

452-7023

JULY 14, 1982

HAND DELIVERED

POST OFFICE BOX 1000  
PITTSBURGH, PENNSYLVANIA 15206  
APR 1981-0000

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-82-308  
Rec'd 7-15-82

J. M. Felton, Director  
Division of Rules and Records  
Office of Administration  
U. S. Nuclear Regulatory Commission  
7735 Old Georgetown Road  
Bethesda, Maryland 20814

Re: Freedom of Information Act Request

Dear Mr. Felton:

Pursuant to the Freedom of Information Act, as amended (5 U.S.C. § 522), and the rules of the Nuclear Regulatory Commission ("NRC") issued thereunder (10 C.F.R. § 9.3 et seq.), we request copies of the following written materials listed below. To assist the NRC in its search, please note that the documents sought are referenced in the Commission's responses to comments which accompanied the final rule regarding emergency planning requirements for the issuance of fuel loading and low power licenses. Such Commission responses and final rule were issued with an effective date of July 13, 1982. (A copy of the first page of such document is attached to assist the NRC Staff in identifying materials requested herein). The Commission has identified Michael T. Jangochian, Human Factors Branch, NRC, as the individual to contact for further information on this matter.

1. All documents, reports, records, studies, memoranda, data, correspondence, analyses or any other written material in which the Commission or the NRC Staff has "focused on the risks associated with" fuel loading and low power operation. (The foregoing quotation is from page 4 of the above-referenced Commission responses. A copy of page 4 is attached).

2. All documents, reports, records, studies, memoranda, data, correspondence, analyses or any other written material in which the Commission has "chosen a level of emergency preparedness appropriate to assure the health and safety of the public" for fuel loading and low power operation. (The foregoing quotation is from page 4 of the above-referenced Commission responses).

EE07050094

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

1900 M STREET, N. W.

WASHINGTON, D. C. 20036

TELEPHONE (202) 462-7000  
CABLE: HIFHI  
TELEX 440209 HIFH UI  
WRITER'S DIRECT DIAL NUMBER

452-7023

July 14, 1982

IN PITTSBURGH  
KIRKPATRICK, LOCKHART, JOHNSON & HUTCHISON  
1500 OLIVER BUILDING  
PITTSBURGH, PENNSYLVANIA 15222  
(412) 355-6500

HAND DELIVERED

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-82-308  
Rec'd 7-15-82

J. M. Felton, Director  
Division of Rules and Records  
Office of Administration  
U. S. Nuclear Regulatory Commission  
7735 Old Georgetown Road  
Bethesda, Maryland 20814

Re: Freedom of Information Act Request

Dear Mr. Felton:

Pursuant to the Freedom of Information Act, as amended (5 U.S.C. § 522), and the rules of the Nuclear Regulatory Commission ("NRC") issued thereunder (10 C.F.R. § 9.3 et seq.), we request copies of the following written materials listed below. To assist the NRC in its search, please note that the documents sought are referenced in the Commission's responses to comments which accompanied the final rule regarding emergency planning requirements for the issuance of fuel loading and low power licenses. Such Commission responses and final rule were issued with an effective date of July 13, 1982. (A copy of the first page of such document is attached to assist the NRC Staff in identifying materials requested herein). The Commission has identified Michael T. Jamgochian, Human Factors Branch, NRR, as the individual to contact for further information on this matter.

1. All documents, reports, records, studies, memoranda, data, correspondence, analyses or any other written material in which the Commission or the NRC Staff has "focused on the risks associated with" fuel loading and low power operation. (The foregoing quotation is from page 4 of the above-referenced Commission responses. A copy of page 4 is attached).

2. All documents, reports, records, studies, memoranda, data, correspondence, analyses or any other written material in which the Commission has "chosen a level of emergency preparedness appropriate to assure the health and safety of the public" for fuel loading and low power operation. (The foregoing quotation is from page 4 of the above-referenced Commission responses).

8207050084

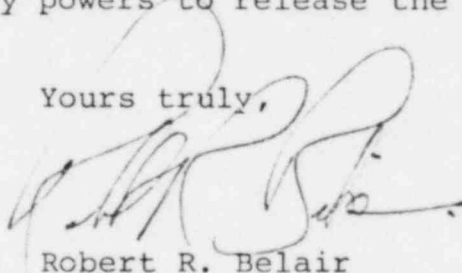
2.

We expect to receive your response to this request within ten (10) working days.

We will pay search and copying fees as set out in the NRC's regulations. If the search and copying fees to be incurred are expected to exceed \$200.00, please notify the undersigned before this sum is exceeded.

