



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

RESPONSE TYPE

FINAL PARTIAL

DATE

NOV 1 1999

DOCKET NUMBER(S), if applicable

REQUESTER

Alan J. Kuperman

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(es) A 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(es) B* 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 proposal(s) that you agree 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(es) _____ 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. *Documents B/1 through B/16 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 \$ 174.16

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____ No. _____

PART II. A - 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

8911140085 891101
PDR FOIA
KUPERMAB9-451 PDR

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

James A. Brumby

PART II. B - APPLICABLE EXEMPTIONS

Records subject to the request that are described on the enclosed Appendix(es) C are being withheld in their entirety or in part under the Exemptions and/or the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC Regulations.

- 1. The withheld information is properly classified pursuant to Executive Order (EXEMPTION 1)
- 2. The withheld information relates solely to the internal personnel rules and procedures of NRC. (EXEMPTION 2)
- 3. The withheld information is specifically exempted from public disclosure by statute indicated: (EXEMPTION 3)
 - Sections 141-145 of the Atomic Energy Act which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 - Section 147 of the Atomic Energy Act which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
- 4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated: (EXEMPTION 4)
 - The information is considered to be confidential business (proprietary) information.
 - The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).
 - The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).
- 5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (EXEMPTION 5). Applicable Privilege:
 - Deliberative Process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There are also no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
 - Attorney work-product privilege (Documents prepared by an attorney in contemplation of litigation.)
 - Attorney-client privilege (Confidential communications between an attorney and his/her client.)
- 6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (EXEMPTION 6)
- 7. The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (EXEMPTION 7)
 - Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (EXEMPTION 7(A))
 - Disclosure would constitute an unwarranted invasion of personal privacy (EXEMPTION 7(C))
 - The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources (EXEMPTION 7(D))

OTHER

PART II. C - DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/c 9.25 (c) of the U.S. Nuclear Regulatory Commission 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 are those officials identified below as denying officials and the Director, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			SECRETARY	EDO
Thomas E. Murley	Director, NRR	Appendix C		X

PART II. D - APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or 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."

Re: FOIA-88-451

APPENDIX A
DOCUMENTS ALREADY AVAILABLE IN THE PDR

1. 12/6/83 SECY-83-500 - Clarification of General Physical Protection Requirement. Accession No. 8312140385
2. 4/20/84 SECY-83-500A - Clarification of General Physical Protection Requirement. Accession No. 8405180013
3. 5/2/84 Inspection and Enforcement Manual Temporary Instruction 2545/1. Accession No. 8412260211
4. 8/20/84 Memo from D. Eisenhut to R. Burnett, subject: Analysis of Non-Power Reactor Sabotage. Accession No. 8403310410

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR

1. 7/2/84 Memo from R. Fraley to W. Dircks, subject: 290th ACRS Meeting Follow-up Items. (4 pages)
2. 7/6/84 DOE Source Selection Justification. (1 page)
3. 7/16/84 Note from R. Burnett to W. Brown, re: Proposed Statement of Work. (7 pages)
4. 7/31/84 Memo from R. Burnett to D. Eisenhower, subject: Analysis of Nonpower Reactor Sabotage. (2 pages)
5. 8/21/84 Memo from W. Brown to R. Burnett, subject: Statement of Work for Consequences of Sabotage at Nonpower Reactors. (1 page)
6. 8/22/84 Note from "BB" to W. Brown. (1 page) [The attachment to this document is identified on Appendix A, document 4.]
7. 8/27/84 Memo from R. Burnett to R. Brown, subject: Statement of Work for Consequences of Sabotage at Nonpower Reactors. (9 pages)
8. 8/30/84 Memo from R. Burnett to R. Brown, subject: Statement of Work for Consequences of Sabotage at Nonpower Reactors. (1 page)
9. 8/30/84 Memo from R. Brady to R. Burnett, subject: Security/Classification Requirements for FIN A7153 (Los Alamos National Laboratory). (5 pages)
10. 9/4/84 Memo from R. Brown to R. Burnett, subject: Consequences of Sabotage at Nonpower Reactors, FIN A7153. (1 page)
11. 9/6/84 Letter from R. Brown to R. Romatowski, re: NRC Form 173, Standard for DOE Work. (11 pages)
12. 9/21/84 Memo from R. Burnett to J. Davis. (3 pages)
13. 9/26/84 Telecommunication Message from L. Garvey to D. Carlson. (3 pages)
14. 10/1/84 Project and Budget Proposal for NRC Work. (14 pages)
15. 10/1/84 Project and Budget Proposal for NRC Work. (16 pages)
16. 10/1/84 Draft Project and Budget Proposal for NRC Work. (17 pages)
17. 10/9/84 Letter from A. Jennings to D. Carlson, subject: Consequences of Sabotage of Nonpower Reactors. (17 pages)

