

UNION OF CONCERNED SCIENTISTS

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9 March 1984

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

MNB-4210

FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Felton:

In the enclosed memo, Marjorie U. Rothschild informs Robert A. Clark of a problem she has with the portion of his memo [Subject: Request for Publication in Monthly Federal Register Notice - Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing (Millstone #2)] entitled "Basis for proposed no significant hazards consideration determination". Pursuant to the Freedom of Information Act, please make available for public review at the Commission's Public Document Room:

1. All written responses she received to the enclosed memo.
2. All notes and minutes from, and documents referred to, during all meetings in which this problem was discussed by or with NRC staff, including the meeting held with Marjorie Rothschild and Paul Leech on June 9, 1983.
3. All documents generated as a result of the problem she cites in the enclosed memo, both from her observation and those of other NRC staff with the same or other problems with the memo she is referring to.
4. All documents reviewing, commenting on, and/or suggesting changes to the NRC staff's "Request for Publication in Monthly Federal Register Notice - Notice of Consideration of Issuance of Amendment to Facility operating license and proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing" for all license amendments requested for all nuclear power plants, since April, 1983.

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5. All documents given to and/or prepared by the Office of the Executive Legal Director and/or the Office of the General Counsel, in which guidance, criteria and/or instructions are given directing the NRC staff's no significant hazards consideration determinations.

Please consider "documents" to include written correspondence, internal staff memoranda, SECY papers, reports, studies, analyses, minutes of meetings, meeting notes, working papers, telephone logs. The documents are specifically requested from, but not limited to, the following offices of the NRC: Office of the Executive Legal Director, Office of the General Counsel, and Office of Nuclear Reactor Regulation.

Should there be any questions regarding this request, please do not hesitate to contact me at UCS's Washington, D.C. office at 296-5600. Your cooperation in responding to this request within 10 working days is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle Adato".

Michelle Adato
Research Associate

Enclosure 1

June 13, 1983

NOTE TO: Robert A. Clark, Chief
Operating Reactors Branch #3
Division of Licensing
Office of Nuclear Reactor Regulation

THRU: Paul H. Leech
Project Manager
Operating Reactors Branch #3

FROM: Marjorie U. Rothschild, Attorney
Office of the Executive Legal Director

SUBJECT: REQUEST FOR PUBLICATION IN MONTHLY FEDERAL REGISTER
NOTICE - NOTICE OF CONSIDERATION OF ISSUANCE OF
AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED
NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND
OPPORTUNITY FOR A HEARING (MILLSTONE #2)

The above request relates to proposed changes in the Millstone #2 Technical Specifications primarily resulting from Cycle 6 refueling considerations and the probability that additional steam generator tubes will need to be plugged because of corrosion effects. I have a problem with the portion of the memo entitled "Basis for proposed no significant hazards consideration determination," which I discussed on June 9, 1983 with Paul Leech. Specifically, this portion of the memo does not adequately explain the basis for the Staff's position that Example VI in the Commission guidance (of license amendments that are considered not likely to involve significant hazards considerations) envelopes the proposed amendment. The Staff states that two unreviewed safety questions are involved, yet there is no explanation why such unreviewed safety questions are not significant and thus within Example VI of the examples of license amendments that are likely to involve significant hazards considerations. Although we considered merely deleting the phrase "unreviewed safety question", there is no reason not to acknowledge that unreviewed safety questions are involved, provided that there is adequate basis for the Staff's proposed no significant hazards consideration determination (i.e., by showing that the unreviewed safety question is not significant). Therefore, I am returning this to you for appropriate revisions.

Marjorie U. Rothschild

Marjorie U. Rothschild, Attorney
Office of the Executive Legal Director

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