

PDR-066



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

JAN 21 1986

Ms. Billie Pirner Garde, Director  
Environmental Whistleblower Clinic  
Government Accountability Project  
1555 Connecticut Avenue, NW, Suite 202  
Washington, DC 20036

IN RESPONSE REFER  
TO FOIA-85-794

Dear Ms. Garde:

This is in response to your letter dated December 3, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), all records developed by the License Fee Management Staff of the NRC Office of Administration concerning the cost of the operating license review for the Comanche Peak nuclear plant from June 24, 1984, to the present.

The documents listed on the enclosed Appendix A are being placed in the NRC's Public Document Room (PDR) located at 1717 H Street, NW, Washington, DC, in file folder FOIA-85-794 under your name.

Portions of the documents listed on enclosed Appendix B are being withheld from public disclosure pursuant to Exemption 6 of the FOIA (5 U.S.C. 552(b)(6)) and 10 CFR 9.5(a)(6) of the Commission's regulations. The withheld portions contain the social security numbers of several NRC employees. The disclosure of these personal identifiers would constitute a clearly unwarranted invasion of personal privacy. The nonexempt portions of the Appendix B documents are being placed in the PDR in file folder FOIA-85-794 under your name.

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 person responsible for denial of the information is the undersigned.

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."

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The NRC's License Fee Management Staff has not yet received complete cost and personnel assignment data for Comanche Peak Unit No. 1 from all NRC offices for the time period covered by your request. Therefore, the NRC considers the personnel assignment and cost data for Unit No. 1 released in response to this FOIA request to be preliminary, and subject to audit and possible revision prior to the preparation of invoices.

With respect to your request for information regarding the NRC's intentions for recouping the expenses incurred by the agency, the NRC staff intends to follow the regulatory guidance governing cost recovery set out in Part 170 of the Commission's regulations.

Sincerely,



Donnie H. Grimsley, Director  
Division of Rules and Records  
Office of Administration

Enclosures: As stated

APPENDIX A

1. 11/27/85 memo from C. James Holloway, Jr. (LFMS) to Comanche Peak 2 fee file with summary of costs to be billed for period ending 12/22/84 for Comanche Peak 2 (2 pages)
2. 11/27/85 letter to Texas Utilities Generating Company forwarding a copy of the costs breakdown for Comanche Peak 2 by program offices (2 pages)
3. 12/5/85 Bill No. E0114 issued to Texas Utilities for Comanche Peak 2 for \$47,712 for period from 6/24/84 through 12/22/84 (2 pages)
4. LFMS worksheet reflecting the included and excluded Regional professional staff hours for 6/24/84 - 12/22/84 with 35 pages of computer printout sheets (36 pages)
5. Undated memo from Newson (ACRS) to Miller providing staff hours (1, page)
6. 4/12/85 memo from Foster (RIV) to Miller with attachment for Comanche Peak 1 (2 pages)
7. 6/20/85 memo from Brown (NMSS) to Miller with costs and staff hours data memo of 6/1/85 (3 pages)
8. 10/18/85 memo from Funches (NRR) to Miller with copies of Enclosures 1, 2 and 3 pertinent to Comanche Peak (7 pages)
9. 11/22/85 memo from C. James Holloway (LFMS) to LFMS Files re contractual costs adjustments (3 pages)
10. LFMS worksheet reflecting the included and excluded Regional professional staff hours for 6/24/84 - 12/22/84 with 8 pages of computer printout sheets (9 pages)
11. Undated memo from Newson (ACRS) to Miller providing staff hours (1 page)
12. 4/12/85 memo from Foster (RIV) to Miller with attachment for Comanche Peak 2 (2 pages)
13. 6/20/85 memo from Brown (NMSS) to Miller with costs and staff hours data memo of 6/1/85 (3 pages)
14. 10/18/85 memo from Funches (NRR) to Miller with copies of Enclosures 1 and 3 pertinent to Comanche Peak 2 (4 pages)
15. 11/22/85 memo from C. James Holloway, Jr. (LFMS) to LFMS Files re contractual costs adjustments (3 pages)

APPENDIX B

1. 3/18/85 memo from Greher (IE) to Miller with fee data and supporting computer printout and contractual data sheet for Unit 1 (5 pages)
2. 3/18/85 memo from Greher (IE) to Miller with fee data and supporting computer printout and contractual data sheet for Unit 2 (5 pages)