



UNITED STATES NUCLEAR REGULATORY COMMISSION

Office of Governmental and Public Affairs, REGION IV
611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011

NRC REGION IV

Region IV of the Nuclear Regulatory Commission carries out the agency's program in a 14-state area -- Arkansas, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wyoming.

Its main regional office is in Arlington, Texas, in the Dallas-Fort Worth area. Also part of Region IV is the NRC Uranium Recovery Field Office in Golden, Colorado (Denver area), which is responsible for regulation of uranium milling and related activities.

Like other NRC major field offices, Region IV conducts inspections and coordinates investigations as necessary to assure compliance with the agency's requirements. It also is responsible for reactor operator and materials licensing, and for review and approval of reactor operating license amendments.

REGIONAL HIGHLIGHTS

| | |
|-------------------------------|--------------------|
| Administrator | Robert D. Martin |
| Deputy Administrator | John Montgomery |
| Counsel | William L. Brown |
| State & Govt. Affairs Officer | Robert J. Doda |
| State Liaison Officer | Charles A. Hackney |
| Public Affairs Officer | Joe T. Gilliland |

Telephone: 817/860-8100 (main number)
817/860-8128 (public affairs)

Division Managers

| | |
|--|--|
| Reactor Projects | <i>Sam Collins</i> James L. Milhoan, director |
| | T. Pat Gwynn, deputy |
| Reactor Safety | L. J. Callan, director |
| | Johns Jaudon, deputy |
| Radiation Safety & Safeguards | A. Bill Beach, director |
| Uranium Recovery Field Office | Ramon E. Hall, director |
| (Located at 730 Simms St., Suite 100A, Golden, Colorado 80401; Telephone: 303/236-2805) | |
| Resource Mgmt. & Administration | Greg Benoit, director |

Nuclear Power Plant Units

| | |
|--|----|
| Licensed to operate | 10 |
| Under construction or undergoing operating license review | 2 |

} Fuel Cycles
9 Utilities

Nuclear Power Plants by State

ARKANSAS: Arkansas Units 1 and 2 (Arkansas Power & Light Co.), six miles west-northwest of Russellville; licensed to operate.

COLORADO: Fort St. Vrain (Public Service Co. of Colorado), 35 miles north of Denver; licensed to operate.

KANSAS: Wolf Creek Unit 1 (Wolf Creek Nuclear Operating Corp.), 3.5 miles northeast of Burlington; licensed to operate.

LOUISIANA: River Bend Unit 1 (Gulf States Utilities), 18 miles north-northwest of Baton Rouge; licensed to operate.
Waterford Unit 3 (Louisiana Power & Light Co.) 25 miles west of New Orleans; licensed to operate.

NEBRASKA: Fort Calhoun Unit 1 (Omaha Public Power District), 19 miles north of Omaha; licensed to operate.
Cooper Station (Nebraska Public Power District), 23 miles south of Nebraska City; licensed to operate.