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

18. 10/17/84 Letter from D. Carlson to T. Bott, enclosing copy of "Declaration of Dr. James C. Warf." (11 pages)
19. 10/29/84 Letter from A. Jennings to D. Carlson, subject: Consequences of Sabotage of Nonpower Reactors. (15 pages)
20. 11/8/84 Note from D. Carlson, attaching LANL's revised proposal. (15 pages)
21. 11/14/84 Letter from T.F. Bott to D.M. Carlson, enclosing work plan for Task 1. (7 pages)
22. 11/15/84 Letter from T.F. Bott to D.M. Carlson, subject: Nonpower Reactor Sabotage Study Status Report for October 1984. (2 pages)
23. 12/14/84 Letter from T.F. Botts to D.M. Carlson, subject: Nonpower Reactor Sabotage Study Status Report for November 1984. (2 pages)
24. 12/27/84 Letter from D. Carlson to L. Sullivan. (1 page)
25. 1/14/85 Letter from T.F. Bott to D.M. Carlson, subject: Nonpower Reactor Sabotage Study Status Report for December 1984. (2 pages)
26. 1/15/85 Memo from R. Burnett to R. Brown, subject: Evaluation of Proposal from Los Alamos National Laboratory. (1 page)
27. 1/23/85 Letter from T.F. Bott to D.M. Carlson, responding to 12/27/84 ltr. (1 page)
28. 2/13/85 Letter from T.F. Bott to D.M. Carlson, subject: Nonpower Reactor Sabotage Study Status Report for January 1985. (2 pages)
29. 2/22/85 Memo from James Partlow to various addresses, subject: Revision of IE MC 2545 and the Applicable Inspection Procedures. (35 pages)
30. 3/25/85 Letter from W.D. Zerwekh to D. Carlson, subject: Nonpower Reactor Sabotage Study Status Report for February 1985. (2 pages)
31. 5/15/85 Memo from R. Erickson to various addresses, subject: Quality Assurance Procedures for Contracted Work. (4 pages)

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

33. 6/21/85 Letter from W.D. Zerwekh to D.M. Carlson, subject: Nonpower Reactor Sabotage Study Status Report for May 1988. (2 pages)
34. 7/3/85 Note from Don Carlson to "Lewis" enclosing signed NRC Form 173. (10 pages)
35. 7/25/85 Letter from R. Brady to R. Sabre. (1 page)
36. 8/1/85 Letter from Zerwekh to D.M. Carlson, subject: Nonpower Reactor Sabotage Study Status Report from June 1985. (2 pages)
37. 8/23/85 Letter from W.D. Zerwekh to D.M. Carlson, subject: Nonpower Reactor Study Status Report for July 1985. (2 pages)
38. 9/16/85 Letter from W.D. Zerwekh to D.M. Carlson, subject: Nonpower Reactor Sabotage Study Status Report for August 1985. (2 pages)
39. 9/27/85 Letter from A. Jennings to T. Sweitzer, subject: Consequences of Sabotage of Nonpower Reactors. (9 pages)
40. 10/11/85 Letter from D. Carlson to W.D. Zerwekh. (1 page)
41. 10/22/85 Letter from W.D. Zerwekh to D.M. Carlson, subject: Nonpower Reactor Sabotage Study Status Report for September 1985. (2 pages)
42. 11/14/85 Memo from G. McCorkle to R. Brown, subject: Change of Project Manager. (1 page)
43. 11/15/85 Memo from R. Brunett to R. Brown, subject: Evaluation of Proposal from Los Alamos National Laboratory. (9 pages)
44. 11/21/85 Letter from R.S. Brown to R. Romatowski regarding NRC Form 173. (2 pages)
45. 11/21/85 Letter from W.D. Zerwekh to T. Sweitzer, subject: Nonpower Reactor Sabotage Study Status Report for October 1985. (2 pages)
46. 1/29/86 Letter from R. Brown to R. Romatowski. (1 page)
47. 3/18/86 Letter from W.D. Zerwekh to C. Wither, subject: Nonpower Reactor Sabotage Study Status Report for February 1986.
48. 5/21/86 Letter from C. Wither and D. Carlson to J. Hyder. (1 page)

