



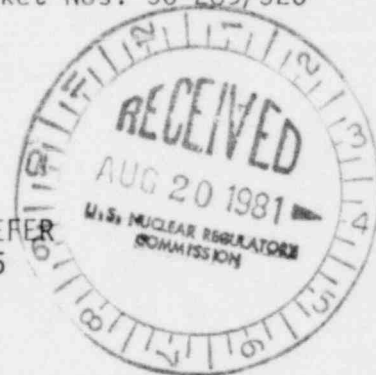
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR
LPDR
Docket Nos. 50-289/320

August 4, 1981

Thomas J. Madden, Esquire
Kaye, Scholer, Fierman, Hays and Handler
1575 Eye Street, N.W.
Washington, DC 20005

IN RESPONSE REFER
TO FOIA-80-555



Dear Mr. Madden:

This is in further response to your letter dated November 12, 1980, in which you requested, pursuant to the Freedom of Information Act, 30 categories of documents pertaining to NUREG-0660, "NRC Action Plan."

Please find enclosed the 29 documents listed in Appendix A. Portions of documents 14 and 16 contain material that is not relevant to your request. These portions have been deleted.

Portions of the document listed in Appendix B contain information which constitutes advice, opinions, and recommendations of the staff and which was used in the deliberative process pertaining to policy matters. This information is being withheld from public disclosure, pursuant to Exemption (5) of the Freedom of Information Act (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. The non-exempt portion of this document is enclosed.

The 23 documents listed in Appendix C contain information which constitutes advice, opinions and recommendations of the staff and where indicated are drafts. This information is being withheld from public disclosure pursuant to Exemption (5) of the Freedom of Information Act (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. There are no segregable portions in these documents.

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 the document in Appendix B are the undersigned and Mr. Harold R. Denton, Director, Office of Nuclear Reactor Regulation. The person responsible for the denial of documents 1 through 17 of Appendix C is Mr. Samuel J. Chilk, Secretary of the Commission. The persons responsible for the denial of documents 18 through 23 in Appendix C are the undersigned and with respect to documents 18 through 21 Mr. Victor Stello, Jr., Director, Office of Inspection and Enforcement; and documents 22 and 23, Mr. Harold S. Bassett, Acting Director, Office of Management and Program Analysis.

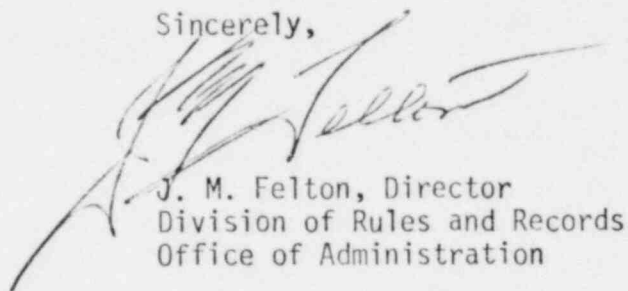
The denials by Messrs. Denton, Bassett, Stello and myself may be appealed to the Executive Director for Operations within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission,

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 Mr. Chilk may be appealed within 30 days to the Commission and should be addressed to the Secretary of the Commission.

Appendix D contains a compilation of the costs for search fees and reproduction of documents. Please send a check payable to the Nuclear Regulatory Commission in the amount of \$1,158.00, 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.

This completes action on your request.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", is written over the typed name and title.

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

Enclosures: As stated

Appendix A

<u>DOCUMENT DESCRIPTION</u>	<u>DATE</u>	<u>PAGES</u>
1. Memo for Director, NRR, et. al. from Ahearne re: Actions in response to ACRS TMI Report	4/19/79	2
2. Memo to Lee V. Gossick from Peter A. Bradford re: Comparison of the Navy and NRC/industry training and requalification programs (SECY-79-330D)	7/20/79	1
3. Memo for Commissioner Ahearne from Harold R. Denton re: Operating Procedures	8/24/79	146
4. Memo for Executive Director for Operations from John Ahearne re: Control Room Design	9/18/79	1
5. Memo for Harold R. Denton from John Ahearne re: Examination of Operators	9/20/79	1
6. Response Sheet from Commissioner Ahearne re: SECY-79-330E&F - Qualifications of Reactor Operators	9/26/79	7
7. Memo for Executive Director for Operations from John Ahearne re: Request for consultant services	9/26/79	1
8. Memo for Executive Director for Operations from John Ahearne re: Study of requirements for operator licensing	10/4/79	3
9. Response Sheet from Commissioner Bradford re: SECY-79-330E - Qualifications of Reactor Operators	10/12/79	1
10. Memo to Harold R. Denton from Peter A. Bradford re: Time schedule for implementation of followup actions resulting from the NRC staff reviews regarding the TMI accident	10/12/79	1
11. Memo for Director, NRR from John Ahearne re: Interim report on sensitivity studies of the B&W reactor design	10/25/79	1
12. Memo for Commissioner Ahearne from Harold R. Denton re: Interim report on the sensitivity of the B&W reactor design	10/26/79	1
13. Memo for Commissioner Ahearne from Harold Denton re: Study of requirements for operator licensing	10/30/79	3
14. Note for John Ahearne from George re: Staff progress on unresolved safety issues (SECY-79-409A)	11/27/79	1

