



NU DOCS

FOIA - 95-188

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

RESPONSE TYPE

FINAL

PARTIAL

DATE

AUG 30 1995

DOCKET NUMBER(S) (if applicable)

REQUESTER

Donald Smith

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) J 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

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 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 records identified on Appendix J and the releasable portions of the records identified on Appendix K are enclosed*

9509130108 950830
PDR FOIA
IRWIN95-188 PDR

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

Mary Ann [Signature]

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

FOIA NUMBER(S)

FOIA - 95-185

DATE

AUG 30 1995

PART II. B - APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) K 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>William T. Russell</i>	<i>Director Office of Nuclear Reactor Regulation</i>	<i>Appendix K</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."

FREEDOM OF INFORMATION ACT REQUEST

1. All documents filed since July 1, 1993, by or on behalf of MPR Associates, Inc. relating to BWR shroud cracking, and to methods or devices for correction or mitigation of its effects.
2. All documents, including without limitation all announcements, memoranda and notes of meetings, relating to methods or devices sponsored or devised by MPR Associates, Inc., for correction or mitigation of the effects of BWR shroud cracking.
3. All evaluations performed by the NRC Staff or its consultants since July 1, 1993, concerning means of correction or mitigation of the effects of BWR shroud cracking, using methods or devices devised or sponsored by MPR Associates, Inc.
4. All documents filed since July 1, 1993, by or on behalf of licensees utilizing or proposing to utilize methods or devices sponsored or devised by MPR Associates, Inc., relating to BWR shroud cracking, and to methods or devices for correction or mitigation of its effects.
5. All documents filed since July 1, 1993, by or on behalf of sponsors or developers of methods or devices relating to BWR shroud cracking, and to methods or devices for correction or mitigation of its effects, other than General Electric Company and MPR Associates, Inc.
6. All documents created since July 1, 1993 evaluating, or containing or relating views of persons working for or retained by (1) NRC, (2) vendors of nuclear equipment or services, or (3) electric utility companies on, methods or devices sponsored or devised by the General Electric Company for correction or mitigation of BWR shroud cracking or its effects.

APPENDIX J
(RECORDS RELEASED)

1. 5/13/94 Memorandum to the Chairman et al., from James Taylor, Subject: South Texas Project Unit 2 Restart (2 pages)
2. 11/2/94 Memorandum to Ashok Thadani from G. Donald McPherson, Subject: Observations on Technical Meetings with Indian Delegation Held at OWFN During the Afternoons of Oct 27 & 28, 1994 (3 pages)
(ITEM NUMBER 67 FROM YOUR 6/1/95 REVISED REQUEST)
3. 5/24/95 Letter to NRC from John Schrage, ComEd (5 pages) (Release); 7/28/95 Letter to D.L. Farrar from John Stang (5 pages) (Release); General Electric Affidavit (5 pages) (Release); Affidavit specific to Enclosure 18 (6 pages) (Release)
4. 6/7/95 Letter to NRC from John Schrage with Affidavit (7 pages) (Accession No. 9506130218); 8/2/95 letter to D.L. Farrar from John Stang (4 pages) (Release)
5. 11/15/94 Letter to D.L. Farrar from John Stang (3 pages) (Accession No. 94118002); 9/2/94 letter to William Russell from John Schrage with General Electric Affidavit (9 pages) (Accession No. 9409140147)

APPENDIX K
(RECORDS WITHHELD IN ENTIRETY OR IN PART)

1. --- Dresden Station Unit 2 and Unit 3 Core Shroud Repair Design Documents, Enclosures 1 through 19 (247 pages) (Withheld in Part, Exemption 4)
2. 6/1/95 Computer Runs for Shroud Repair Seismic Analysis (210 pages) (Withheld in Entirety, Exemption 4)
3. 8/94 GE-NE-L12-00819-05 Core Shroud Blowdown Load Calculation During Recirculation Suction Line Break by TRACG Analysis for Dresden Nuclear Power Station Units 2 and 3, and Quad Cities Nuclear Power Station, Unit 1 and 2 (7 pages) (Accession No. 9409140147) (Withheld in Part, Exemption 4)

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DONALD P. IRWIN

April 21, 1995

BY FAX: 301/415-3555 (c/o Mr. Grimsley)

Mr. Russell A. Powell, Director
Freedom of Information and Publication Services
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, DC 20555

FREEDOM OF INFORMATION

ACT REQUEST

FOIA-95-188

Rec'd. 4-24-95

FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Powell:

This is a Freedom of Information Act Request. Pursuant to 5 U.S.C. § 552(a)(3) and Part 9 of the Commission's regulations, 10 C.F.R. Part 9, I request production for inspection and copying of the categories of records within the Commission's possession, set out on Attachment 1 hereto.

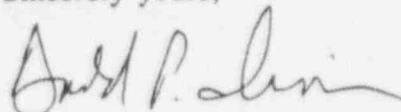
We believe that records corresponding to items 1 through 4 on the attached list should be found in, without limitation, the licensing files of the following plants: Fitzpatrick, Oyster Creek and perhaps other BWRs, and in the records of NRR personnel assigned to BWRs. Records responsive to Categories 5 and 6 on the attached sheet would be located, in, without limitation, BWR licensing files and those of NRR personnel assigned to BWRs.

Please notify me at 804/788-8357, in accordance with 10 CFR § 9.40, if search fees are likely to exceed \$250. I will arrange for prompt approval of all necessary search costs and for prompt review of all documents produced for inspection and copying. Please do not incur any copying charges without prior authorization.

There is significant value to a timely response to this request. I would greatly appreciate your giving it expedited consideration.

Please telephone me (804/788-8357) if there is any difficulty in executing this request.

Sincerely yours,



Donald P. Irwin

Attachment

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