.

Portions of the documents listed on the enclosed Appendix E and the documents listed on the enclosed Appendix F are being withheld from public disclosure pursuant to the exemptions noted next to each document on the enclosed appendices. The nonexempt portions of the Appendix E documents are being placed in the PDR.

Information withheld from public disclosure pursuant to Exemption (2) of the FOIA (5 U.S.C. 552(b)(2)) and 10 CFR 9.5(a)(2) of the Commission's regulations consists of information related solely to internal personnel rules and practices of this agency.

8608220182 860812  
PDR FOIA  
GARDE86-80 PDR

Information withheld from public disclosure pursuant to Exemption (4) of the FOIA (5 U.S.C. 552(b)(4)) and 10 CFR 9.5(a)(4) of the Commission's regulations consists of information submitted and received in confidence from a foreign source. Under these conditions the documents are protected from mandatory public disclosure under the alternative test set out in National Parks and Conservation Association v. Morton, 498 F.2d 765 (D.C. Cir. 1974). Under that test, a record can be withheld because disclosure would impair the Government's ability to obtain necessary information in the future. It is our view that a breach of understanding between the NRC and a foreign source could in the future inhibit the free flow of information to the NRC and could interfere with our mission.

Information withheld from public disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations consists of drafts and other documents containing preliminary advice, opinions, and recommendations. Release of this type of information would tend to inhibit the frank and candid exchange of information in future deliberation and thus would not be in the public interest.

Information withheld from public disclosure pursuant to Exemption (6) of the FOIA (5 U.S.C. 552(b)(6)) and 10 CFR 9.5(a)(6) of the Commission's regulations consists of personal information the release of which would cause a clearly unwarranted invasion of personal privacy.

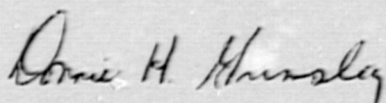
Pursuant to 10 CFR 9.9 and 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial of document E-27 are the undersigned and Mr. Robert B. Minogue, Director, Office of Nuclear Regulatory Research. The person responsible for the denial of documents E-1, E-2, E-3, E-13, E-14, F-1, F-2, F-4, F-7, F-8 and F-9 is Mr. John C. Hoyle, Assistant Secretary of the Commission. The person responsible for the denial of documents E-4 through E-12, E-15, E-16, E-17, E-19 through E-26, F-28, F-3, F-5, and F-6 is Mr. Victor Stello, Jr., Executive Director for Operations. The person responsible for the denial of document E-18 is Mr. Guy H. Cunningham, Deputy General Counsel.



The denial by Mr. Minogue and myself may be appealed to the Executive Director for Operations within 30 days from the receipt of this letter. 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." The denials by Messrs. Cunningham, Hoyle, and Stello may be appealed within 30 days to the Secretary of the Commission and should be addressed to the Secretary of the Commission.

The review of additional documents subject to your requests is continuing. As soon as our review is completed, we will notify you.

Sincerely,



Donnie H. Grimsley, Director  
Division of Rules and Records  
Office of Administration

Enclosures: As stated

APPENDIX D

DATE

TO

FROM

FOIA-86-80 and 86-82

1. January 29, 1986

Chairman Palladino  
and Commissioners

Victor Stello, Jr.

RE: DESIGNATION OF ACTING EXECUTIVE DIRECTOR  
FOR OPERATIONS

2. January 28, 1986

Victor Stello, Jr.

Guy H. Cunningham, III

RE: NEPA REVIEW PROCEDURES FOR GEOLOGIC  
REPOSITORIES FOR HIGH-LEVEL WASTE

3. February 2, 1986

Jim S.

T

RE: NOTE ON COMMISSION ACTION ON THE  
STANDARDIZATION POLICY STATEMENT

FOIA-86-126, 127 and 86-131

4. January 21, 1986

Victor Stello

James K. Asselstine

RE: QUALITY ASSURANCE AT TVA

5. February 20, 1986

Chairman Palladino  
and Commissioners

Victor Stello, Jr.

RE: COMPARISON OF ASSUMED AND OBSERVED AFW  
COMPONENT RELIABILITY AT SAN ONOFRE 2 & 3

6. February 24, 1986

Chairman Palladino

Victor Stello, Jr.

RE: MONTHLY STATUS REPORT ON EMERGENCY  
PREPAREDNESS

7. February 26, 1986

Robert B. Minogue

Victor Stello, Jr.

RE: RECLAMA OF SCRB DECISION ON FIN A-3282

FOIA-86-166

8. March 14, 1986

Samuel J. Chilk

Victor Stello, Jr.

RE: DESIGN BASIS THREAT DECISION PAPER



DATE

TO

FROM

FOIA-86-201 and 209

9. March 21, 1986

Chairman Palladino  
and Commissioners

Victor Stello, Jr.

RE: TVA RESPONSE TO 10 CFR PART 50,  
APPENDIX B REQUIREMENT FOR WATTS BAR

10. March 25, 1986

Chairman Palladino  
and Commissioners

Victor Stello, Jr.

