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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

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December 9, 1980  
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US NRC  
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Joanne Bloom, Esquire  
Isham, Lincoln & Beale  
1 First National Plaza  
Chicago, IL 60603

IN RESPONSE REFER  
TO FOIA-80-533

Dear Ms. Bloom:

This is in further response to your letter dated November 20, 1980 in which you requested, pursuant to the Freedom of Information Act, documents regarding the following:

1. The imposition of civil penalties.
2. NRC requests for congressional authorization for more severe civil penalties.
3. The responsibilities and behavior of nuclear station operators.

Two staff papers, SECY 80-139 and 80-139A were issued and are available at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.

The documents listed on the appendix are enclosed.

The charge for reproducing records not located in the NRC Public Document Room is five cents (\$0.05) per page, as specified in 10 CFR 9.14(b). Accordingly, the cost of reproducing the enclosed 414 pages is \$20.70.

Please send a check made payable to the U. S. Nuclear Regulatory Commission in the amount of \$20.70 along with a copy of this letter, to the Director, Division of Rules and Records, Room MNBB-4210, U. S. Nuclear Regulatory Commission, Washington, DC 20555.

Sincerely,

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

Enclosures: As stated

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APPENDIX

1. PNO-III-80-169
2. PNO-III-80-169A
3. Inspection Report No. 50-237/80-16; 50-249/80-20
4. Memo 9/30/80 J. Keppler to N. Moseley with draft IE Bulletin
5. Memo 10/1/80 V. Stello to All IE Technical Personnel
6. Letter 10/8/80 R. Heishman to Commonwealth Edison Co. with  
Inspection Report No. 50-10/80-14; 50-237/80-17; 50-249/80-21
7. Memo 10/10/80 Comm. Bradford to W. Dircks
8. Memo 10/10/80 J. Keppler to D. Thompson with draft civil penalty package
  - a. Ditto with handwritten comments by N. Moseley
  - b. Ditto with handwritten comments by S. Bryan
  - c. Ditto with handwritten comments sent to L. Spessard
9. Draft (undated) letter V. Stello to Commonwealth Edison Co.
10. Letter (Draft 1) V. Stello to Commonwealth Edison Co.
11. Letter (Draft 2) V. Stello to Commonwealth Edison Co.
12. Letter (Draft labeled, "The Final Letter") V. Stello to Commonwealth  
Edison Co.
13. Draft letter (undated) V. Stello to Commonwealth Edison Co.
14. Draft letter (undated) V. Stello to Commonwealth Edison Co.
15. Letter 10/20/80 V. Stello to Commonwealth Edison Co.
16. Draft EN-80-50
17. EN-80-50
18. Memo 3/10/80 Bryan to Moseley Subject: Enforcement Policy
19. Memo 5/23/80 Dircks to Office Directors Re: Meeting on Enforcement Policy
20. Memo 3/18/80 Stello to Dircks Subject: Commission Paper on Enforcement Program
21. Letter 6/5/80 Stello to W. H. Jens responding to Jens letter to Ahearne 5/5/80  
(attached)
22. Memo Sniezek to Keppler dated 6/26/80 Subject: NRC Enforcement Program
23. Memo 6/30/80 Thompson to Office Directors and Regional Directors Subject:  
Revised NRC Enforcement Policy
24. Memo 6/30/80 Stello to NRC Office Directors Subject: Revised NRC Enforcement  
Policy

APPENDIX

25. Memo 7/1/80 Stello to Shapar sending Revised NRC Enforcement Policy (no cy attached)
26. Memo 7/9/80 Bush to Thompson Revised Enforcement Policy comments
27. Memo 7/14/80 Sniezek to Thompson trans comments on Revised NRC Enforcement Policy
28. Memo 7/16/80 Moseley to Thompson Subject: Revised NRC Enforcement Policy
29. Memo to Files 7/22/80 D. Thompson Telephone Inquiry - Moffett Comm. Staff
30. Memo 8/14/80 Bryan to Murray Re: NRC Policy Statement-etc.
31. Memo 9/15/80 Thompson to Regional Directors Re: Regional Public Meetings on Enforcement Policy
32. Memo 9/22/80 Thompson to IE Office Directors & Regional Directors Re: Use of Revised Enforcement Criteria
33. Memo Stello to Commission 9/23/80 Subject: Revised Enforcement Policy
34. Memo 10/1/80 Thompson to Docketing & Service trans NRC Enforcement Policy