Re: FOIA-88-451

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

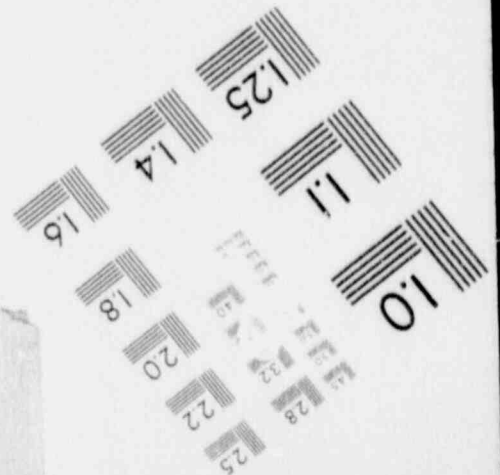
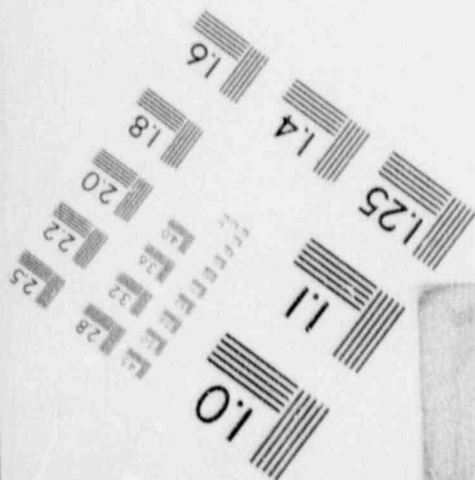
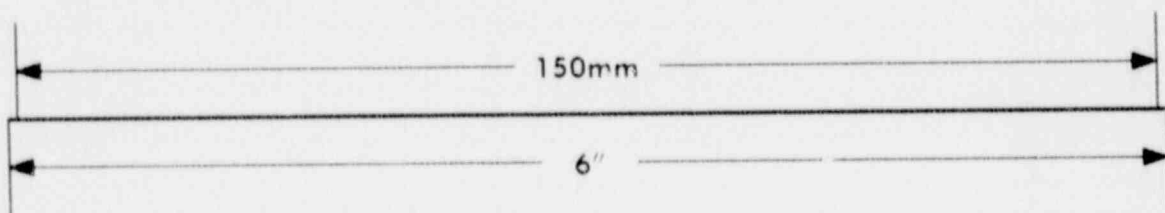
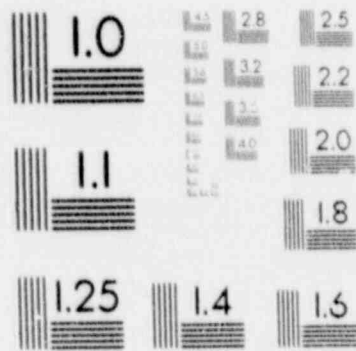
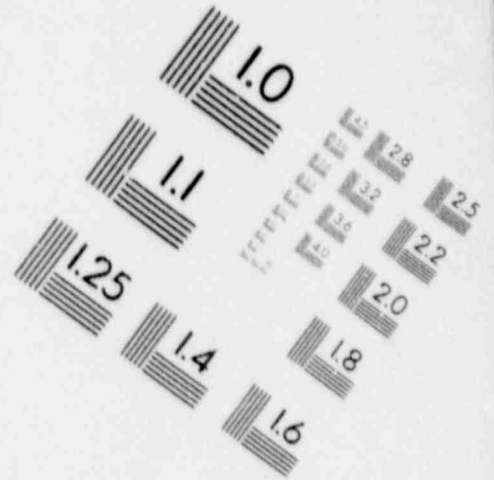
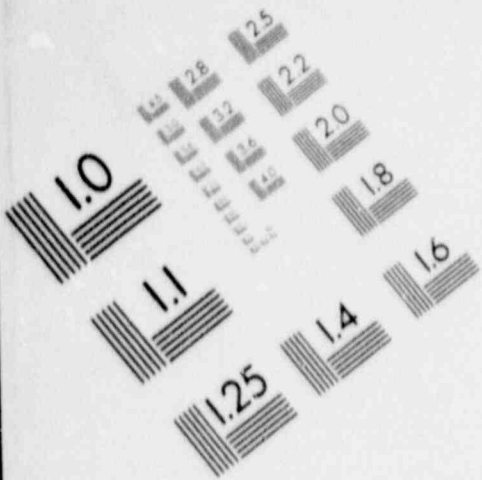
- 49. Undated Viewgraphs. (5 pages)
- 50. Undated Statement of Work - Consequences of Sabotage at Nonpower Reactors. (7 pages)
- 51. Undated Project Descriptive Summary. (2 pages)