RE: DRAFT GAO REPORT ENTITLED, "INTERNATIONAL  
EFFORTS TO REDUCE AVAILABILITY OF NUCLEAR  
WEAPONS-GRADE URANIUM"

11 March 17, 1986

Routing Slip

RE: Ltr for Rep. Mary Rose Oakar from Stello on  
BURIAL OF LOW-LEVEL WASTE NEAR DAVIS-BESSE

FOIA-86-263

12. March 31, 1986

Ms. Billie P. Garde

Victor Stello, Jr.

RE: STAFF'S ACTIONS REGARDING WESTERN  
RESERVE ALLIANCE (WRA) BY MR. SCHLEMMER

13. March 3, 1986

Victor Stello, Jr.

Guy H. Cunningham, III

RE: RULEMAKING TO TAILOR THE REGULATIONS TO  
SPECIFIC POWER LEVELS

14. April 1, 1986

Chairman Palladino  
and Commissioners

Victor Stello, Jr.

RE: STATUS OF GAO ASSIGNMENTS AS OF APRIL 1,  
1986

15. April 9, 1986

Chairman Palladino  
and Commissioners

Victor Stello, Jr.

RE: STAFF EVALUATION OF U.S. DEPARTMENT OF  
ENERGY PROPOSAL FOR MONITORED RETRIEVABLE  
STORAGE - NUREG-1168

16. April 3, 1986

Samuel J. Chilk

Victor Stello, Jr.

RE: PRIORITY TASK - DAVIS BESSE FINDINGS  
PRIOR TO RESTART

APPENDIX E

<u>DATE</u>	<u>TO</u>	<u>FROM</u>	<u>EXEMPTION</u>
<u>FOIA-86-80 and 86-82</u>			
1. February 6, 1986	Victor Stello, Jr.	Nunzio J. Palladino	5
	RE: REVIEW OF NRC ACTIVITIES WITH TVA		
2. January 30, 1986	Victor Stello	Nunzio J. Palladino	5
	RE: CONSTRUCTION PERMIT EXPIRATIONS		
3. January 29, 1986	Victor Stello, Jr.	Samuel J. Chilk	2
	RE: REVISION TO COMMISSION TRACKING REPORT		
4. January 30, 1986	Victor Stello, Jr.	Harold R. Denton	5
	RE: TECHNICAL INTEGRATION PLANS		
5. January 24, 1986	Routing Slip		5
	RE: Memo for Rehm fm Jordan re PROPOSED LETTER TO FEMA REGARDING OMB BUDGET PASSBACK W/LTR TO BECTON FOR CHMN SIG.		
6. February 10, 1986	Routing Slip		5
	RE: Memo for the Commissioners fm Stello re COMPARISON OF ASSUMED AND OBSERVED AFW COMPONENT RELIABILITY AT SAN ONOFRE 2 AND 3		
7. February 3, 1986	DRAO Staff	Malcolm L. Ernest	5
	RE: EDO APPROVAL OF RULEMAKING		
8. February 6, 1986	Victor Stello, Jr	John E. Zerbe	6
	RE: ATTACHED RESUMES		
9. Undated	Ben Hayes	VS	5
	RE: OI RESPONSE TO COMM TR 85-7 dated January 23, 1986		
10. January 29, 1986	Victor Stello	Mat	5
	RE: Sege January 8, 1986 Memo re INTERVIEW ON CONTAINMENT OBJECTIVE		



<u>DATE</u>	<u>TO</u>	<u>FROM</u>	<u>EXEMPTION</u>
<u>FOIA 86-80 and 86-82</u>			
11. February 4, 1986	Routing Slip		5
	RE: Memo for the Commissioners fm Stello re DAVIS-BESSE EVENT LESSONS LEARNED W/MEMO FOR DIRECTORS RE: SAME		
<u>FOIA-86-126, 127, and 131</u>			
12. February 27, 1986	Hon. Chaires McC. Mathias, Jr.	Victor Stello, Jr.	6
	RE: GIGI RAMMLING'S INQUIRY REGARDING AN INDIVIDUAL'S MOVE		
13. January 29, 1986	Victor Stello, Jr.	Samuel J. Chilk	2
	RE: REVISION TO COMMISSION TRACKING REPORT (With Annotations)		
14. August 14, 1986	Sharon Connelly	Samuel J. Chilk	5
	RE: REFERRALS TO THE DEPARTMENT OF JUSTICE		
15. February 19, 1986	J. H. Snizek, et al	Jack W. Roe	5
	RE: SCRB REVIEW OF NRC PROCUREMENT PRACTICES		
<u>FOIA 86-166</u>			
16. March 6, 1986	Routing Slip		5
	RE: Memo for the Commissioners fm Stello re TECHNICAL SPECIFICATION IMPROVEMENT PROGRAM		
17. February 27, 1986	Routing Slip		
	RE: Memo for Stello fm Davis re FINAL RULE ON MATERIAL BALANCE REPORTS (10 CFR PARTS 40, 51, 74, 150) W/FEDERAL REGISTER NOTICE FOR SIG.		5
<u>FOIA-86-201 and 86-209</u>			
18. March 4, 1986	Patricia G. Norry	Dennis C. Dambly	6
	RE: REPAYMENT OF COST OF UNOFFICIAL CALLS ON THE FEDERAL TELECOMMUNICATIONS SYSTEM (FTS)		
19. March 14, 1986	Victor Stello, Jr.	Patricia G. Norry	5
	RE: STAFF REQUIREMENTS MEMORANDUM OF JANUARY 21, 1986 RE HUMAN RESOURCE PLAN		