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October 24, 1980

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202-833-9730

Director, Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

FREEDOM OF INFORMATION  
ACT REQUEST  
FOIA-80-533  
rec'd 10-30-80

Re: Freedom of Information Act

Dear Sir:

This letter is written on behalf of Commonwealth Edison Company ("CECo."). Pursuant to the Freedom of Information Act, as amended (5 U.S.C. §552) and 10 CFR Part 9 of the Commission's Regulations, I hereby request access to, and copying if I choose, the following:

1. All documents to, from, or routed to, from or through the Nuclear Regulatory Commission ("NRC") regarding, related, or referring in any way to the events which gave rise to the "Notice of Violation" attached to Appendix A to the letter from Mr. Victor Stello of the NRC to Mr. James J. O'Connor of CECo.
2. All documents to, from, or routed to, from or through the NRC from March 1, 1980 onward regarding, related or referring in any way to standards, criteria, statements of policy, or any other directives relating to the imposition of civil penalties by the NRC for violations by NRC licensees of NRC regulatory requirements.
3. All documents to, from, or routed to, from or through the NRC from March 1, 1980 onward regarding, related or referring in any way to requests by the NRC that Congress authorize the imposition of more severe civil penalties than are currently authorized.
4. All documents to, from, or routed to, from or through the NRC regarding, related or referring in any way to standards, criteria, statements of policy or any other directives relating to the responsibilities, behavior and deportment of NRC licensed Nuclear Station Operators ("NSO") as defined in 10 CFR §50.54(k).

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5. All documents to, from, or routed to, from or through the NRC regarding, related or referring in any way to standards, criteria, statements of policy or any other directives relating to the behavior, deportment or conduct of employees at NRC licensed production or utilization facilities which would in any way constitute inattentiveness to, distraction from, or neglect of an employee's assigned duties, including but not limited to any documents relating to an employee's sleepiness or drowsiness while working.

6. All documents to, from or routed to, from or through the NRC regarding, related or referring in any way to each instance in which any NRC personnel categorized an item of non-compliance by any licensee of a production or utilization facility as a violation, infraction or deficiency and based on a determination in whole or in part that an employee of the licensee was unable to perform his assignment because of inattentiveness to, distraction from, or neglect of his duties, or because of sleepiness or drowsiness while at his assigned duties.

7. All documents to, from or routed to, from or through the NRC regarding, related or referring in any way to each instance in which any NRC personnel categorized an item of non-compliance by any licensee of a production or utilization facility as a violation, infraction or deficiency and based on a determination in whole or in part that the licensee's response to problems at the licensee's facility was untimely or not commensurate with the seriousness of the problem and therefore "unacceptable."

If for any reason it is believed that portions of the requested material are exempt from disclosure under the Freedom of Information Act, initially I consent to release excepting any such allegedly exempt material. This initial consent is designed to obtain the documents requested as quickly as possible, and in no way waives any right to appeal from such decisions or any right to any and all of the material for which this request is made.

In any event that I am denied any material, please specify the statutory basis for the denial and the names and titles of the persons responsible for that decision.

I will pay reasonable costs for locating the requested material and for any copies thereof I may request.

If this request is not granted within ten (10) working days, I will deem it denied.

Thank you for your attention to this matter.

Sincerely,

By: *John G. Bloom*  
ISHAM, LINCOLN & BEALE  
Attorneys for  
Commonwealth Edison Company

JGB:tp