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

AUG 2 1985

Jerry S. McDevitt, Esquire  
Kirkpatrick & Lockhart  
1500 Oliver Building  
Pittsburgh, PA 15222

IN RESPONSE REFER  
TO FOIA-85-264 and  
FOIA-85-265

Dear Mr. McDevitt:

This letter completes our response to your letters dated April 9, 1985, and April 10, 1985, requesting, pursuant to the Freedom of Information Act (FOIA), documents regarding alleged deficiencies with Ruskin dampers.

The enclosed appendices list, for all categories of records requested, those that we have reviewed since our June 24, 1985, response to your requests.

Enclosed Appendix E lists those records available from the PDR with their accession numbers. Enclosed Appendix F lists those records that we are placing in PDR folder FOIA-85-264 and FOIA-85-265 under your name.

The record identified on enclosed Appendix G is a draft document that will not be finalized. The record contains advice, opinions, and recommendations of the staff, the disclosure of which would tend to inhibit the candid exchange of ideas that is essential during the agency's deliberative process. This record is being withheld from public disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations.

Pursuant to 10 CFR 9.9 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 persons responsible for the denial of the document on Appendix G are the undersigned and Mr. James G. Keppler, Regional Administrator, Region III.

This denial may be appealed to the NRC'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

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Pdr FOIA McDevitt 85-264  
850802

DOCUMENTS IN  
THE PDR

APPENDIX E

FOIA 85-264  
85-265

		ACCESSION #
4/4/80	Letter Hill to IE Director	8005070156
1/21/80	Letter Hill to IE Director	8004210365
5/29/80	Vendor Inspection Report	8007210536
1/21/80	Letter Hill to OIE	8007080071
3/17/80	Letter Hill to OIE	8004300274
4/4/80	Letter Hill to OIE	8004300274
5/16/80	Letter Petrick to Grier	8006250018
5/10/83	Letter Hill to IE Director	8305130113
5/10/83	Letter Hill to OIE	8305130113
11/6/84	Letter Hill to IE	8411190524
1/18/84	Letter Parsons to O'Reilly	8401260354
3/15/84	Denton to Schroeder	8403220123
11/27/84	Letter Cook to Keppler	8412110374
5/31/84	Letter Parsons to O'Reilly	8406110305
5/23/84	Letter Parsons to O'Reilly	8403300034
2/17/84	Letter Parsons to O'Reilly	8403010394
3/17/80	Letter Hill to IE	8004210365
1/28/85	Letter Zech to Yarger	8501290461
1/9/85	Letter Garde to OA	8502280476
3/5/85	Letter Shaffer to Eisenhut	8503110204
2/27/85	Letter Edelman to Keppler	8503130078
2/27/85	Letter Shaffer to Eisenhut	8502050768
1/25/85	Letter Martin to Murley	8502270005
1/4/85	Letter Hall to Keppler	8501210335
1/9/85	Letter Oprea to Martin	8501280104
12/8/85	Letter VanBrunt to Kirsch	8412270583
2/25/85	Letter Parsons to Grace	8503190395
1/17/85	Letter Hufham to O'Reilly	8502060455

INSPECTION REPORTS

50-346/83-16	8409200169
50-329/80-09;50-330/80-10	8006060226
50-329/80-10;50-330/80-11	8103040159
50-329/80-34;50-330/80-35	8101210533
50-329/84-20;50-330/84-21	8407060178
50-329/80-31;50-330/80-32	8101070236
50-329/80-16;50-330/80-17	8007230412
50-373/83-44;	8312290419
50-373/83-48	8312210257

## APPENDIX F

FOIA 85-264  
85-265

1. 1/21/80 Letter from Ruskin to NRC Part 21 Report (6 pages)
2. 1/21/80 Action Item Control Form (1 page)
3. 8/13/80 Cleveland Electric Telephone Memorandum by Kacer with Konklin (1 page)
4. 10/21/80 Letter to Hughes from Kacer on Deviation Analysis Report 035 with attachments (25 pages)
5. 2/37/84 Letter to O'Reilly from Green on Fire Dampers Special Report 83-02 (2 pages)
6. 4/15/83 Memorandum from Lewis on Generic Deficiency in Dampers (6 pages)
7. 9/29/83 Letter to Keppler from Murray on LER 83-046 (8 pages)
8. 10/21/83 IE Information Notice 83-69 (3 pages)
9. 10/21/83 IE Information Notice 83-69 with notations (2 pages)
10. 8/21/84 Letter to Denton from Rybak on Damper Surveillances (1 page)
11. 11/6/84 Annotated copies of Accession #8411190524 (14 pages)
12. Undated Handwritten attachment to Accession #8411190524 to Ulie from Connaughton (1 page)
13. 11/13/84 Letter to MacNeil from Basiaga regarding Part 21 Report (2 pages)
14. 11/27/84 Letter to Keppler from Cook, report on Dampers (11 pages)
15. 12/3/84 Licensee Reports per 10 CFR 50.55(e) (1 page)
16. 12/3/84 Record of Coordination by Calhoun (12 pages)
17. 12/14/84 Memorandum to Theil from Campbell Assignment to Investigate Potential 10CFR50.55(e) (3 pages)
18. 1/4/85 Letter to Keppler from Hall Potentially 10CFR50.55(e) (3 pages)
19. 1/7/85 Letter to Keppler from Garde (2 pages)
20. 1/8/85 Test report, Closure at velocity and pressure using the Horizontal Spring Closure System IBD23 Style A Fire Damper (19 pages)

