

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA -95-188

FINAL

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1 1 7 1006

DOCKET NUMBER(S) (if applicable)

GENCY RECORDS RELEASED OR NOT LOCATED (See checked be xes) 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. are already available for public inspection and copying at the Agency records subject to the request that are identified in Appendix(es) NRC Public Document Room, 2120 L Street, N.W., Washington, DC. are being made available for public inspection and copying Agency records subject to the request that are identified in Appendix(es) at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number 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. Agency records subject to the request that are identified in 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 located at 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. Fees You will be billed by the NRC for fees totaling \$. You will receive a refund from the NRC in the amount of \$

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, 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.

COMMENTS

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

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

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RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST (CONTINUATION)

FOIA -95-188

FOIA NUMBER(S)

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emi	ds subject to the request that option No.(s) and for the reaso	are described in the enclosed Appendix(es) 3 n(s) given below pursuant to 5 U.S.C. 552(b) and 1	are being withheld in their entirety 0 CFR 9,17(a) of NRC regulations.	or in part	under the				
1	The withheld information is prop	periy classified pursuant to Executive Order, (Exemption	1)						
2	The withheld information relates	solely to the internal personnel rules and procedures of	of NRC. (Examption 2)						
3.	The withheld information is spec	cifically exempted from public disclosure by statute indi	cated, (Exemption 3)						
	Sections 141-145 of the Atomic	Energy Act, which prohibits the disclosure of Restricted D	ata or Formerly Restricted Data (42 U.S.C.	2161-2165).					
Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safegus ds Information (42 U.S.C. 2167).									
4 . 1	The withheld information is a tra	de secret or commercial or financial information that is	s being withheld for the reason(s) indicate	ed. (Exempt	ion 4)				
X	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	ad and received in confidence pursuant to 10 CFR 2.75	9 O(d)(2)						
1	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.								
	Commence of the Commence of th								
	Attorney-client privilege, (Confid	ential communications between an attorney and his/her clie	ent.)						
1. 1	he withheld information is exempt	ed from public disclosure because its disclosure would resu	ult in a clearly unwarranted invasion of person	onal 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 recipients 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. (Examption 7 (D))								
THI	ER								
		PART II. C - DENYING OF	FICIALS						
on i	or disclosure, and that its product and the Director, Division of Free	ion or disclosure is contrary to the public interest. The per	rsons responsible for the denial are those offi	cials identifi	ed below as der	nying			
CONTRACT OF	DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APF	PELLATE OFFIC	CIAL			
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		PART II. D - APPEAL RI	GHTS						
	1 2 3 3 4 1 1 T T T T T T T T T T T T T T T T T	1 The withheld information is pros 2 The withheld information relates 3 The withheld information is specified in the Atomic Sections 141-145 of the Atomic Energy Section 147 of the Atomic Energy The information is considered. The information is considered. The information was submitted in the information was submitted in the information was submitted. The withheld information consists of Attorney work product privileg. Attorney-client privilege, (Confid.) The withheld information is exempted. The withheld information is exempted. The withheld information consists. Oisclosure could reasonably be a enforcement afforts, and thus confrom investigators. (Exemption 7 Disclosure would constitute and The information consists of na confidential sources. (Exemption THER.) THER.	1 The withheld information relates solely to the internal personnel rules and procedures of the withheld information relates solely to the internal personnel rules and procedures of the withheld information is specifically exempted from public disclosure by statute indifferent soles and procedures of the withheld information is a trade secret or commercial or financial information that is the information is considered to be confidential business (proprietary) information. The information is considered to be proprietary information pursuant to 10 CFR 2.75. The information was submitted and received in confidence pursuant to 10 CFR 2.75. The withheld information consists of interagency or intraspency records that are not available. Deliberative Process: Disclosure of predecisional information would tend to inhibit the Where records are withheld in their entirety, the facts are inextricably intertwined with portions because the release of the facts would permit an indirect inquiry into the prediction of the production of the public threes. The peculiar of the	3ection 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2187). 4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated 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. (Exemp Deliberative Process.) Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas esser Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also a portions because the release of the facts would permit an indirect in inquiry into the predecisional process of the agency. Attorney work-product privilege. (Confidential communications between an attorney in contemplation of litigation.) Attorney-client privilege. (Confidential communications between an attorney and his/her client.) The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated the withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated confidential would possibly be expected to interfere with an enforcement purposes and is being withheld for the reason(s) indicated confidential 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 confidential sources. (Exemption 7 (A)) PART II. C — DENYING OFFICIALS PART II. C — DENYING OFFICIALS PART II. C — DENYING OFFICIALS PART III. C — D	1. The withheld information is properly classified pursuant to Executive Order. (Exemption 1) 2. The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3) 3. The withheld information is specifically exempted from public disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165). 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). 3. Sections 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 The information is considered to be confidential business (prophetary) information. The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(11). The withheld information consists of interagency or intrasgency records that are not available through discovery during lingation. (Exemption S). App Deliberative Process. 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The information consists of interagency or intragency records that are not available through discovery during singation. (Exemption 5). Applicable Privilegy Deliberative Process. Disclosure of prediscisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative provides are withheld in their entirety. The facts are nexticably intertwined with the predictional information. Their also are no reasonably segregate portions because the relates of the facts would permit an indicated includy into the productional information. Their also are no reasonably segregate portions because the relates of the facts would permit an indicated includy into the productional information. Their also are no reasonably segregate portions because the relates of the facts of the facts of the facts of the production of the productional information of the gardon. Attorney district privilege. 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APPENDIX A (RECORDS RELEASED)

1.	1/30/95	Memo for Commissioner de Planque from Eileen McKenna Subject: Briefing on Core Shroud Cracking (1 page)
2.		Slide on Shroud Finding (1 page)
3.		Unsigned letter from Roy Anderson to Dear Editor (3 pages' enclosing 5/3/93 To All Brunswick Nuclear Plant Employees (2 pages)

APPENDIX B (RECORDS WITHHELD IN THEIR ENTIRETY)

1.	1/26/95	Memo for Commissioner Kenneth Rogers from Morton Fleishman with comments on SECY-94-276 (1 page) (EXEMPTION 5, DELIBERATIVE PROCESS)	
2.	1/31/95	Memo for Commissioner Rogers from Morton Fleishman with suggested questions for February 1 1995 Commission Briefing relative to the requeste subject (1 page) (EXEMPTION 5, DELIBERATIVE PROCESS)	
3.	10/26/93	Memo for Chairman Ivan Selin from Jose Ibarra, Briefing on Brunswick Shroud Cracking and Larger Implications, Wednesday 27, 1993, (2 pages) (EXEMPTION 5, DELIBERATIVE PROCESS)	
4.		Diagram labeled "Oyster Creek Shroud Repair" MPR Proprietary (1 page) (EXEMPTION 4)	