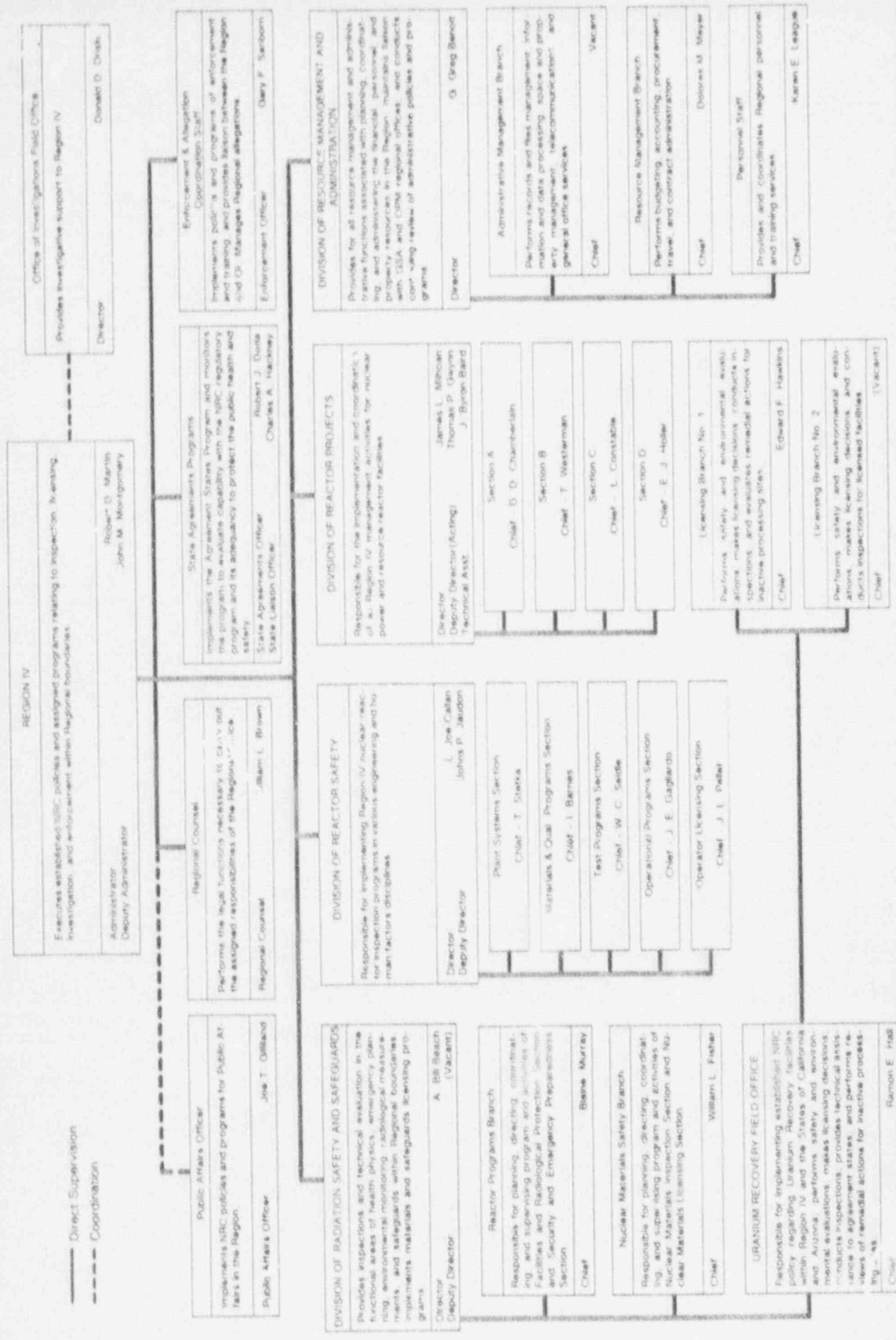
TEXAS: Comanche Peak Units 1 and 2 (TU Electric), four miles north of Glen Rose; Unit 1 undergoing operating license review; Unit 2 under construction.
South Texas Units 1 and 2 (Houston Lighting & Power Co.), 12 miles south-southwest of Bay City; both licensed to operate.

Other Activities

| | |
|--|-------|
| *Materials licensees | 1,013 |
| Uranium mills | 19 |
| <u>In-situ</u> mining facilities | 9 |
| Miscellaneous uranium recovery licensees | 4 |

(*Includes such activities as nuclear medicine, oil and gas well logging, and industrial radiography regulated directly by NRC in Montana, Oklahoma, South Dakota and Wyoming. These activities are regulated by state agencies in the region's other 10 states, through an agreement with NRC. Uranium recovery activities listed here are only those regulated directly by NRC. Some states also regulate this type of work within their borders.)

October 1989



— Direct Supervision
- - - Coordination

[This portion was addressed in response to your FOIA Appeal 90-A-23 dated 5/30/90.]

