

FOIA - 95-285



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

RESPONSE TYPE

FINAL (2010)  PARTIAL

DATE

AUG 16 1995

DOCKET NUMBER(S) (if applicable)

REQUESTER *Douglas Weber*

**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 in Appendix(es) \_\_\_\_\_ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

Agency records subject to the request that are identified in Appendix(es) \_\_\_\_\_ are 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.

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 *None*

You will be billed by the NRC for fees totaling \$ \_\_\_\_\_.

You will receive a refund from the NRC in the amount of \$ \_\_\_\_\_.

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, 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**

*Copies of the releasable portions of the records identified on Appendix B are enclosed.*

*The search time required to process your request did not exceed 2 free hours and reproduction did not exceed 100 free pages. Consequently, there are no fees.*

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

*Handwritten signature*

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PDR FOIA  
WEBER95-285 PDR

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

FOIA NUMBER(S)

**FOIA - 95-285**

DATE

**AUG 16 1995**

**PART II. B - APPLICABLE EXEMPTIONS**

Records subject to the request that are described in the enclosed Appendix(es) B are being withheld in their entirety or in part under the Exemption No.(s) and for the reason(s) given 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/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 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. (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, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECRETARY	IG
<i>Deanne K Rathbun</i>	<i>Director, Office of Congressional Affairs</i>	<i>Appendix B</i>		<input checked="" type="checkbox"/>	

**PART II. D - APPEAL RIGHTS**

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, 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 B  
(RECORDS WITHHELD IN PART)

1. 1/25/88 Letter to Phil Gramm from Victor Stello with enclosures (5 pages) (Part, Exemption 6)
2. 2/10/88 Letter to Phil Gramm from William Parler with enclosures (9 pages) (Part, Exemption 6)
3. 5/22/92 Letter to Phil Gramm from James Taylor with enclosures (5 pages) (Part, Exemption 6)
4. 3/28/94 Letter to Phil Gramm from James Taylor with enclosures (11 pages) (Part, Exemption 6)
5. 8/5/94 Letter to Phil Gramm from James Taylor with enclosures (21 pages) (Part, Exemption 6)

# THE CENTER FOR PUBLIC INTEGRITY

June 22, 1995

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Russell Powell  
U.S. NRC  
Washington, D.C. 20555  
Mailstop T6D8

Dear Mr. Powell,

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-95-285  
Rec'd 6-27-95

Under the provisions of the Freedom of Information Act, 5 U.S.C. 552, I am requesting access to correspondence between the Nuclear Regulatory Commission and Senator Phil Gramm in regards to Halliburton Company, Brown & Root, the South Texas Project, Fluor Corporation and Texas Utilities. I am also requesting any and all correspondence between Representative Phil Gramm and the Nuclear Regulatory Commission in regards to Halliburton Company, Brown & Root, the South Texas Project, Fluor Corporation and Texas Utilities.

The Center for Public Integrity is working on a book about the financing of the 1996 Presidential candidates. This information request is for that project.

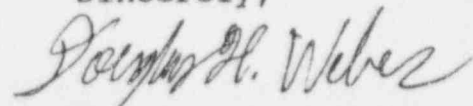
If there are any fees for searching for, or copying the records I have requested, please inform me before you fill the request.

As you know, the Act permits you to reduce or waive the fees when the release of the information is considered as "primarily benefitting the public". I believe that this request fits that category and I therefore ask you to waive any fees.

If all or any of part of this request is denied, please cite the specific exemption(s) which you think justifies your refusal to release the information and inform me of your agency's administrative appeal procedures available to me under the law.

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you within 10 working days, as the law stipulates.

Sincerely,



Douglas H. Weber

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81-142-



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

JAN 25 1988

*Legal Util.*

The Honorable Phil Gramm  
United States Senator  
515 Rusk Avenue, #8632  
Houston, Texas 77002

Dear Senator Gramm:

In response to your letter of December 16, 1987, to Mr. Carlton C. Kammerer, we have reviewed the letter dated December 7, 1987 which you received from Mr. John T. Conner inviting your support and involvement in the Comanche Peak Citizens Audit. That organization seeks an independent audit of the financial condition and management of the Comanche Peak Steam Electric Station, Units 1 and 2, which has an operating license application pending before the NRC.