# APPENDIX F

21. 1/10/85 Letter to NRC from Quennoz on LER 85-020 (4 pages)
22. 1/15/85 Handwritten notes from Boyd on telephone conversation with Brown on 1/14/85 (1 page)
23. 1/18/85 Plan for Resolution of Fire Damper Design Deficiencies (3 pages)
24. 1/23/85 Memorandum from Johnston to Novak on Supplemental Safety Evaluation (7 pages)
25. 1/24/85 Memorandum to Tustken from Elias re: testing of dampers (9 pages)
26. 1/29/85 Licensee Reports per 10CFR 50.55(e) (1 page)
27. 2/8/85 Letter to Ulie from Knapp IBD Fire Damper Literature with attachments (35 pages)
28. 2/12/85 Letter from Ruskin with Generick Test Reports (19 pages)
29. 2/27/85 Letter to Keppler from Edelman on Malfunctions of Dampers (2 pages)
30. 3/22/85 Memorandum for Baer from Little without attachment (1 page)
31. 4/4/85 Letter to Keppler from Hall on Potential 50.55(e) (3 pages)
32. 4/9/85 Plant Status Perry 1 & 2 (1 page)
33. Undated Ruskin Fire Damper Issue (5 pages) handwritten
34. Undated Draft of Ruskin Fire Damper Issue (4 pages)
35. Undated Instructions to Install ETL (1 page)
36. Undated Handwritten notes on Part 21 Report (2 pages)
37. Undated Summary of Potential Fire Damper Problem by Ulie (2 pages)
38. Undated Letter by Ruskin on Fire Damper Closure (4 pages)

APPENDIX G  
TO FOIA-85-264 and FOIA-85-265

03/22/85 Attachment to memorandum for Baer from Little (6 pages)

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(202) 452-7000

WRITER'S DIRECT DIAL NUMBER

(412) 355-8608

April 10, 1985

Ms. Nita Beeson  
Freedom of Information and Privacy  
Acts Branch  
Division of Rules and Records  
Office of Administration  
United States Nuclear Regulatory  
Commission  
Washington, D.C. 20555

**FREEDOM OF INFORMATION  
ACT REQUEST**

*FOIA-85-265  
Rec'd 4/12/85*

Dear Nita:

*(FOIA-85-264)*  
In furtherance of our discussion this date, I am enclosing a copy of a third FOIA Request sent out on April 9, 1985. As you can see, it deals at some length with the damper problem we discussed today. If need be, I would like to expand on the request to include a request for all Part 21 or 50-55(e) notices of problems with Ruskin dampers. I understand that there were several nuclear facilities affected by it.

With respect to any problem with Ruskin dampers at Palo Verde and Clinton Power Station, I would greatly appreciate it if I could obtain any and all NRC inspection reports of any "fix" done to the dampers at both sites, as I am interested in learning of how the problem was fixed and when the fix took place. Moreover, any internal NRC memo's, etc. discussing the Ruskin damper problem would be greatly appreciated.

Finally, I think you indicated that a similar request had been filed by an organization known as GAP. If possible, I would like a copy of their request so that I could contact them.

*#8547244164*

*2pp.*



KIRKPATRICK & LOCKHART

Ms. Nita Beeson  
April 10, 1985  
Page Two

In closing, let me again thank you for your able assistance in this matter. It has been truly appreciated.

Very truly yours,

*Jerry S. McDevitt (il)*

Jerry S. McDevitt

JSM/11

Enclosure

# KIRKPATRICK & LOCKHART

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WRITER'S DIRECT DIAL NUMBER

(412) 355-8608

April 9, 1985

Director  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**FREEDOM OF INFORMATION  
ACT REQUEST**

**FOIA-85-264**

*rec'd 4/12/85*

Gentlemen:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, this is to request copies of the following documents, to the extent they exist, regarding certain dampers which may have been sold by Ruskin Division of Philips Industries, Inc. and used at the Palo Verde Nuclear Generating Station and the Clinton Power Station. Both stations are currently under construction. The documents requested are:

1. Any and all notices to the Nuclear Regulatory Commission ("NRC") regarding alleged defects in such dampers;
2. Any and all notices to the NRC pursuant to 10 CFR Part 21 regarding such dampers;
3. Any and all internal NRC documents noting or discussing such dampers; and
4. Any and all NRC documents specifically discussing dampers supplied by Ruskin for either project.

Please forward all such documents, together with a statement of costs, which I agree to pay, to me at:

Jerry S. McDevitt, Esquire  
KIRKPATRICK & LOCKHART  
1500 Oliver Building  
Pittsburgh, PA 15222

*# 8547244131*

*app.*

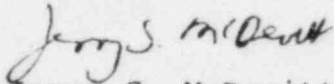


KIRKPATRICK & LOCKHART

Director  
Office of Administration  
U.S. Nuclear Regulatory Commission  
April 9, 1985  
Page Two

Please call if you have any questions about the  
scope of this request.

Very truly yours,

  
Jerry S. McDevitt

JSM/11