~~X~~
STP - F/L License 8/21/87
- Full Power Auto. 3/22/88

~~X~~
Was Kelly onsite during August 10 period
& August 24-26? - Walter
response said true -

~~X~~
Ex 5 per R-4

11

H-3
J-3

*This may be helpful
in answering questions*

1. A deposition is a part of a judicial proceeding. You are under oath and subject to the legal penalties for perjury. Accordingly, always tell the truth.
2. Do not allow opposing counsel to set the pace of the your answers. LISTEN carefully to the question. Pause for a moment to reflect on the question and formulate your answer. This pause also allows your counsel to evaluate the question and make any necessary objection.
3. NEVER allow opposing counsel to cut you off in the middle of an answer, either by going on to the next question or by not allowing you to finish an explanation you feel is necessary to your answer. Insist on finishing your answer before going on to the next question and answer.
4. Respond carefully to the question. Never guess, speculate, or volunteer any part of an answer. Answer only the question that is asked in as short and concise a manner as possible. Give a "yes" or "no" answer if one is possible. On the other hand, do not deliberately conceal relevant information if it is responsive to the question.

E45

(13)

K.9
12

3. Do not guess or speculate what the question asks. If you do not understand the question, say so. If the question is ambiguous, either ask the attorney to rephrase the question so that you fully understand it or preface your answer with "As I understand the question, you are askingTherefore, My answer is"

6. If you do not know the answer or do not remember the answer, then you should answer exactly that and nothing else. You are not expected or required to know or remember everything. If you later remember an answer to a question which you answered earlier, you have every right to ask to be allowed to change or correct your answer.

7. You should beware of questions which include the words "possible" or "probable". Answer these questions very carefully. Remember that almost anything is "possible" while not everything is "probable".

8. Also beware of questions which are based upon erroneous premises and correct them before answering the question. Furthermore, do not allow opposing counsel to unfairly or erroneously characterize or sum up your answers. If the attorney does so, correct them immediately.

9. Beware of questions which ask you to compare conditions or your experiences at different nuclear power plants or other licensed facilities. Almost all operating reactors are individually designed and most features are not comparable. Therefore, your experiences and/or the NRC's actions will naturally be different at each plant and will not be comparable - or will be marginally comparable at best. Also be careful that you do not disclose any proprietary information in response to this or any other type of question.

10. Beware of attempts to ask for the same information through different forms of questions in an attempt to confuse you or to have you give inconsistent answers.

11. Unless the question specifically asks for you to do so, avoid giving hearsay answers (i.e., what someone else said about a matter) and answer only to those things within your personal knowledge. If you are not the best source for answering a particular question, it is permissible to name another individual(s) who are better sources of the information sought.

11. Avoid dialogues with opposing counsel. You are present on business; therefore, be businesslike.

13. Beware of questions about the precise words used in conversations. If you do not remember the precise words, say so. You may give the substance of the conversation as best as you can recollect it.

14. Try not to say "I had nothing to do with that" or "I do not know anything about that subject". It is better to say "that's all I can presently recall" or "I have no present recollection of that subject". Sometimes a later question will jog your memory into remembering something about that particular matter. If you do remember additional or more correct information later during the deposition, you should immediately correct the record.

15. Read CAREFULLY all documents presented to you. Do not volunteer any information or speculate about the document.

16. Do not bring ANYTHING to the deposition unless your counsel tells you to do so. This instruction includes notes, calendars, appointment books, files, documents, anything at all.

17. Answer all questions unless your counsel directs you not to answer. DO NOT obey instructions from the other lawyers in the deposition unless your attorney agrees.

their own interests and for that of their clients. Your attorney is there to represent the Commission's interests and, indirectly, your own interests.

19. The opposing counsel may ask you if you have prepared for the deposition. This is standard practice. You should, of course, answer correctly, describing any steps you may have taken to prepare for the deposition, including the reports you have reviewed and the persons with whom you have spoken to refresh your memory and the substance of those discussions. You may also tell the opposing attorney that you have discussed this matter with the [redacted] attorney. However, absent instructions from the [redacted] attorney, you should not repeat what you discussed with the [redacted] attorney.

20. The question most frequently asked in these cases is "how much should I prepare for the deposition in terms of reviewing documents and refreshing my memory". You are not under a legal obligation to make any preparations. However, you may wish to make "reasonable" preparations for the deposition under the circumstances of that particular case, depending upon (1) how familiar you are with the material, (2) how comfortable you are appearing at the deposition prepared as you are, (3) your own particular [redacted] work load,

and (4) whether you have a direct interest in the case. For example, you may consider the amount of time necessary to review the documents at the deposition and how much additional time that will add to the deposition. You should also remember that it is much easier (and more accurate) to evaluate a document which you have previously reviewed than to answer questions about a document which you are reviewing unprepared. However, you should not take unnecessary time away from your work to prepare for a deposition in a lawsuit in which the ~~deposition~~ is not a party.