APPENDIX C
RECORDS BEING WITHHELD IN PART

1. 4/16/85 Letter from W.D. Zerwekh to D.M. Carlson, subject: Nonpower Reactor Sabotage Study Status Report for March 1985. (2 pages) Portions withheld pursuant to Exemption 1.
2. 8/9/85 Note from Carlson to various addressees, (1 page), released, attaching letter from W.D. Zerwekh to D.M. Carlson, subject: Assumptions Used in the Nonpower Reactor Sabotage Study (9 pages). Portions withheld pursuant to Exemption 1.
3. 9/30/85 Note from D. Carlson to various addresses, (1 page), released, attaching letter from W.D. Zerwekh to D.M. Carlson, subject: Assumptions Used in the Nonpower Reactor Sabotage Study. (8 pages) Portions withheld pursuant to Exemption 1.
4. 1/15/87 Nonpower Reactor Sabotage Study. (131 pages) Portions withheld pursuant to Exemption 1.

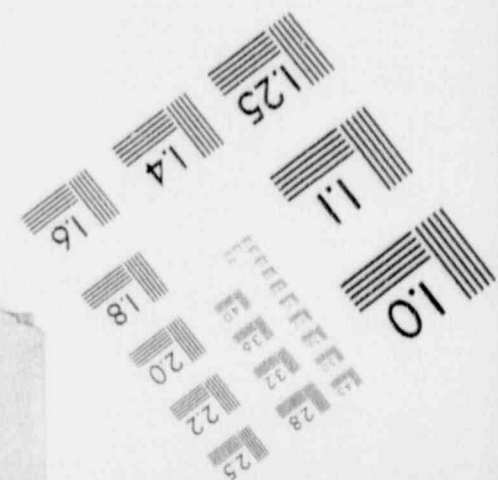
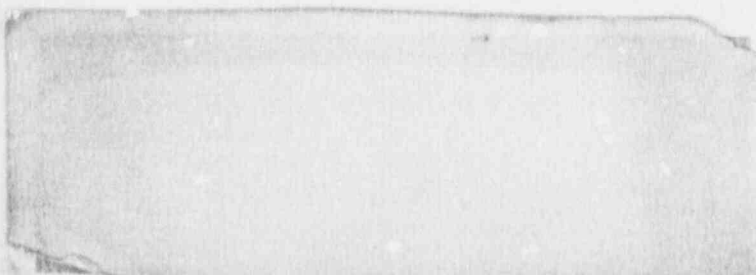
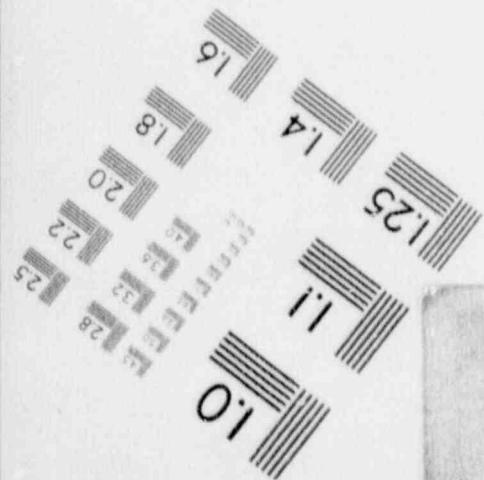
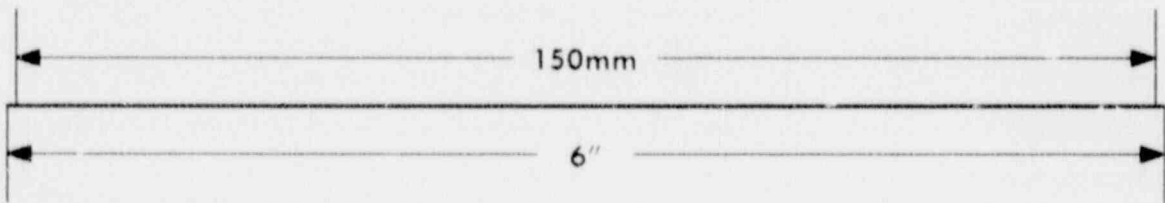
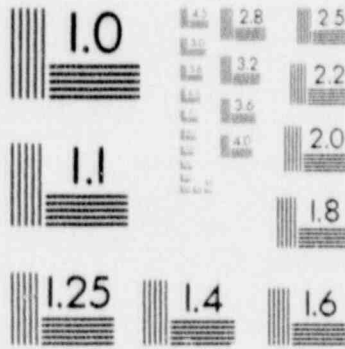
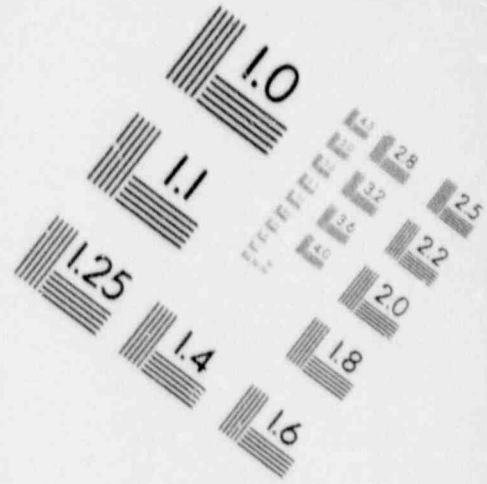
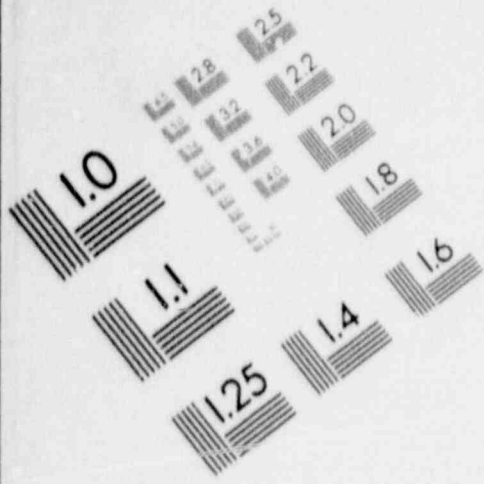
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IMAGE EVALUATION TEST TARGET (MT-3)



