



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA - 90-173

RESPONSE TYPE

FINAL PARTIAL

DATE JAN 11 1991

DOCKET NUMBER IS: (If applicable)

REQUESTER Mr. David DeKok

PART I - AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

- No agency records subject to the request have been located.
- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments Section.
- Agency records subject to the request that are identified on Appendix G are already available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC 20555.
- Agency records subject to the request that are identified on Appendix H are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.
- The nonproprietary version of the proposals that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.
- Agency records subject to the request that are identified on Appendix _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments Section.
- Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
- Agency records subject to the request are enclosed.*
- Records subject to the request have been referred to another federal agency(ies) for review and direct response to you.
- You will be billed by the NRC for fees totaling \$ _____.
- In view of NRC's response to this request, no further action is being taken on appeal letter dated _____ No _____.

PART II - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number and requester name.

COMMENTS

*Agency records subject to your FOIA request that are identified on the enclosed Appendix H are enclosed.

The NRC staff is continuing to review records subject to your request. We will notify you upon completion of the review.

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Donna H. Christley

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PDR FOIA
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APPENDIX G
DOCUMENTS ALREADY IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	04/20/79	Note from J. C. McKinley to File transmitting technical report entitled, "Decay Heat Removal During a Very Small Break LOCA for a B&W 205-Fuel-Assembly PWR" by C. Michelson (37 pages) PDR Accession No. 7905020155

APPENDIX H
DOCUMENTS BEING PLACED IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	01/06/56	Letter from McCullough to Fields, subject: Sea Trials of the Seavolf (1 page)
2.	10/24/80	Letter from Kammerer to Goodling regarding TMI (1 page)

David DeKok
113 Conroy Street
Harrisburg, Pa. 17104
April 9, 1990

Director
Division of Freedom of Information
and Publications Services
Office of Administration and Resources Management
Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-90-123
Rec'd 4-16-90

Re: Freedom of Information request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, I would like copies of the following documents:

--Any reports on the commercial potential of nuclear power and/or the possible dangers of commercial nuclear power written between 1941 and 1955 by Manhattan Project or Atomic Energy Commission personnel, or reports that came into the possession of the AEC but that were written by persons outside the agency.

--Letters from citizens that (1) offer suggestions for how atomic or nuclear energy might be used; (2) ask questions about atomic or nuclear power; (3) express fears about the dangers of atomic or nuclear power; or (4) pertain in any way to the Three Mile Island nuclear accident of 1979, and any responses to those letters. The time span of this request is 1945 to the present.

--Any correspondence, reports, or memorandums between the National Power Group (a consortium of seven electric utilities based in Chicago that was formed in 1954 to explore the commercial prospects of nuclear power) and the Atomic Energy Commission pertaining to (1) the commercial prospects of nuclear power, or (2) nuclear safety issues.

--Any clippings of newspaper or magazine articles collected by the AEC between the years 1945 and 1965 pertaining to (1) how atomic energy or nuclear power might be used to better peoples' lives; (2) developments in

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commercial nuclear power; (3) nuclear safety issues; and (4) the anti-nuclear movement.

--All correspondence, memorandums, and reports pertaining in any way to nuclear safety issues generated by the AEC's Reactor Safeguards Committee between the years 1947 and 1957, and transcripts of committee meetings held during those years at which nuclear safety issues were discussed.

--All correspondence from electric utilities between 1946 and 1956, inclusive, pertaining to insurance for commercial nuclear reactors, and all AEC reports or memorandums on that topic during that period. Any correspondence, reports or memorandums pertaining to the Price-Anderson Act are included in this request.

--The 1951 report by Bechtel Corp. and Pacific Gas & Electric on the commercial potential of nuclear power.

--The final report on the accidental meltdown of the EBR-1 reactor on Nov. 29, 1955, at the National Reactor Testing Station, Idaho, and any memorandums or DPV's (statements of Differing Professional Views) or similar documents pertaining to or filed in connection with that accident.

--Public comments submitted to the AEC on the WASH-740 report on reactor safety released in March 1957.