You may review, if you have time, any NUREG or reports which you prepared or to which you contributed. You may also wish to review any other documents which either you have retained in your files and the parties may have subpoenaed or which the parties may have provided you for your study. However, you are obviously not expected to review every document connected with the dispute or, as I noted above, to allow preparation for the deposition to interfere unnecessarily with your NRC duties. You should consult with your OGC attorney or Regional Counsel regarding specific questions on this matter.

21. Another common question involves the question of witness fees and expenses. Under federal statute, you are not allowed to accept witness fees for testimony involving

your work as a government official. Essentially, the discovery in this case is against the government, not against you personally. Therefore, the fees become the property of the government and either be waived or signed over to the government. However, you are entitled to fully paid administrative leave and any travel expenses you must incur because you are testifying as an Agency witness.

22. REMEMBER, this is YOUR deposition. Take your time in answering all questions. Take breaks when you need them. Testifying for any length of time is extremely tiring. Opposing counsel (and in these cases, you should consider ALL other counsel as opposing) will frequently try to take advantage of this fact and try to upset a witness into losing his or her temper. Don't let this happen. Do not be afraid to ask for a break to talk with your counsel, either off the record in the room, or in private outside the room.

In Summary, LISTEN carefully to the question; ANSWER concisely what is asked; and always tell the TRUTH.

85-05 April 8-12, 1985

J. Kelly

Program dev., FFD

158
documented
inspections

86-37 Oct 20-24 - Nov 3-7, 1986

J. Kelly, R. Caldwell
& Earnest

STP

First inspection

K-10

EW5

14

13

Bob,

I've given the following to Jim
Craddock:

RIT materials licenses: 807
Reactor licenses: 9 active,
1 active, but being shut down
(Ft. St. Vrain), 2 const. permits
(Camarache Peak)

Date of So. TX full power hearing
was: see below.

The attached is a brief description
of RIT's responsibilities. Gilliland
had no description of the RIT's
responsibilities. We thought you
might use the description in
your SES contract or job
description.

~~Joe~~ ~~Callan~~ did not recall the
Kelly/Chairman phone call.

Jim has been given the date
of the So. TX full power hearing
before the Commission. 2
5-2
Rice

Robinson,
Robinson, Peterson, Berk,
Rudolph, Cross & Garde

Mary Lou Robinson
Nia Jean Robinson
John C. Peterson
Avram D. Berk
Michael Rudolph
Dan Cross
Billie Firmer Garde

Attorneys at Law
108 East College Avenue
Appleton, Wisconsin 54911
(414) 781-1817
Green Bay 404-0500
Fax 780-8841

December 15, 1989

SENT BY FACSIMILE
FREEDOM OF INFORMATION ACT REQUEST

Donald Grimsley,
Director, Division of Rules and Records
Office of Administration
and Resources Management
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-89-54
Rec'd 12-15-89

Freedom of Information Officer
Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 1000
Arlington, TX 76010

TO WHOM IT MAY CONCERN:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, I request copies of any and all transcripts, testimony, agency records and information, including but not limited to notes, letters memoranda, drafts, minutes, diaries, logs, calendars, tapes, summaries, interview reports, procedures, instructions, allegation summary sheets, interim and/or final reports, status reports, computer disks, and any and all other records relevant to and/or generated in connection with:

THE JIM KELLY ARBITRATION HEARING CONDUCTED DURING THE WEEK OF DECEMBER 11 - 13, 1989, IN REGION IV HEADQUARTERS. THIS REQUEST INCLUDES ANY AND ALL DEPOSITIONS AND TRANSCRIPTS OF TESTIMONY CONDUCTED WITH RESPECT TO THIS MATTER, AND ANY AND ALL INVESTIGATIONS, MEMORANDUMS, REPORTS, NOTES OF DISCUSSIONS, MINUTES OF MEETINGS, AND ANY AND ALL OTHER WRITTEN MATERIAL WITH RESPECT TO SAME.