Appendix A

<u>DOCUMENT DESCRIPTION</u>	<u>DATE</u>	<u>PAGES</u>
15. Memo for Acting Executive Director for Operations from John Ahearne re: Qualification of (power) reactor operators, SECY-79-330E/330F	3/5/80	1
16. Memo for Acting Executive Director for Operations from John Ahearne re: Enforcement Papers	3/24/80	3
17. Memo to William J. Dircks from Peter Bradford re: IEEE News Supplement	8/12/80	2
18. Memo to Richard C. DeYoung from Thomas R. Gibbon re: November 7th meeting	10/31/80	1
19. Memo for Executive Director for Operations from John Ahearne re: OIA Inquiry Into Implementation of Short Term Lessons Learned Requirements	12/10/80	1
20. Memo for Commissioner Bradford from Harold R. Denton re: IEEE Role in Development of Reliability Assessment Methodology	10/10/80	11
21. Memo for William J. Dircks from Samuel J. Chilk re: SECY-80-343 - Request for Proposal (RFP) No. RS-NRR-80-138 Entitled "Technical Assistance in support of NRC Operating Reactor Licensing Action (Program II)" (Commissioner Action)	7/30/80	1
22. Memo for Chairman Ahearne, et. al., from Edward J. Hanrahan and Leonard Bickwit re: SECY-80-139A -- NRC Enforcement Program	9/3/80	6
23. Memo for William J. Dircks from Samuel J. Chilk re: SECY-80-325 - Special Report to Congress Identifying Unresolved Safety Issues (Commissioner Action Item)	12/24/80	7
24. Memo for William J. Dircks from Samuel J. Chilk re: Staff Requirements - Discussion of SECY-80-139 - NRC Enforcement Program	3/28/80	1
25. Letter to B.N. Hager from L. Bickwit, Jr. re: Westinghouse data on turbine cracking and assessment of adequacy of 10 CFR Part 21 reporting requirements	4/24/80	3
26. Memo to T.A. Rehm from M.E. Chopko re: Letter from B. Hager	3/10/80	1
27. Letter to L. Bickwit from B. Hager re: Westinghouse data on turbine cracking and assessment of adequacy of 10 CFR Part 21 reporting requirements	3/4/80	2

Appendix A

	<u>DOCUMENT DESCRIPTION</u>	<u>DATE</u>	<u>PAGES</u>
28.	Routing and transmittal slip to H. D. Thornburg, et. al. from W. E. Campbell re: 10 CFR Part 21, adequacy of	3/18/80	1
29.	Memo for Chairman Ahearne et. al. from Victor Stello, Jr., Re: Comments on SECY-80-139	8/27/80	17

Appendix B

<u>DOCUMENT DESCRIPTION</u>	<u>DATE</u>	<u>PAGES</u>
1. Memo for D. G. Eisenhower from J. Kerrigan, Re: Status of Containment Isolation Issues	1/28/80	1

Appendix C

<u>DOCUMENT DESCRIPTION</u>	<u>DATE</u>
1. Note from George Eysymontt to Commissioner Gilinsky Re: NUREG-0600	10/12/79
2. Note from William Manning to Commissioner Gilinsky Re: Meeting with the public	12/4/80
3. Paul Goldberg's handwritten notes Re: Human factors review of control room design	Undated
4. Note from George Eysymontt to Commissioner Gilinsky Re: Letters to licensees on siting policy resulting from TMI-2 accident	9/26/79
5. Note from George Eysymontt to Commissioner Gilinsky Re: Qualification of reactor operators	2/26/80
6. Paul Goldberg's notes to Commissioner Gilinsky Re: Human factors review of control rooms	5/17/79
7. John Austin's notes to Commissioner Gilinsky Re: SECY-80-230 - TMI-2 Action Plan	5/30/80
8. Memo from Hugh Thompson to Comm. Bradford Re: Zimmer Nuclear Power Plant with undated draft attached	5/30/79
9. Memo from Hugh Thompson to Comm. Bradford Re: Recom- mendation on Operational Data Analysis and Evaluations for Nuclear Power Plants (SECY-79-371)	6/25/79
10. Memo from Hugh Thompson to Comm. Bradford Re: Imple- mentation Schedule for the Lessons Learned Task Force with undated drafts attached	9/13/79
11. Memo from Hugh Thompson to Comm. Bradford Re: Time Schedule for Implementation of Followup Actions Resulting from the NRC Staff Reviews Regarding the TMI Accident with undated draft attached	10/9/79
12. Memo from Hugh Thompson to Comm. Bradford Re: Quali- fication of Reactor Operators (SECY-79-330E and SECY- 79-330F)	10/9/79
13. Undated, unsigned memo to Comm. Bradford from Hugh Thompson Re: Qualification of Reactor Operators (SECY-79-330E/F/D, etc.)	Undated

