



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR-016
C PDR

Docket Nos. 50-443/444

MAR 10 1984

Ms. Jane Doughty
Seacoast Anti-Pollution League
5 Market Street
Portsmouth, NH 03801

IN RESPONSE REFER
TO FOIA-84-10

Dear Ms. Doughty:

This is in further response to your letter dated January 3, 1984, in which you requested, pursuant to the Freedom of Information Act, documents regarding falsified welding inspection reports at Seabrook.

The documents listed on the appendix to this letter constitute investigatory records and are being withheld from public disclosure pursuant to exemption (7)(A) of the Freedom of Information Act (5 U.S.C. 552(b)(7)(A)) and 10 CFR 9.5(a)(7)(i) of the Commission's regulations. Disclosure of the information would allow those being investigated to learn the scope, direction, and focus of the investigatory efforts and thus could possibly allow them to take action to shield potential wrongdoing. As you were informed in an earlier letter, this matter was referred to the Department of Justice (DOJ). Our records indicate that this matter is still pending DOJ action.

Pursuant to 10 CFR 9.9 of the Commission's 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 this denial are the undersigned and for documents 1, 3, 4, and 6 is Mr. Richard C. DeYoung, Director, Office of Inspection and Enforcement; and for documents 2, 5, 7, and 8 is Dr. Thomas E. Murley, Regional Administrator, Region I.

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Ms. Jane Doughty

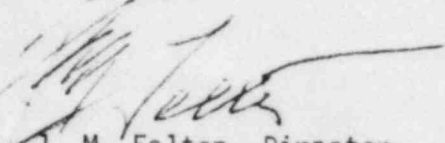
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This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. 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."

This completes action on your request.

Sincerely,



J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: Appendix

APPENDIX

1. 1/20/84 Memo for J. Taylor et. al. from W. Haass re: FALSIFICATION OF NDE RECORDS AT SEABROOK w/enclosures (9 pages)
2. Undated Memo for J. Axelrad from D. J. Holody re: PROPOSED ENFORCEMENT ACTION - PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE (SEABROOK) (3 pages)
3. 12/21/83 Memo for T. Murley from R. DeYoung re: FALSIFICATION OF NDE RECORDS AT SEABROOK REFERENCE: OI REPORT 1-83-008; ATS OIRI-83-A-0046 w/enclosure (2 pages)
4. Undated Draft Memo for J. Axelrad from W. Haass re: FALSIFICATION OF NDE RECORDS - SEABROOK (4 pages)
5. 1/4/84 Memo for T. Murley from R. Starostecki re: NRC FOLLOW-UP - SEABROOK NDE FALSIFICATION (4 pages)
6. 1/20/84 Memo for D. Holody from J. Axelrad re: PROPOSED ENFORCEMENT ACTION - PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE (SEABROOK) (1 page)
7. 4/18/83 Allegation Report received by A. Cerne w/attached Fax to R. Gallo from A. Cerne dated 4/18/83 (2 pages)
8. 5/5/83 Telephone Report received by A. Cerne re: SEABROOK, UNITS 1 AND 2 (1 page)



SAPL

Seacoast Anti-Pollution League
5 Market St., Portsmouth, N.H. 03801

(603) 431-5089

January 3, 1984

J. M. Felton, Director
Division of Rules and Records
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-10
Rec'd 1-5-84
Due 1-19-84

Dear Mr. Felton:

This is a request under the Freedom of Information Act, as amended (5 U.S.C. § 552).

SAPL wishes to obtain information about the investigation and follow-up actions taken as a result of the discovery of falsified welding inspection reports by the Public Service Company of New Hampshire (PSNH) at the Seabrook Nuclear Power Plant. PSNH publicly announced the firing of a quality control inspector on May 5, 1983 as a consequence of this discovery. According to the company's announcement, 2400 piping and structural steel welds, some safety-related, needed to be re-inspected in Seabrook Unit 1.

Specifically, SAPL would like to be provided with the following: all internal NRC memoranda, particularly from the Office of Inspection and Enforcement, pertaining to this incident; the notification to the agency filed by Antone Cerne, the NRC senior resident inspector at the Seabrook site; the notification to the agency filed by PSNH; any reports that have been issued covering remedial actions taken; any recommendations of actions yet to be taken; the name and address of the employee charged with the record falsification; the specific area being inspected at the time of his discharge; the method by which this lapse in quality assurance was discovered.

The FOIA provides that if only portions of a file are exempted from release, the remainder must be released. SAPL therefore requests that it be provided with all non-exempt portions which are reasonably segregable. SAPL reserves its right to appeal the withholding or deletion of any of the material.

SAPL, though prepared to pay reasonable costs for the location and reproduction of the requested material, believes that this request is primarily of benefit to the public and therefore ought to be eligible for a fee waiver or reduction. This information is relevant to the issuance of an operating license for the plant and involves an issue that could have safety implications as far as the public is concerned. Hence, it is in the public interest that the information be released. Should there be a ruling against a fee waiver or reduction, please inform me if the fees will exceed \$15

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before proceeding to fill this request.

If you have any questions, please do not hesitate to contact me at the number on the letterhead. As the FOIA provides, I shall expect a reply within ten working days. Thank you in advance for your assistance.

Sincerely,

Jane Doughty

Jane Doughty
Field Director

cc: Robert A. Backus, Esq.