The information and records subject to this request will be used to inform and educate the public and concerned citizens about the agency's activities regarding the NRC's operation and conduct of business in regards to their employees.

This request includes all agency records as defined in 10 C.F.R. 9.3 (a) (b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980) whether they currently exist in the NRC official "working" investigative or other files, or at

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any other location, including private residences.

If any records, as defined in 10 C.F.R. 9.3 (a) (b), and the NRC Manual, supra., and covered by this request have been destroyed, and/or removed, after this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken relevant to, generated in connection implementing the action(s).

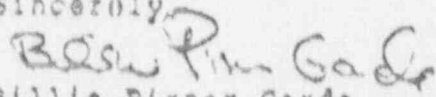
We are requesting this information as part of an ongoing monitoring project of the NRC's efforts to protect public health and safety at and near nuclear power plants.

We request that fees be waived, because "finding the information can be considered as primarily benefitting the general public" 5 U.S.C. 552 (a) (4) (a). I work regularly with public interest non-profit, non-partisan organizations concerned with honest and open government, and especially in assuring that the truth is made public about the nuclear plants across the country, and the conduct of the NRC management in this regard.

For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We anticipate a complete or partial response to this request within ten working days, as required by the FOIA.

Sincerely,


Billie Pirner Garde

BPG/11b

PART # B - APPLICABLE EXEMPTIONS

Records subject to the request that are described on the enclosed Appendixes G, H, I, J, K are being withheld in their entirety or in part under 1 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.

| | |
|-------------------------------------|--|
| <input type="checkbox"/> | 1. The withheld information is properly classified pursuant to Executive Order (EXEMPTION 1) |
| <input type="checkbox"/> | 2. The withheld information relates solely to the internal personnel rules and procedures of NRC. (EXEMPTION 2) |
| <input type="checkbox"/> | 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) |
| <input type="checkbox"/> | 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). |
| <input checked="" type="checkbox"/> | 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 fact portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency. |
| <input checked="" type="checkbox"/> | 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.) |
| <input checked="" type="checkbox"/> | 6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (EXEMPTION 6) |
| <input checked="" type="checkbox"/> | 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)) |
| <input checked="" type="checkbox"/> | 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 # 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 | IG | EDO |
| Leo J. Norton | Assistant Inspector General for Investigations, Office of Inspector General | Portions-App. G | | <input checked="" type="checkbox"/> | |
| Joseph Scinto | Deputy General Counsel for Hearings and Enforcement, Office of the General Counsel | Appendices H and I | <input checked="" type="checkbox"/> | | |
| Thomas T. Martin | Regional Administrator, Region IV | Appendices J and K | | | <input checked="" type="checkbox"/> |

PART # D - APPEAL RIGHTS

The denial by each denying official identified in Part # 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 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.

TO THE INSPECTOR GENERAL

APPENDIX E

DOCUMENTS MAINTAINED AMONG PDR FILES

| NUMBER | DATE | DESCRIPTION |
|--------|---------|--|
| 1. | 4/5/85 | Letter from Martin to Parker, HL&P. PDR #8504090278 850405 (2 pages) |
| 2. | 5/30/85 | Letter from Johnson to Goldberg, HL&P. PDR # 8506030384 850530 (3 pages) |

