



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)	
FOIA -90-270	
RESPONSE TYPE	
<input type="checkbox"/> FINAL	<input checked="" type="checkbox"/> PARTIAL
DATE	OCT 11 1990
DOCKET NUMBER(S) (if applicable)	

REQUESTER
John C. Person

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) 1 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) 1 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

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES
Gene H. ...

9102050257 901011
PDR FOIA
PERSON90-270 PDR

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)

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 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 or 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
Thomas T. Martin	Regional Administrator, Region I	App. K		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-90-270

APPENDIX I
DOCUMENTS ALREADY AVAILABLE IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	10/22/87	Letter from M. Haughey to C. Mangan, subject: Revision 3 to the Offsite Dose Calculation Manual for Nine Mile Point, Unit 2. PDR Accession No. 8710280116
2.	12/16/88	Letter from V. Stello to J. Endries, summarizing discussions held at NRC Senior Managers meeting. PDR Acc. No. 8812300259
3.	3/17/89	Memo from M. Slosson, subject: Summary of 3/7/89 Meeting With Niagara Mohawk Power Corporation. PDR Acc. No. 8903240019
4.	3/30/89	Letter from L. Burkhardt to T. Murley, subject: Procedural Adherence and Compliance at the Nine Mile Point Nuclear Station. PDR Acc. No. 8904110297

APPENDIX J
DOCUMENTS BEING PLACED IN THE FDR

NUMBER	DATE	DESCRIPTION
1.	11/6/81	Telephone Report, subject: Power Strut 10 CFR 21 Report. (1 page)
2.	12/29/81	Niagara Mohawk Internal Correspondence, subject: Notes of Telecon with NRC Regarding Reporting of 50.55(e) Deficiency and NRC Personnel Access to Unit 2. (2 pages)
3.	8/25/82	Letter from Samuel Manno to D. Eisenhut, regarding schedule for environmental qualification testing of equipment. (2 pages)
4.	1/12/88	Memo from W. F. Kane to C. E. Rossi, subject: Events Considered For Information Notices. (1 page) (NOTE: Deleted portions are outside the scope of the request.)
5.	1/31/83	Letter from S. F. Manno to R. W. Starostecki, regarding response to IE Bulletin 80-16. (1 page)
6.	2/3/83	Memo from E. J. Brunner to J. Taylor and E. Eisenhut, subject: Utility Self-Initiated Evaluation Report. (1 page)
7.	2/22/83	Letter from J. Allan to B. Bartlett, regarding allegations of drug and/or alcohol use at Nine Mile Point. (1 page)
8.	2/28/83	Memo from R. Gallo to I. Barnes, subject: Errors Identified By Stone and Webster Engineering Corporation (SWEC) In the MK II Containment Confirmatory Programs. (2 pages)
9.	6/13/83	Memo from T. Martin to E. Jordan, subject: Potentially Generic Issue - Nine Mile Point Unit 2. (2 pages)
10.	8/22/84	Memo from R. J. Urban to R. W. Starostecki, subject: Monthly Status Report on Construction Plants in Region I. (3 pages)
11.	3/13/85	Memo from R. J. Urban to R. W. Starostecki, subject: Monthly Status Report on

APPENDIX J
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

NUMBER	DATE	DESCRIPTION
12.	4/17/85	Memo from H. W. Kerch to R. A. Gramm, subject: Review of Nine Mile No. 2 Radiographic Sampling Plan. (1 page)
13.	6/12/85	Memo from R. J. Urban to R. W. Starostecki, subject: Monthly Status Report on Construction Plants in Region I. (2 pages)
14.	4/3/86	Memo from R. W. Starostecki to R. Bernero, subject: Completion Status of Nine Mile Point Unit 2. (19 pages)
15.	5/28/86	Memo from R. W. Starostecki to R. Bernero, subject: Draft Nine Mile Point Unit 2 Low Power License. (2 pages)
16.	5/30/86	Memo from J. C. Linville to T. E. Murley, subject: Nine Mile Point Unit 2 Downcomer Bracing Chronology. (3 pages)
17.	7/30/86	Memo from S. Ebnetter to E. Adensam, subject: Nine Mile Point Unit 2 - Power Ascension Test Program. (6 pages)
18.	10/30/86	Memo from J. Durr to R. Gallo, subject: Nine Mile Point 2 Main Steam Isolation Valves. (1 page)
19.	1/6/87	Memo from M. Evans to P. Eselgroth, subject: Nine Mile Point Unit 2 Reportable Events. (1 page)
20.	2/18/87	Memo from J. Strosnider to J. Durr, subject: Inspector Concerns Regarding Nine Mile 2 Main Steam Isolation Valves. (2 pages)
21.	3/31/87	Memo from W. Kane to R. Bernero, subject: Safety Evaluation For Nine Mile Point Unit 2 Regarding Generic Letter 83-28, Items 3.1.1., 3.1.2, 3.2.1., 3.2.2., and 4.5.1. (12 pages)

APPENDIX J
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

NUMBER	DATE	DESCRIPTION
22.	5/20/87	Memo from W. T. Russell to T. Murley, subject: Nine Mile Point Unit 2 Initial Criticality Recommendation. (3 pages)
23.	6/9/87	Memo from W. V. Johnston to W. T. Russell, subject: Observed Cracks in Nine Mile Point, Unit No. 2, Service Water Pump Building Walls. (1 page)
24.	12/9/88	Region I Morning Report (page 2), subject: Division I ADS Found Inoperable. (1 page)

APPENDIX K
DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	10/21/82	Internal NRC memo, subject: Allegation Regarding Use of Inspection Trainees at Nine Mile Point Unit 2. (1 page) Portions withheld pursuant to Exemptions 6 and 7(C).
2.	4/22/83	Letter from Niagara Mohawk to USNRC, subject: Investigation No. 50-410/1-82-078 - Application to Withhold Information From Public Disclosure. (5 pages) Portions withheld pursuant to Exemptions 6, 7(C), and 7(D).
3.	10/21/83	Letter from NRC to individual, regarding allegations. (1 page) Portions withheld pursuant to Exemption 6 and 7(C).
4.	10/25/83	Internal NRC memo, subject: Improper Electrical Installation Practices at Nine Mile Point Unit 2. (3 pages) Portions withheld pursuant to Exemptions 5, 6, and 7(C).
5.	4/2/86	Internal NRC memo, subject: Allegation of Improper Cable Terminations at Nine Mile Point Unit 2 (RI-84-A-0075). (2 pages) Portions withheld pursuant to Exemptions 5, 6, and 7(C)
6.	3/1/88	Allegation Receipt Report. (6 pages) Portions withheld pursuant to Exemptions 5, 6, 7(C), and 7(D).