--The 1958 report to John McCone, chairman of the AEC, on the need for federal subsidies of nuclear power reactors.

--Any reports, memorandums or other documents between 1945 and 1965 pertaining to the commercial nuclear programs of the Soviet Union, Japan, and the individual Euratom member countries. I am looking especially for documents describing successes or problems in those programs, and also for chronologies of their development.

--Any history of General Public Utilities Corp. of Parsippany, N.J., owner of the Three Mile Island nuclear plant, and/or a history or chronology of its reactor-building program.

--Public comments submitted to the Nuclear Regulatory Commission on the WASH-1400 (Rasmussen) report completed in August 1974.

--Any reports, memorandums or other documents compiled after 1974 by the Atomic Industrial Forum or its contractor, Charles Yanich Associates, pertaining to the anti-nuclear movement and which may be in NRC files.

--Any reports, memorandums, letters or other documents pertaining to groups opposing the Three Mile Island reactor from 1968 to the present. Groups could include TMI Alert, the Susquehanna Valley Alliance, Anti-Nuclear Group Representing York (ANGRY), People Against Nuclear Energy (PANE), Concerned Mothers and Women of Middletown, Environmental Coalition on Nuclear Power, Labor Committee for Safe Energy and Full Employment, the March 28 Coalition, or the Newberry Twp. TMI Steering Committee. The documents I seek would be those generated by the NRC or outside parties like GPU Nuclear Corp., but not by the anti-nuclear groups themselves.

--The so-called "Michelman Report" submitted to the NRC by Karl Michelman in 1977 or 1978 and pertaining to safety problems in Babcock & Wilcox reactors.

--Any documents pertaining to the May 6, 1979 anti-nuclear demonstration in Washington, D.C.

--Any correspondence, memorandums, reports or other documents pertaining to the NRC freeze on new reactor licenses and construction permits implemented after the TMI accident of March 28, 1979.

Pursuant to the Freedom of Information, I request both representative of the news media status, a category also open to established freelance writers, and a public interest waiver of all search and copying fees. I will now provide the information requested of waiver applicants in 10 CFR 9.41(b)(c) & (d).

(1) Describe the purpose for which the requester intends to use the requested information.

The documents will be used in preparation of a definitive history of the Three Mile Island nuclear accident and its impact on the world. My book will also tell the history of the commercial nuclear industry in the U.S. before TMI, with a special emphasis on nuclear safety issues and how the public responded to nuclear power.

(2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record.

I will provide a great deal of analysis to the information in the documents I obtain from the NRC. I will match it with information I obtain from other sources, like personal interviews, and use all that information to write a comprehensive, truthful and objective book that will: (1) tell the history of the commercial nuclear industry before TMI; (2) what happened during the TMI accident in 1979; (3) what happened during the 10 years after TMI (such as the clean-up at TMI, the financial problems of the nuclear industry, etc.); and (4) look at the future of nuclear power in light of concerns over global warming.

(3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding.

I plan to use the NRC records to write a definitive history for the general public of the Three Mile Island nuclear accident of 1979 and its impact on the world. The book will describe the events leading to the accident, the accident itself, what happened at TMI and to the nuclear industry in the 10 years that followed, and what the future might hold for nuclear power in light of concerns over global warming.

I have considerable experience in making complex scientific or technical stories accessible and interesting to the general public. My first book, *Unseen Danger: A Tragedy of People, Government and the Centralia Mine Fire* (University of Pennsylvania Press 1986), required me to make a complex geological problem understandable to people who were not, in most cases, geologists or scientists. The reviews my book received, one of which is included, testify to my success in carrying that out.

I covered the nuclear energy beat for an area newspaper for about two years, and acquired a working knowledge of nuclear terminology and procedures. If there was something I did not understand about something I had read, I would call an expert who could help me. I would do the same if there was something I did not understand in the documents I seek in this FOIA request.

4. Describe the likely impact on the public's understanding of the subject as compared to the level of understanding existing prior to disclosure.

No comprehensive, definitive history has been written of the TMI accident and important events in the development of commercial nuclear power that preceded it.

