



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

PDR-016

November 30, 1982

Joseph Gallo, Esquire
Isham, Lincoln & Beale
1120 Connecticut Avenue, N.W.
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-82-399

Dear Mr. Gallo:

This is in further response to your letter dated August 25, 1982 in which you requested, pursuant to the Freedom of Information Act, five categories of documents regarding the systematic evaluation program.

A copy of the February 18, 1982 memo to E. S. Christenbury from G. C. Laines regarding the applicability of general design criteria and other regulations to older licensed power reactors and Commission papers, SECY-R-74-50 and SECY-R-311, are being placed in the NRC Public Document Room (PDR) located at 1717 H Street, N.W., Washington, DC.

The NRC has not completed its review of the remaining document subject to your request. We will respond as soon as that review is completed.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton".

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

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August 25, 1982

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-82-399
Rec'd 8-26-82

Mr. Joseph Felton, Director
Division of Rules and Records
Office of Administration
United States Nuclear Regulatory
Commission
Washington, D.C. 20555

Re: Freedom of Information Act Request

Dear Mr. Felton:

This request pursuant to the Freedom of Information Act, 5 U.S.C. § 552, is made on behalf of Consumers Power Company ("CPC").

For the purposes of this request, "document" is defined to include, but not be limited to, drafts and final revisions of memoranda, meeting and trip reports and minutes, reports of telephone conversations, notes, letters, graphs and charts.

Please provide copies of the following which are unavailable from the NRC Public Document Room:

1. All documents which have been prepared, compiled or gathered by NRC Staff, consultants, contractors, advisory boards or others containing discussion of the rationale or justification, legal or otherwise, for developing the site specific criteria applied to the seismic design considerations, Topic III-6, of the Systematic Evaluation Program.
2. All documents which have been prepared, compiled or gathered by NRC Staff, consultants, contractors, advisory boards or others containing discussion of the rationale or justification, legal or otherwise, for not applying Commission Regulation 10 C.F.R. 100 Appendix A to the seismic design considerations, Topic III-6, of the Systematic Evaluation Program.

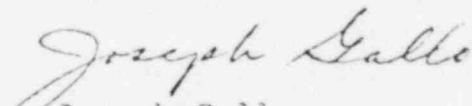
3. All documents containing the information set forth in 1 and 2 above which have been prepared by the NRC Staff task force organized in 1976 to report to the Commission on the implementation of the Systematic Evaluation Program.
4. All documents which have been prepared, compiled or gathered by NRC Staff, consultants, contractors, advisory boards or others containing discussion of the applicability of a probabilistic method approach to seismic design considerations under Commission Regulation 10 C.F.R. 100 Appendix A.
5. The following NRC Staff papers:
 - a. SECY - R - 311
 - b. SECY - R - 74 - 50
 - c. SECY - 77 - 545
 - d. any other SECY paper relevant to the information requested in 1 through 4 above.

CPC requests that the NRC waive any fees. Disclosure to CPC meets the standard for waiver of fees being "in the public interest because furnishing the information can be considered as primarily benefitting the general public." 5 U.S.C. § 552(a)(4)(A). CPC is seeking the information described above in order to develop the NRC position on this issue for use by the general public and to improve and simplify the regulatory process in which this issue is likely to be raised.

If this request for waiver of fees is denied, you are authorized to incur costs. In order to save the NRC time and expense in handling this request, we ask to be given access to an index of the materials so that we can determine which documents to copy.

If all or any part of this request is denied, please cite to the specific exemption(s) which you think justifies your refusal to release the information. We appreciate your handling this request within 10 days as the law stipulates.

Very truly yours,


Joseph Gallo

One of the Attorneys for
CONSUMERS POWER COMPANY

JG/LC:tjh