

PDR-016



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

NOV 30 1984

Ms. Nina Bell
Nuclear Safety Analyst
Nuclear Information and Resource Service
1346 Connecticut Avenue, NW, 4th Floor
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-84-148

Dear Ms. Bell:

This is a final response to your letter dated March 1, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), six categories of information pertaining to the application of the "Sholly Amendment" to the consideration of the Three Mile Island-1 Steam Generator operating license amendment.

Documents 1 through 4 identified on the enclosed Appendix A are being placed in the NRC Public Document Room (PDR). These documents will be filed in PDR folder FOIA-84-148 under your name. Documents 5 and 6 on Appendix A are already available in the PDR. You may request copies of these documents from the PDR by referring to their accession numbers as indicated on the appendix.

The four documents listed on enclosed Appendix B are being withheld from disclosure. Documents 1, 2 and 3 contain the predecisional legal analyses, opinions and recommendations of the Office of the Executive Legal Director for the Commissioners. Document 4 contains the predecisional legal analyses, opinions and recommendations of a legal assistant to the Commissioner he advises. The documents do not contain any reasonably segregable factual portions. Because the documents are predecisional communications between the staff and the Commissioners, the documents are exempt from mandatory disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and the Commission's regulations, 10 CFR 9.5(a)(5). Release of the documents would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. These documents are being withheld in their entirety.

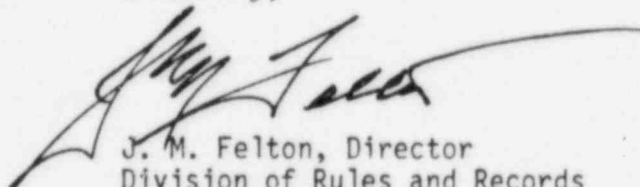
Pursuant to 10 CFR 9.15 of the NRC's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for this denial is Mr. John C. Hoyle, Assistant Secretary of the Commission.

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This denial may be appealed to the NRC within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, 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."

This completes action on your request.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton", with a long, sweeping horizontal line extending to the right.

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

Enclosures: As stated

APPENDIX A

Documents Being Placed in PDR

1. 1/10/84 Memo to Commissioner Asselstine from William Dircks re: Three Mile Island 1 w/enclosures Licensee Amendments, Orders, Etc. on Steam Generator Repairs or Replacement (13 pages)
2. 1/16/84 Letter to Nunzio Palladino from Morris Udall re: Oversight Hearing on NRC's Budget w/enclosure Questions Attached to Chairman Udall's January 22, 1984 Letter to the NRC (4 pages)
3. 2/3/84 Routing slip to Tom Rehm from Fred Combs re: Q&A Format w/enclosure 1/24/84 letter to Rehm from Combs (6 pages)
#8402090654
4. 3/24/84 Cover Sheet - Fax to Cunningham from Dorian (1 page)

Documents Already in PDR

5. 8/23/82 Letter to Henry Hukill from Darrell Eisenhut re: Three Mile Island Unit 2 PDR No. 8209100022 PDR/ADOCK/50-289P (2 pages)
6. 10/13/82 Letter to Henry Hukill from Darrell Eisenhut re: TMI-1 Steam Generator PDR No. 8210010466 PDR/ADOCK/50-289P w/enclosure Safety Evaluation by the Office of NRR re: TMI Unit 1 (16 pages)

APPENDIX B

Documents Withheld Under Exemption 5

1. 1/4/84 Memo from Dircks to Commissioners, subject: Three Mile Island Unit 1 (TMI-1) Steam Generator Repair - No Significant Hazards Determination (Attachments addressed in Appendix A, documents 2 and 3) (15 pages)
2. Undated Enclosure 3 to cover sheet dated 3/24/83 faxed to Cunningham from Dorian transmitting enclosure 3, typed double-spaced pages re "significant hazards consideration" with handwritten notations (15 pages) Cover sheet released (1 page) see App. A
3. Undated Draft memo from Dircks to Commissioners, subject: Three Mile Island, Unit 1 (TMI-1) Steam Generator Repair - No Significant Hazards Determination (16 pages)
4. 1/1984 Memo from Steve Sohinki to Commissioner Bernthal, Analysis of Option with regard to steam generator and no significant hazards vote (5 pages)