Appendix C

<u>DOCUMENT DESCRIPTION</u>	<u>DATE</u>
14. Memo from Hugh Thompson to Comm. Bradford Re: NRC Action on Short-Term Lessons Learned from TMI with undated draft attached	12/14/79
15. Memo from Hugh Thompson to Comm. Bradford Re: TMI-2 Action Plan (SECY-80-230) with attachment	5/8/80
16. Memo from Tom Gibbon to Comm. Bradford Re: I&E Budget Request for FY 1982-1984 with attachment	7/18/80
17. Memo from Tom Gibbon to Comm. Bradford Re: Trip to Perry Site	8/6/80
18. Memo from G.W. Reinmuth to W.E. Campbell Re: Revision to 10 CFR 50.55(e)	10/3/80
19. Note to G.W. Reinmuth from M.W. Peranich Re: 10 CFR 50.55(e) Amendment (DRAFT, WEC 80/2 #2, dated 2/28/80)	9/11/80
20. Memo from B.H. Grier to H.D. Thornburg Re: Recommended Revision to 10 CFR 21 Based on IE Experience-TMI Action Plan Item 2.J.4.	9/16/80
21. Memo to W.E. Campbell from H.D. Thornburg Re: Your note of 3/18/80 Relative to EDO Controlled (#8546) Correspondence	3/24/80
22. Memo for H. S. Bussett from, J. Sullivan w/attachments (draft of document A-29)	7/14/80
23. Memo for S. Conver from J. Sullivan w/attachment (draft of document A-29)	8/27/80

APPENDIX D

Professional Search	57 hours @\$12/hour	\$684.00
Clerical Search	36 hours @\$5/hour	180.00
Pages Reproduced	14,320 pages @5¢/page	<u>716.00</u>
	TOTAL	\$1,580.00

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER
1575 EYE STREET, N.W.
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FREEDOM OF INFORMATION ACT REQUEST

November 12, 1980

FREEDOM OF INFORMATION
ACT REQUEST

rec'd 11/12/80

FOIA-80-555

Mr. Joseph Felton
FOIA Officer
Director, Division of Rules
and Regulations
Nuclear Regulatory Commission
Washington, D.C. 20555

Mailstop 4210 MNBB

Dear Mr. Felton:

This is to request disclosure of copies of the following materials available from your agency under the Freedom of Information Act (FOIA) and implementing regulations of your agency, 10 C.F.R. Part 9, Subpart A. The materials relate, in substantial part, to items contained in the NRC Action Plan developed as a result of the TMI-2 accident, NUREG-0660, Vol. 1 (hereinafter "Action Plan").

- (1) All documents which relate or refer to operator qualifications, including but not limited to SECY 79-330E, and responses to or modifications by the Commission of SECY 79-330E referred to at page I.A.2-1 of the Action Plan.
- (2) All documents which relate or refer to and include the short term study of control room simulators referred to in Task I.A.4 of the Action Plan.
- (3) All documents which relate or refer to Study NRR-80-117 "Requirements for Operator Licensing," referred to in Task I.A.4 of the Action Plan.
- (4) All documents which relate or refer to studies of training simulators referred to in Task I.A.4 of the Action Plan at page I.A.4-2.

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Mr. Felton

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(5) All documents which relate or refer to any proposed revision to NRC Regulatory Guide on training simulators.

(6) All documents which relate or refer to a paper by the Office of Standards Development on options relating to regulatory action to be taken in the event of human error leading to a complete loss of safety function, referred to in Task I.B.1 of the Action Plan at page I.B.1-5.

(7) All documents which relate or refer to correspondence sent by the NRC to nuclear plant licensees on September 13, 1979, September 27, 1979, October 10, 1979, October 30, 1979, or November 9, 1979, referred to in the Action Plan Task I.C. at page I.C-2.

(8) All documents which refer or relate to analyses of selected transients, small break loss of coolant accidents, and other accidents, including but not limited to NRC conducted confirmatory analyses and NRC review or evaluation of vendor submitted analyses referred to in Task I.C of the Action Plan at page I.C-2, C-3, except insofar as such documents are available in NUREG's 0565, 0611 and 0635.