We are aware of the goals of the Comanche Peak Citizens Audit and other organizations who are concerned, not only with the safety of the plant, but primarily with the impact of anticipated rate hikes on the Northern Texas economy, should Comanche Peak be licensed for commercial operation. In general, the NRC does not consider economic issues except to the extent that they relate to plant safety because of obvious statutory limitations. In the case of the Comanche Peak licensing, as with the licensing of other nuclear facilities, the staff remains dedicated to ensuring that the applicants' design, construction, and corrective action activities are conducted in such a way that the public health and safety will be adequately protected should the facility be licensed to operate.

Since early 1984, the NRC staff has focused increased attention on the Comanche Peak plant. Significant staff resources have been and continue to be expended in the inspection and review of issues regarding the adequacy of the plant's design and construction, particularly those issues stemming from the public hearings conducted by the NRC's Atomic Safety and Licensing Board (ASLB).

Texas Utilities Electric Company (TU Electric) has created and is implementing various corrective actions to address these concerns. These corrective actions include reanalysis, revision, or updating of existing design calculations, physical reinspection of as-built hardware, and in many instances, actual physical hardware changes and reconstruction. The staff has developed a comprehensive review and inspection program to monitor and evaluate TU Electric's corrective action efforts. The ASLB hearings are expected to resume in the summer of 1988.

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 6  
95-285

**B-1**

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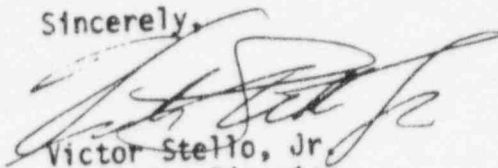
The Honorable Phil Gramm

- 2 -

We trust this information on the status of the NRC's activities regarding Comanche Peak will be helpful to you in replying to Mr. Conner's letter. Let us know should you need further information. For your future reference, please note that the current Director of Congressional Affairs is Mr. John C. Bradburne, who reports to Mr. Harold R. Denton, Director, Office of Governmental and Public Affairs.

In accordance with your request to Mr. Kammerer, enclosed is the original letter you received from Mr. Conner.

Sincerely,



Victor Stello, Jr.  
Executive Director  
for Operations

Enclosure:  
Letter to Senator Gramm from  
J. T. Conner dated December 7, 1987

The Honorable Phil Gramm

DISTRIBUTION

Docket File (50-445/446)	OGC-H Street
NRC PDR	OGC-Bethesda
Local PDR	GPA/PA
EDO Reading	GPA/CA (4)
OSP Reading	ACRS (3)
CPPD Reading	M. Bridgers (EDO #3389)
V. Stello	B. Tompkins (OSP 87-183)
H. Denton	R. King, GAO
J. Bradburne	P. Gwynn
SEbnetter/JAxelrad	C. Ader
C. Grimes	G. Felgate
P. McKee	J. Meyer
J. H. Wilson	J. Scarborough/G. Marcus
J. Lyons	J. Partlow
R. Warnick	E. Jordan
M. Malloy	F. Miraglia
A. Vietti-Cook	SECY (4)
J. P. Murray, OGC	R. D. Martin, RIV
T. Murley, NRR	S. Meador (3389/OSP 87-183)

CPPD:OSP  
M Malloy:cm  
01/15/88

CPPD:OSP  
AVietti-Cook  
01/15/88

AD:CPPD:OSP  
JHWilson for  
01/15/88

DO:CPPD:OSP  
RFMcKee  
01/15/88

D:CPPD:OSP  
CIGrimes:sam  
01/15/88

DD:OSP  
JAxelrad  
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D:OSP  
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JCBradburne  
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HRDenton  
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VStello  
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