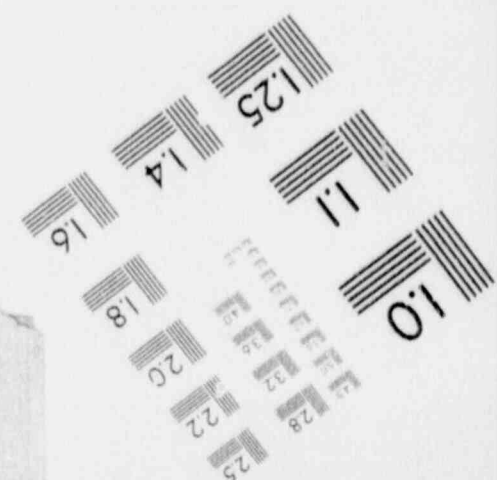
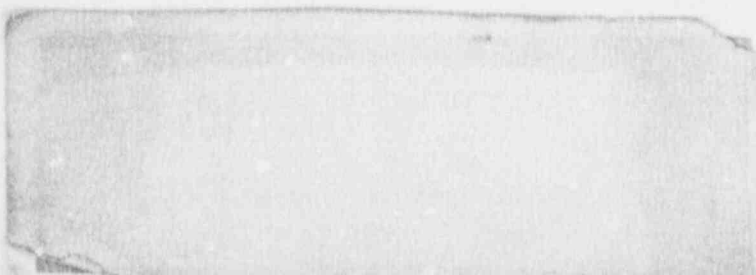
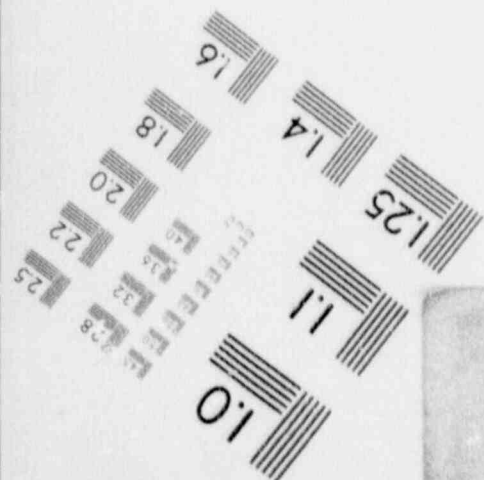
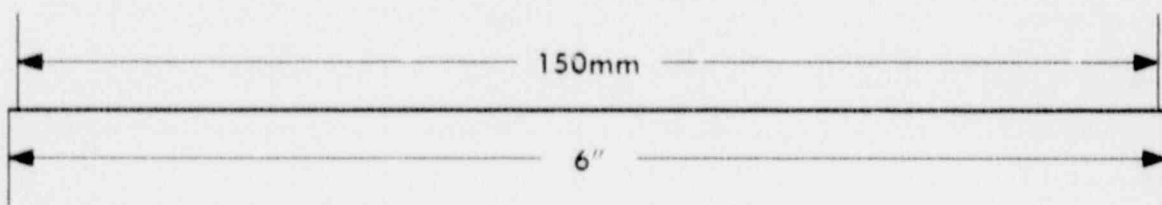
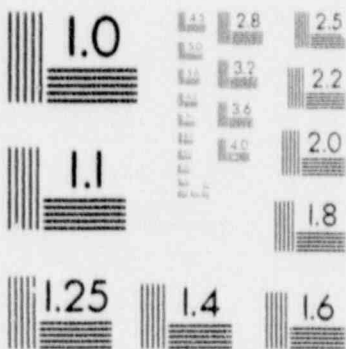
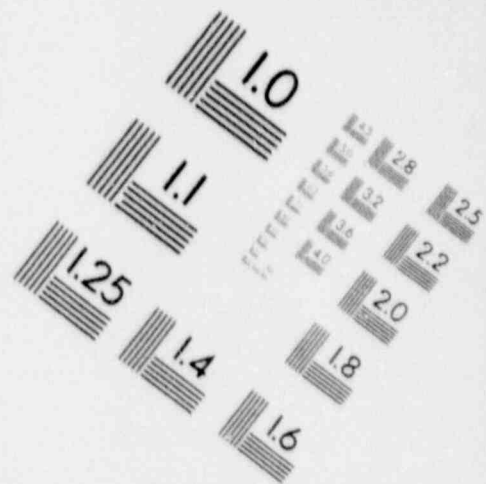
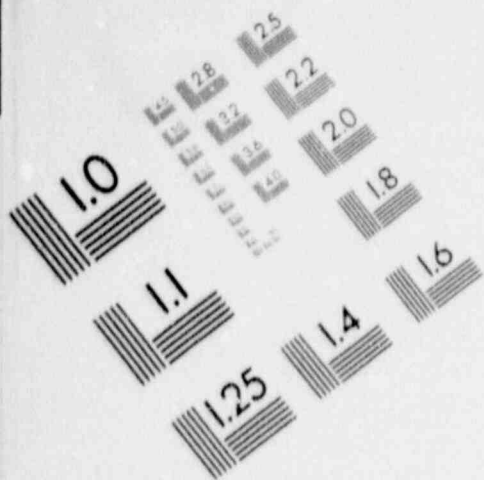