(9) All documents which relate or refer to control room guidelines and requirements for a control room design review referred to in the Action Plan at page I.D-1-D-2.

(10) All documents which refer or relate to any assessment or analysis of relief and safety valve tests referred to in the Action Plan at page II.D-2.

(11) All documents which refer or relate to an NRC information paper on control room design reviews referred to in the Action Plan at page I.D-3.

(12) All documents which refer or relate to NRC review of and requirements for plant safety parameter display consoles referred to at page I.D-3 of the Action Plan.

(13) All documents which refer or relate to NRC review or evaluation of auxillary feedwater system (AFWS) reliability analyses and AFWS automatic initiation and flow indication tests referred to at page II.E.1-2 of the Action Plan, except so far as such reviews or evaluations are available in NUREG's 0611 and 0635.

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(14) All documents which refer or relate to special operational safety data analyses conducted by the Office of Nuclear Regulatory Research referred to in Task I.E. of the Action Plan at I.E-2.

(15) All documents which refer or relate to NRC evaluations or review or performance predictions by PWR vendors of loss of feedwater tests referred to in Task II.E.2 of the Action Plan.

(16) All references listed in the Action Plan at page II.E-4-E-5, except NUREG reports.

(17) All documents which refer or relate to show cause orders to holders of construction permits described at Task II.E-5 of the Action Plan.

(18) All documents which refer or relate to any research programs on human error rate analysis referred to in Task I.E. of the Action Plan at page I.E-6.

(19) All documents which refer or relate to requirements for specific equipment to detect and aid in recovery planning for conditions with a potential that could lead to inadequate core cooling referred to in the Action Plan at page II.F-2.

(20) All documents which refer or relate to the quality assurance program referred to in Task I.F. of the Action Plan at I.F-1 to F-4, including all references listed at I.F-4, except NUREG's.

(21) All documents which refer or relate to the Interim Regulatory Evaluation Program referred to in Task II.C of the Action Plan.

(22) All documents which refer or relate to systems interaction including Unresolved Safety Issue A-17 program referred to in Task II.C of the Action Plan at page II.C-6.

(23) All documents which refer or relate to the reactor construction inspection program, including but not limited to revisions of the Inspection and Enforcement Manual referred to at page II.J.2-1 of the Action Plan.

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(24) All documents which refer or relate to proposed changes to Part 50.55(e) and Part 21 of 10 C.F.R. referred to at page II.J.4-1 of the Action Plan.

(25) All documents which relate or refer to NRC reviews or evaluation of licensee responses to I&E Bulletins referred to at page II.K-1 of the Action Plan.

(26) All documents which refer or relate to NRC "evaluations of operating plant licensee implementation of residual actions originating from short-term actions and the implementation of long-term actions" ordered by the Commission to operators of B&W designed plants referred to at page II.K-3 of the Action Plan.

(27) All documents which refer or relate to Bulletin evaluations conducted by the Office of Nuclear Reactor Regulation referred to at page II.K-2 of the Action Plan.

(28) All documents relating to the program of safety decision making, referred to in Task IV.E of the Action Plan, including but not limited to (a) the plan developed by the Office of Nuclear Reactor Regulation for the early identification, assessment and resolution of safety issues, referred to at page IV.E-2 of the Action Plan, (b) the Commission paper referred to at page IV.E-6 of the Action Plan and (c) all non-NUREG references listed at page IV.E-6.

(29) All documents which refer or relate to a general plan or policy for developing and articulating safety objectives referred to at page V.A-1 of Revision 1 of the Action Plan.

(30) All documents which refer or relate to the Commission paper entitled "Adequate Protection of the Health and Safety of the Public," including a copy of the paper. A reference to the paper can be found at 45 F.R. 71025 (October 27, 1980).

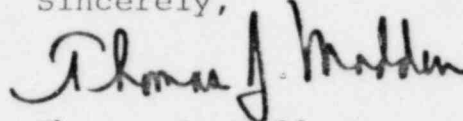
If you deny any portion of this request, please provide a detailed statement of the reasons for the withholding of each document or portion of document together with an index or similar statement specifically describing the documents or portions of documents withheld. See Vaughn v. Rosen, 434 F.2d 820 (D.C. Cir. 1973), cert. denied, 415, 977 (1974).

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To expedite this request, I would be willing to discuss specific instances of deletion or exemption claims in advance of a final decision by the agency. I promise to pay all reasonable charges incurred under NRC regulations for search for and copying of these documents upon presentation of an invoice along with the furnished documents. If the total charges will exceed \$1,000, please advise me of the estimated expense before it is incurred. As provided in the Freedom of Information Act, I look forward to receiving your reply within 10 working days.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas J. Madden". The signature is fluid and cursive, with the first name "Thomas" and last name "Madden" clearly distinguishable.

Thomas J. Madden

tjm:ln