My book will be more than just a simple retelling of the TMI accident. I will place the accident in the context of the rise and (perhaps) fall of commercial nuclear power in the U.S. and world.

I intend for my book to be the one people pick up at the library in years to come when they want to know the who-what-why-when-and-where of one of the more significant technical, business and historic events of the late 20th century. It will distill the important information from the tens of thousands of government documents pertaining to TMI issued between 1968 and 1991 (or 1992), technical papers written by scientists, and the many other sources of information into one good book.

(5) Describe the size and nature of the the public to whose understanding a contribution will be made.

This book is being written for the general reading public--the average man or woman who does not work for the NRC or the Department of Energy or the nuclear industry and who typically would only receive information about TMI from a book acquired at a library or bookstore. I would estimate this to be quite a large, diverse group.

(6) Describe the intended means of dissemination to the public.

A book.

(7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee.

Readers will be able to borrow the book free of charge in public libraries.

(8) Describe any commercial or private interest the requester or any other party has in the agency records sought.

I have no commercial or private interest in the NRC documents sought in this request. They will be used exclusively for research for my book and will not be sold.

(d)(1) How the subject of the requested agency records concerns the operations or activities of the Government.

It was the duty of the AEC to promote and regulate the U.S. nuclear industry, and it remains the duty of the NRC to regulate it. These documents relate in one way or another to those regulatory duties, from considering measures that affect the safety of nuclear plants to gathering opinions on nuclear power issues from the public it serves.

(d)(2) How the disclosure of the information is likely to contribute to an understanding of Government operations or activities.

The documents will be used in a book about the TMI accident and its impact on the world. Readers of the book will come to understand the role of the NRC in supervising the construction of nuclear plants.

(d)(3) If disclosure of the requested information is likely to contribute to public understanding.

To the best of my knowledge, no definitive history has been written about the TMI accident, including important events that preceded it. The documents I requested will enable me to describe these events in better detail than has previously been available to the public.

(d)(4) If disclosure is likely to contribute significantly to public understanding of Government operations or activities.

The documents will contribute significantly to a general public understanding of the role of the AEC in promoting and regulating nuclear power, and of the NRC's role of regulating nuclear power. My book will either be considered a post-mortem on the nuclear industry or a history of its first stage. In either case, the TMI accident and the events leading up to it will educate the public on the necessity of safety, and of listening to all voices, when a new and potentially dangerous technology is introduced. And if nuclear power gets a new lease on life because of global warming, my book will be seen as a primer of mistakes to avoid the second time around.

(d)(5) If, and the extent to which, the requester has a commercial interest that would be furthered by the disclosure of the requested agency records.

I anticipate receiving royalties on the book, perhaps in four or five years. However, there is no guarantee I will make any profit on the book. It is often said that most authors would make more money by spending the same

amount of time working in a fast food restaurant. My first book, *Unseen Danger*, received favorable reviews, including in The New York Times, was purchased for many libraries, and earned me enough royalties to buy a nice coat, which I still have. I hope this book will do better, but one can never tell.

(d)(6) If the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

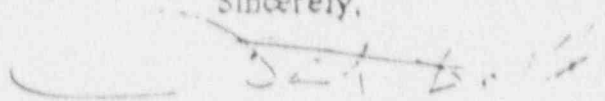
As I have stated, the documents will be used in a definitive history of the TMI accident and its impact on the world. I anticipate receiving royalties, but I believe the public interest in disclosure of the documents clearly outweighs any minimal commercial benefit to myself.

The public has an especially significant interest in this issue because of the global warming problem. Nuclear power productions emits only a tiny fraction of the carbon dioxide emitted by a conventional power plant burning fossil fuels. TMI and the nuclear safety issue remains a roadblock in the public mind to greater use of nuclear power, however, and unless the public is given all the facts, about issues great and small, it cannot make an informed decision.

If any of the requested documents are already in the public document room, please ensure (and let me know) that they are also in the local public document room in Harrisburg.

Thank you for your consideration.

Sincerely,



David DeKok