

PDR-016

Cross reference

50-537



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

October 8, 1982

Ellyn R. Weiss, Esquire
Harmon & Weiss
1725 I Street, N.W.
Washington, DC 20006

IN RESPONSE REFER
TO FOIA-82-342

Dear Ms. Weiss:

This is in final response to your letter dated July 26, 1982 in which you requested, pursuant to the Freedom of Information Act, that the NRC make available all reports, memoranda or other work performed by Science Applications, Inc. (SAI) for the Clinch River Breeder Reactor (CRBR) Project.

As you are aware, one of the areas SAI is working on for the NRC is probabilistic risk assessment for the CRBR. The staff believed that a scoping level probabilistic analysis of the CRBR plant needed to be performed to estimate the frequency and consequences of core melt accident sequences prior to supplementing the existing FES.

The CRBR Program Office sought technical assistance in this area after it was determined that NRR did not have available staff capability to perform the above analysis. After exploring a number of contractual possibilities, NRR determined that SAI was the only identifiable firm that had the available expertise required and could perform the work without impacting the schedule for the FES supplement.

The principal reason SAI was selected was the availability of Dr. Edmund Rumble and his associates at SAI to participate in the project, as well as his ability to provide overall technical direction. Dr. Rumble's experience in performing significant portions of the SNR 300 (German LMFBR) probabilistic risk assessment, coupled with his broad knowledge of domestic LWR safety and risk analysis, made him uniquely qualified to assist the NRC in certain risk related portions of the CRBR environmental review. Specifically, Dr. Rumble's team has been instrumental in preparing suggested answers to interrogatories in conjunction with the LWA hearing, performing a review of Section 7.1 of the FES, and in assisting the staff in preparing Appendix J of the FES Supplement. He has also testified in his area of expertise at the site suitability portion of the LWA hearing.

Since beginning work in April, 1982, Dr. Rumble has been in regular and frequent contact with the NRC staff to carry out the above described work assignments. Further, in providing input for lawyer work products and testifying at the LWA hearing, Dr. Rumble has essentially functioned as another member of the review staff. Indicative of this arrangement,

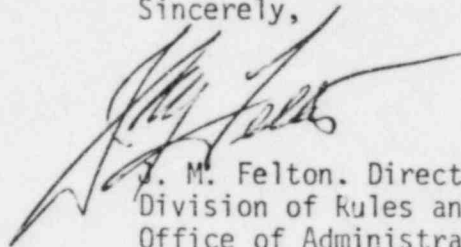
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as listed in the appendix, are memoranda of two telephone conversations between members of NRR staff and Dr. Rumble. These memoranda represent a sharing of ideas between scientists and by no means are final technical positions. Also, the other documents listed on the appendix constitute input to the staff (in some cases draft input) to be used as part of the decision making process in taking final position on various technical questions and issues. Consequently, these documents are 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. (See Wu v. National Endowment for Humanities (460 F.2d 1030 (5th Cir. 1972)); Soucie v David (448 F.2d 1067 (D.C. Cir. 1971)), Hoover v U.S. Department of Interior (611 F.2d 1132 (5th Cir. 1980)) and Ryan v Department of Justice (617 F.2d 781 (D.C. Cir. 1980)).

Pursuant to 10 CFR 9.9 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 this denial are the undersigned and Mr. Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, 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"

Sincerely,



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

Enclosures: As stated

Appendix

1. Task 1-A - Review of Section 7.1 of the FES, and Task 1-B-Preliminary Review of NRC Staff Answers to NRDC 14th Set of Interrogatories (December 6, 1976), transmitted with the May 26, 1982 ITC identified in 1.above.
2. ITC dated June 8, 1982 from E. Rumble/B. Johnson to W. Morris/J. Swift and the attached telecon summary.
3. ITC dated June 14, 1982 from R. Liner to H. Silver and the attached telecon summary.
4. ITC dated July 7, 1982 from B. Johnson to J. Swift and the attached draft suggested answers to interrogatories.
5. Letter dated August 3, 1982, B. Johnson to H. Silver transmitting the report "Suggested Answers to Questions.....Interrogatories".

HARMON & WEISS

1725 I STREET, N.W.

SUITE 506

WASHINGTON, D. C. 20006

TELEPHONE
(202) 833-9070

OF COUNSEL
L. THOMAS GALLOWAY

GAIL MCGREEVY HARMON
ELLYN R. WEISS
WILLIAM S. JORDAN, III
LEE L. BISHOP
DIANE CURRAN
LYNNE BERNABEI
LUCIA S. ORTH

July 26, 1982

FREEDOM OF INFORMATION
ACT REQUEST

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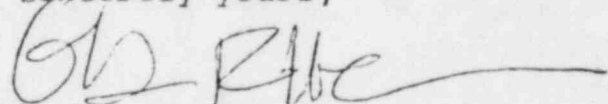
J. M. Felton, Director
Division of Rules and Records
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

SUBJECT: Freedom of Information Act Request

Dear Mr. Felton:

Pursuant to the federal Freedom of Information Act,
5 U.S.C. §552, please make available in NRC's Public Document
Room at 1717 H Street, N.W., Washington, D.C., copies of all
memoranda, reports or any other work performed by Science
Applications, Inc. (SAI) for the CRBR project, including
but not limited to work on the CRBR Final Environmental Statement
and its Supplement, the Site Suitability Report and its Update,
and the Safety Evaluation Report.

Sincerely yours,


Ellyn R. Weiss

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