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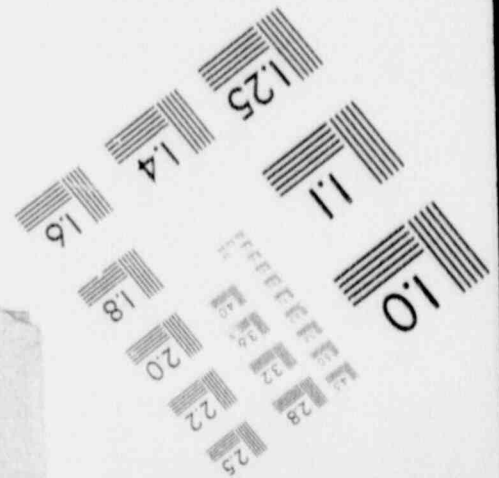
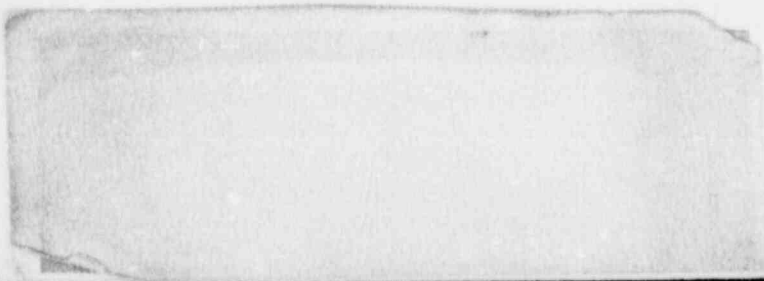
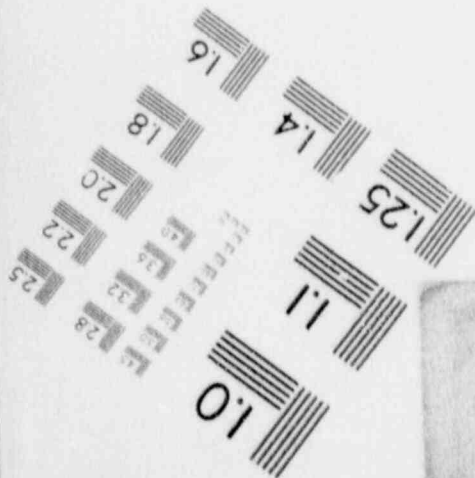
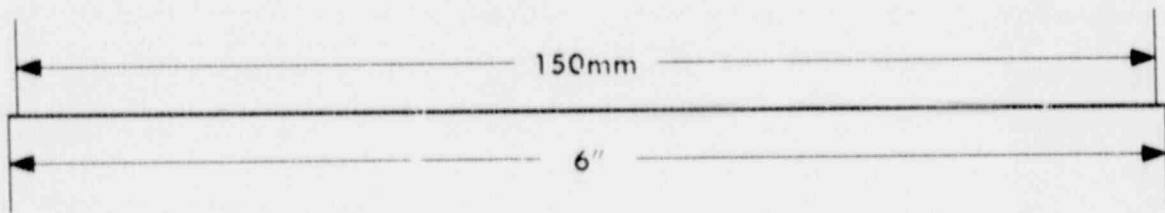
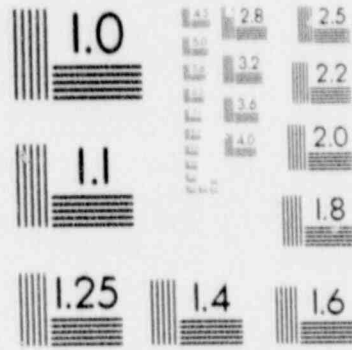
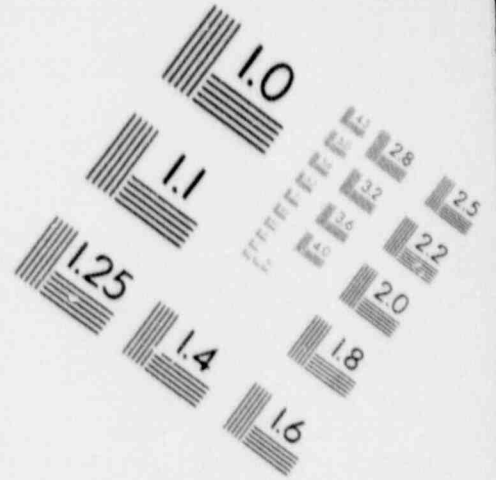
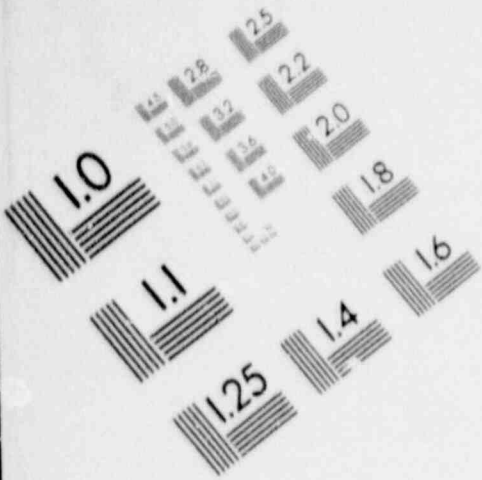
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IMAGE EVALUATION TEST TARGET (MT-3)



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IMAGE EVALUATION TEST TARGET (MT-3)



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IMAGE EVALUATION TEST TARGET (MT-3)