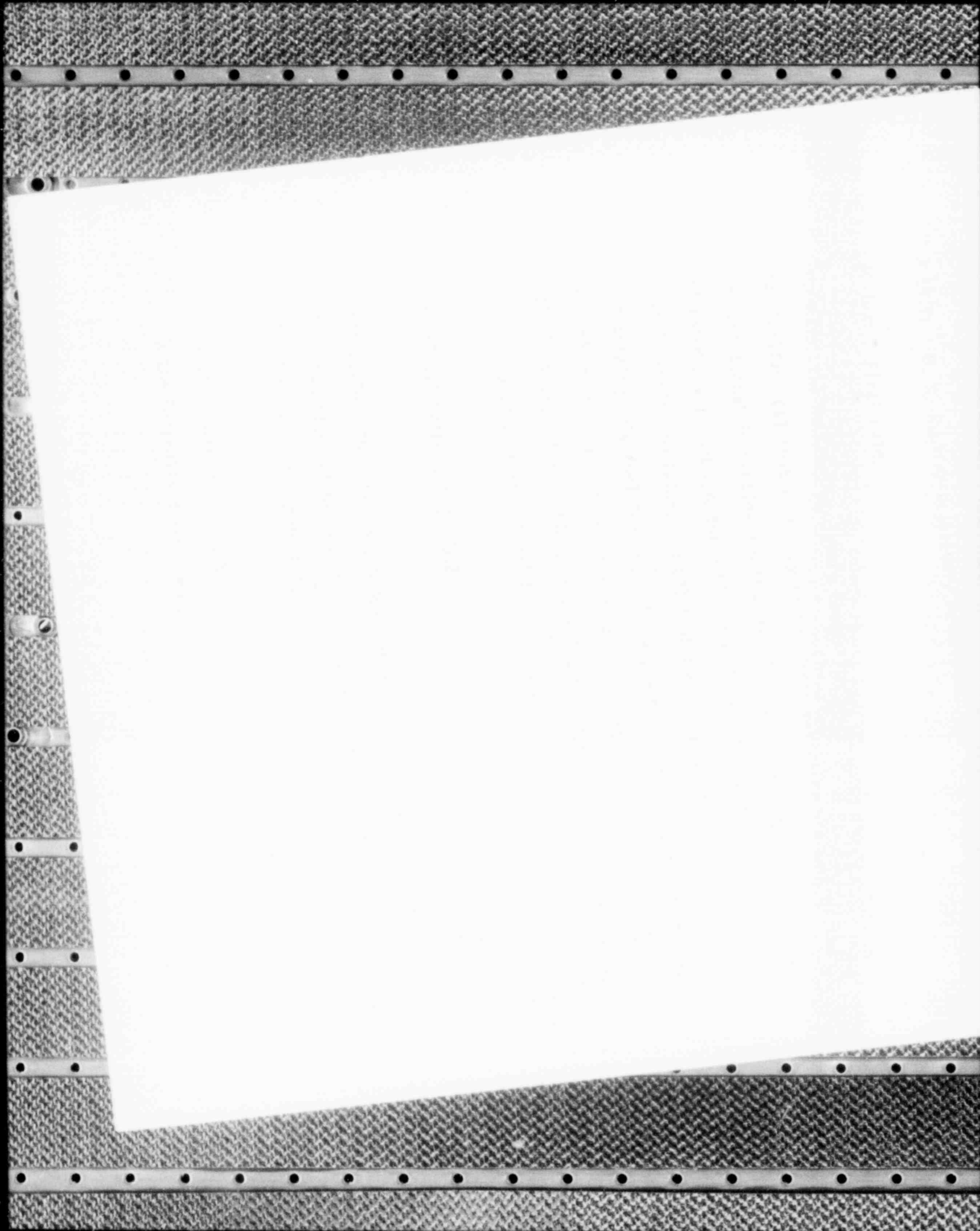
In the event that access is denied to any part of the requested materials, please identify and describe the withheld or deleted material in detail and specify the statutory basis for the denial and your reasons for believing that an exemption applies. We also request that your description of the deleted or withheld material include the title of the material, a description of its essence, the identity of its author, and the identities of any parties that have received copies or have had access to such materials. Please separately state your reasons for not invoking your discretionary powers to release the allegedly exempt materials.

Yours truly,

A handwritten signature in dark ink, appearing to read "Robert R. Belair", is written over the typed name. The signature is fluid and cursive.

Robert R. Belair

Encls.



NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning and Preparedness

AGENCY: U. S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to clarify: (1) that emergency preparedness exercises are part of the preoperational inspection and thus required prior to operation above 5% of rated power, but not for a Licensing Board, Appeal Board, or Commission licensing decision; and (2) that for issuance of operating licenses authorizing only fuel loading and low power operation (up to 5% of rated power), no NRC or Federal Emergency Management Agency (FEMA) review, findings and determinations concerning the state or adequacy of offsite emergency preparedness shall be necessary.

EFFECTIVE DATE: JUL 13 1982

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301)443-5942.

SUPPLEMENTARY INFORMATION: On December 15, 1981, the Commission published in the Federal Register two proposed rule changes (46 FR 61132 and

U.S. NUCLEAR REGULATORY COMMISSION  
JUL 8 PM 4 12

ISSUE 1: The NRC's credibility was so undermined by the handling of the TMI accident that the Commission should take pains to avoid even the appearance of relaxing safety standards. By relaxing the current emergency preparedness regulations, far more than the prestige of the agency or the Commissioners is at stake; indeed, it is believed that the credibility of NRC is a vital component of emergency preparedness. If another serious accident were to occur, many lives may be saved if people have enough faith in the dedication and truthfulness of the NRC. As things stand, substantial segments of the population are still alienated and cynical in their feelings about the agency to interfere seriously with the workability of any plans for managing an emergency.

COMMISSION RESPONSE: When the Commission published the upgraded emergency preparedness regulations in August 1980, the subject of low power operating licenses was not addressed. At that time the Commission did not differentiate as to what emergency planning requirements would be applicable to the period of fuel loading and low power testing. The Commission has now focused on the risks associated with this level of operation and has chosen a level of emergency preparedness appropriate to assure the health and safety of the public at that stage. In doing so, the Commission does not alter the high standards applicable to the review of emergency preparedness at full power.

ISSUE 2: During low power testing there are higher risks due to unfamiliarity of the plant operators with their particular plant and due to undiscovered design and construction defects.