APPENDIX F
RECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

1. Various Chronology. (1 page)
2. 5/21/85 NRC Inspection Report, re: Dockets 50-498 and 50-499.
(6 pages)
3. 1/4/88 Memorandum for James G. Partlow from Richard L. Bangart,
re: Referral of Technical Issue. Provided to OIA
During the South Texas Project Investigation, with enclosure.
(15 pages)
4. 8/10/88 Memorandum for Sharon Connelly from Robert D. Martin, re:
Memorandum from James A. F. Kelly. (1 page)
5. 11/2/88 Memorandum for Sharon R. Connelly from Robert D. Martin, re:
OIA Investigation - South Texas Physical Security Program.
(1 page)
6. 11/14/88 Report of Interview, re: Charles Laurence Kern. (1 page)
7. 11/14/88 Report of Interview, re: Larry George. (1 page)
8. 11/15/88 Report of Interview, re: David Sheesley. (2 pages)
9. 11/17/88 Memorandum from James Kelly from Mark E. Resner, re: Review of
Transcript, with attachment. (37 pages)
10. 11/18/88 EDO Principal Correspondence Control Ticket Cover from
Sharon R. Connelly, OIA, to Robert D. Martin, Region IV,
re: Investigation of Alleged Improper Actions by NRC
Inspectors (South Texas Project). (1 page)
11. 11/26/88 Memorandum for Mark E. Resner from James A. F. Kelly,
re: Review of Transcript. (2 pages)
12. 12/1/88 Report of Interview, re: David Moore. (1 page)
13. 12/6/88 Report of Interview, re: David Lamb. (1 page)
14. 12/6/88 Report of Interview, re: Mark McBurnett. (2 pages)
15. 12/21/88 Memorandum for Robert D. Martin from Sharon R. Connelly, re:
Investigation of Alleged Improper Actions by NRC Inspectors.
(1 page)

APPENDIX F
RECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER
(Continued)

16. 2/8/89 Memorandum for Robert D. Martin from Richard L. Bangart, re: Safeguards Information Classification of Supplemental Interviews Transmitted by Connelly to Martin 12/21/88 Memo, w/o attachment. (1 page)
17. 3/8/89 Memorandum for Bill Brown from Donald D. Driskill, re: STP Investigation. (2 pages)
18. 4/10/89 Letter to Walter Dressler from William L. Brown. (1 page)
19. 4/14/89 Memo from Martin to Dambly and Cradock, (1 page), transmitting 4/14/89 ltr from Dressler. (NOTE: Dressler letter addressed in 2nd Partial response.)
20. 4/17/89 Letter to Robert D. Martin from Walter E. Dressler, re: Supplemental Information Request and Caldwell and Kelly Adverse Action. (2 pages)
21. 4/21/89 Letter to Robert D. Martin from Walter E. Dressler, re: Supplemental Information Request and Caldwell and Kelly Adverse Action. (2 pages)
22. 5/11/89 Oral Reply of Mr. Kelly by Mr. Dressler. (24 pages)
23. 5/12/89 Letter to Robert D. Martin from Walter E. Dressler, re: Proposed Discipline, regarding James Kelly, Senior Inspector, with attachment. (13 pages)
24. 5/16/89 Letter to Walter Dressler from William L. Brown, with enclosure. (2 pages)
25. 7/18/89 Letter to Office of Arbitration, Federal Mediation and Conciliation Service from Walter E. Dressler, re: Request for List of Arbitrators. (1 page)
26. 8/7/89 Memo from Taylor to Malsch with attachment: Memo dated 8/1/89 from Martin to Taylor. (2 pages)
27. 8/31/89 Letter to Don B. Hays from James E. Cradock, re: In the Matter of James Kelly, NRC Adverse Action #AA 61. (1 page)

APPENDIX F
RECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

- 28. -- Trips For Selected Employees, Destinations, Dates
(1 page)
- 29. -- Trips to Bay City - 1987 (2 pages)
- 30. -- Telecon's related to STP (June - September 1987) (1 page)

APPENDIX G
DOCUMENTS PARTIALLY WITHHELD

| NUMBER | DATE | DESCRIPTION |
|--------|----------|---|
| 1. | 11/16/88 | Memorandum re Review of Transcript. (1 page) - Release - with following attachment: a. 11/10/88 Investigative Interview of an individual - (15 pages) Portion deleted - Exemption 6 |
| 2. | 11/17/88 | Memorandum re Review of Transcript. (1 page) - Release - with following attachment: a. 11/9/88 Investigative Interview of an individual - (29 pages) Portion deleted - Exemption 6 |
| 3. | 11/17/88 | Memorandum re Review of Transcript. (1 page) - Release - with following attachment: a. 11/9/88 Investigative Interview of an individual - (92 pages) Portion deleted - Exemption 6 |