DATETOFROMFOIA-86-201 and 86-209

20. March 11, 1986	Ronald M. Scroggins	Patricia G. Morry	6
	RE: REPAYMENT OF COST OF UNOFFICIAL CALLS ON THE FEDERAL TELECOMMUNICATIONS SYSTEM (FTS)		
21. March 18, 1986	Routing Slip		5
	RE: Memo for Mongue fm Stello re CONTROL OF NRC REGULMAKING		
22. March 17, 1986	Gary J. Edles	Harold R. Denton	6
	RE: FTS ABUSE BY NRC EMPLOYEES		
23. March 18, 1986	Routing Slip		5
	RE: Memo from Chairman Palladino fm Stello re STAFFING REVIEW FOR ASLBP, ASLAP AND THE ACRS		
24. March 20, 1986	Routing Slip		5
	RE: Summary Sheet (Information) for the Commissioners fm Stello re RADIATION TECHNOLOGY, INC., ROCKAWAY, NEW JERSEY		
25. March 19, 1986	Routing Slip		5
	RE: Summary Sheet (Affirmation) for the Commissioners fm Stello re FINAL RULE TO MODIFY THE REQUIREMENT THAT POWER REACTOR LICENSEES MAINTAIN PROPERTY DAMAGE INSURANCE		

FOIA 86-263

26. April 1, 1986	Chairman Palladino and Commissioners	Victor Stello, Jr	5
	RE: RESULTS OF NRR'S INVESTIGATION AND EVALUATION OF TEN LICENSED OPERATORS INVOLVED IN TMI-2 PREACCIDENT LEAK RATE TESTING IRREGULARITIES		
27. March 27, 1986	C. Z. Serpan, Jr.	J. Muscara	4
	RE: TRIP REPORT ON TECHNICAL ADVISORY GROUP MEETING FOR THE STEAM GENERATOR PROGRAM, FRANCE, NOVEMBER 4-8, 1985		



DATE

TO

FROM

EXEMPTION

FOIA-86-263

28. April 8, 1986

Richard E. Cunningham      Frederick J. Hebdon

5

RE: NMSS RESPONSE TO AEOD RECOMMENDATIONS  
CONTAINED IN AEOD CASE STUDY REPORT:  
"THERAPY MISADMINISTRATIONS REPORTED  
TO NRC PURSUANT TO 10 CFR 35.42"

APPENDIX F

DATE

TO

FROM

EXEMPTION

FOIA-86-80 and 86-82

1. January 29, 1986

Victor Stello, Jr.

Samuel J. Chilk

5 ✓

RE: SECY-85-21/21B - FITNESS FOR DUTY OF  
NUCLEAR POWER PLANT PERSONNEL

FOIA-86-126, 127 and 131

2. February 26, 1986

Chairman Palladino

Victor Stello, Jr.

5 ✓

RE: REVIEW OF NRC ACTIVITIES WITH TVA

3. February 19, 1986

Chalres McC.  
Mathias, Jr.

Victor Stello, Jr

6 ✓

RE: RESPONSE TO JANUARY 14, 1986 LETTER

FOIA-86-166

4. February 7, 1986

Victor Stello, Jr.

Samuel J. Chilk

5 ✓

RE: STAFF REQUIREMENTS - DISCUSSION ON  
DESIGN BASIS THREAT, 2:00 P.M., TUESDAY,  
JANUARY 28, 1986, CHAIRMAN'S CONFERENCE  
ROOM, D.C. OFFICE (CLOSED--EX. 1)

FOIA 86-201 and 209

5. March 21, 1986

Vic

TR

5 ✓

RE: HANDWRITTEN NOTE re POLICY STATEMENT

6. April 8, 1986

Sharon R. Connelly

Victor Stello, Jr

6 ✓

RE: CONFLICT OF INTEREST REPORT DATED  
MARCH 7, 1986 ON AN INDIVIDUAL

FOIA-86-263

7. March 26, 1986

Chairman Palladino  
and Commissioners

Victor Stello, Jr.

5 ✓

RE: FITNESS FOR DUTY POLICY STATEMENT



<u>DATE</u>	<u>TO</u>	<u>FROM</u>	<u>EXEMPTION</u>
<u>FOIA-86-263</u>			
8. April 7, 1986	Victor Stello, Jr.	Nunzio J. Palladino	2 ✓
	RE: TRAVEL EXPENSES		
9. March 25, 1986	Victor Stello, Jr.	Nunzio J. Palladino	2 ✓
	RE: COMMISSIONER COORDINATION WITH STAFF		