



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)

FOIA - 89-284

RESPONSE TYPE

FINAL

PARTIAL

DATE

DEC 12 1989

DOCKET NUMBER(S) (if applicable)

REQUESTER

Nancy K. Jones

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) \_\_\_\_\_ 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) J 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 agreed 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.

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 \$ \_\_\_\_\_.

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

8912130231 891212  
PDR FOIA  
JONES89-284 PDR

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

Donnie H. Kunder

**PART II. B - APPLICABLE EXEMPTIONS**

Records subject to the request that are described on the enclosed Appendix(es) K are being withheld in their entirety or in part under the Exemptions and for 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).
- b. 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 also are 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/or 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
William T. Russell	Regional Administrator, Reg. I	K/1, K/2		X
Thomas E. Murley	Director, NRR	K/3 - K/9		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."

APPENDIX J  
DOCUMENT BEING PLACED IN THE PDR

1. 7/7/87 Memo from W.F. Kane to W.T. Russell, subject: Meeting Summary on Peach Bottom Response to Shutdown Order. (3 pages)

APPENDIX K  
DOCUMENTS BEING WITHHELD IN WHOLE OR IN PART

1. 11/9/87 Memo from J. Linville to J. Persensky, subject: Peach Bottom Operator Attitude and Performance Training Team Review, (1 page), released with attached input from Region I participants in the subject review. (9 pages) Withheld pursuant to Exemption 5.
2. Undated Chairman's Backup Q's and A's, regarding Peach Bottom control room operators. (7 pages) Withheld in entirety pursuant to Exemption 5. [Some portions are outside the scope of the request.]
3. Undated Talking Paper for EDO Senior Management Meeting on Peach Bottom. (20 pages) Withheld in entirety pursuant to Exemption 5.
4. Undated Overview - Peach Bottom, Units 2 and 3 for November, 1987 Senior Management Meeting. (15 pages) Withheld in entirety pursuant to Exemption 5.
5. Undated SALP History for June 1988 Senior Management Meeting on Peach Bottom. (24 pages) Withheld in entirety pursuant to Exemption 5.
6. Undated Talking paper on Peach Bottom Units 2 and 3 for December 1988 Senior Management Meeting. (16 pages) Withheld in entirety pursuant to Exemption 5.
7. Undated Region I Input to talking paper for NRC Senior Management Meeting, December 1988. (42 pages) Withheld in entirety pursuant to Exemption 5.
8. Undated Region I Input to NRC Senior Management Meeting - Status Briefing, May 1989. (16 pages) Withheld in entirety pursuant to Exemption 5.
9. Undated Review of Peach Bottom for May 1989 Senior Management Meeting. (17 pages) Withheld in entirety pursuant to Exemption 5.



# SHAW, PITTMAN, POTTS & TROWBRIDGE

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WRITER'S DIRECT DIAL NUMBER

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FREEDOM OF INFORMATION  
ACT REQUEST

June 26, 1989

FOIA-89-284  
Rec'd 6-27-89

Director, Division of Freedom of Information  
and Publications Services  
Office of Administration and Resources Management  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Freedom of Information Act Request

Dear Sir:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the NRC's implementing regulations, 10 C.F.R. § 9.11, et seq., I hereby request that the following described records be made available for inspection and copying. I agree to pay search and duplication costs, as specified in 10 C.F.R. §§ 9.33 - 9.37, up to a maximum of \$500.00.

Description of Requested Records: Any and all internal NRC memoranda, notes, records of telephone conversations, meeting minutes or any other documents not presently included in the NRC's Public Document Room files that pertain to, relate to or discuss or otherwise refer to the NRC-ordered shutdown of Units 2 and 3 of the Peach Bottom Atomic Power Station (NRC Docket Nos. 50-277 and 50-278) on March 31, 1987, the post-shutdown investigations conducted by the NRC or the bases for the shutdown and post-shutdown investigations. The scope of this request includes, but is not limited to, any records memorializing the views, observations or perceptions of NRC personnel regarding the performance of Philadelphia Electric Company, specifically as it relates to the management of the Peach Bottom Station during the period from January, 1983 through March, 1988 (unless otherwise noted below). In particular, this request seeks any such records contained in the files of the following NRC personnel:

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- the NRC Project Manager for the Peach Bottom Station;
- the NRC Project Director for the Peach Bottom Station;
- the Assistant Director for Region I Reactors, Office of Nuclear Reactor Regulation;
- the Director, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation;
- the Director, Office of Nuclear Reactor Regulation;
- the Director, Office of Investigations;
- the Director, Office for Analysis and Evaluation of Operational Data;
- the Executive Director for Operations and his staff;
- the NRC Resident Inspector(s) stationed at the Peach Bottom Station;
- the Chief of the NRC Region I Project Branch having cognizance over the Peach Bottom Station;
- the Director, Division of Reactor Projects, Region I;
- the Director, Division of Reactor Safety, Region I;
- the Director, Division of Radiation Safety and Safeguards, Region I;
- the Region I Deputy Regional Administrator;
- the Region I Regional Administrator;
- the NRC Chairman, Commissioners and their staffs.

Further, this request includes, but is not limited to, the following described records:

Materials prepared by the various NRC Offices, including the Office of Nuclear Reactor Regulation ("NRR"), the Office for Analysis and Evaluation of Operational Data ("AEOD"), the Office of Investigations ("OI") and the Region I Office, in preparation for the NRC Semi-Annual Senior Management Meetings for the period 1986 through the present relating to the Peach Bottom Station.

Materials prepared for Commission Meetings regarding troubled or "problem" plants, to the extent that those materials discuss, refer or relate to the Peach Bottom Station.

Materials prepared in conjunction with operating reactor events meetings held by NRR, to the extent that those materials discuss, refer or relate to the Peach Bottom Station.

Summaries of the daily events phone calls between NRC Headquarters and Region I which discuss, refer or relate to the Peach Bottom Station.

Materials prepared by, or in the possession of, OI regarding the "sleeping operator" issue at Peach Bottom.

Materials, documents or records prepared by AEOD in connection with PECO's performance at Peach Bottom and/or such performance as it compares with other nuclear power plants.

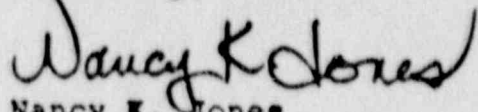
All records provided to the NRC by the Institute of Nuclear Power Operations ("INPO"), or relating to briefings, meetings or discussions with the NRC by INPO which discuss, refer or relate to the Peach Bottom Station.

All records, notes, summaries and telephone log entries relating to discussions between NRC senior management and INPO personnel (particularly Messrs. Dennis Wilkerson and Zack Fate) which discuss, refer or relate to the Peach Bottom Station.

This request does not encompass documents presently included in the NRC Public Document Room docket files on Peach Bottom, Units 2 and 3.

Please feel free to contact me should you have any questions regarding the scope of this request.

Sincerely,



Nancy K. Jones  
Legal Assistant

NKJ/lbp