APPENDIX H
DOCUMENTS PARTIALLY WITHHELD

| NUMBER | DATE | DESCRIPTION |
|--------|---------|--|
| 1. | 3/22/89 | Facsimile Transmittal Sheet with notation (1 page) - Exemption 5 - withheld in entirety - Attachments: a. List of Interviewees with NRC Attorney 2/16/89 (1 page) - withheld in entirety - Exemption 5 b. Interviews with HL&P Personnel 2/16/89 (17 pages) Portions withheld - Exemption 5 (note: pages 1 through 5 and pages 7 through 17 withheld in entirety. Portions of page 6 released). |

APPENDIX I
DOCUMENTS BEING WITHHELD IN THEIR ENTIRETY

EXEMPTION 5

| NUMBER | DATE | DESCRIPTION |
|--------|-------|--|
| 1. | Draft | Cradock to Dreeslar letter, re: Adverse Action of James A. F. Kelly. (1 page) |
| 2. | Draft | Cradock to Martin (12/18/89) transmittal (1 page) of draft Settlement Agreement (3 pages) |
| 3. | Draft | Cradock to Martin (12/19/89) transmittal (1 page) of draft Settlement Agreement (3 pages) |
| 4. | Draft | Cradock to Martin (12/19/89) transmittal (1 page) of Proposed Settlement Agreement (3 pages) |

APPENDIX J
DOCUMENTS PARTIALLY WITHHELD

| NUMBER | DATE | DESCRIPTION |
|--------|----------|--|
| 1. | 10/19/88 | Memorandum re: Observations Concerning the DIA Memo dated September 26, 1988, Transmitting Their South Texas Report. (4 pages) Portions deleted - Exemptions 6 and 7C |
| 2. | 12/8/89 | Handwritten note with a Public Affairs release and an organizational chart. (3 pages) - Portions deleted - Exemption 5 |
| 3. | Undated | Handwritten notations on the bottom half of typed note which is dated 11/23/88. Deleted - Exemption 5. Note the 11/23/88 typed upper portion of this record has already been addressed in the previous response dated 4/16/90. |

APPENDIX K
DOCUMENTS BEING WITHHELD IN THEIR ENTIRETY

EXEMPTION 5

1. Handwritten note to Bob from Bill (2 pages) with 23-page attachment (Legal opinions given during deliberative process)
2. Handwritten note to Bob from Bill (2 pages) with note at top stating the note was "Privileged-Lawyer/Client Information." (Legal opinions given during deliberative process)
3. Handwritten note to Bob from Bill dated 1/24/89. (Legal opinions given during deliberative process) (2 pages)
4. Handwritten analysis (4 pages) with note at top stating "Privileged Lawyer-Client Information 1-27-89." (Legal opinion given during deliberative process)
5. Five-page typewritten note entitled: "Charge Conclusion Characterization" (Predecisional, deliberative process)
6. Handwritten note to Bob from Bill (1 page) dated 11/28/89. (Legal analysis given during deliberative process)
7. Draft typewritten note to Taylor from Martin; subject: Proposed OIA Actions, with 2 attached typewritten draft memoranda, with 4-line handwritten note. (Drafts, predecisional) (5 pages)
8. Draft Questions for Bob Martin (15 pages). (Record covered by Lawyer-Client privilege)
9. Typewritten 7-page note with handwritten notation: "This may be helpful in answering questions." (Record covered by Lawyer-Client privilege)
10. Handwritten note (6 lines). (Predecisional, deliberative process) (1 page)
11. Handwritten note, Bob M. to Sharon Connelly: OIA Report Things Needed, dated 11/9/88. (Predecisional, deliberative process) (1 page)
12. Proposed Settlement Agreement (2 pages). (Predecisional, deliberative process)

APPENDIX K
DOCUMENTS BEING WITHHELD IN THEIR ENTIRETY

EXEMPTION 5

13. Suggested provision in Settlement Agreement (1 page). (Predecisional, deliberative process)
14. Proposed Settlement Agreement (2 pages) with handwritten note to Bill at top. (Predecisional, deliberative process)
15. Draft Settlement Agreement (2 pages) with numerous handwritten changes. (Predecisional, deliberative process)
16. Draft Counter-Offer (2 pages) with handwritten changes on 1st page. (Predecisional, deliberative process)
17. Handwritten notes (1 page). (Predecisional, deliberative process)
18. Draft Settlement Agreement (2 pages, 1 of which is legal size). (Predecisional, deliberative process)