

FOIA —95-417

RESPONSE TYPE

XX FINAL

PARTIAL 2nd

DATE

MAR 14 1996

DOCKET NUMBER(S) (If applicable)

REQUESTER

Neil A. Sheehan

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.XX ☒ Agency records subject to the request that are identified in Appendix(es) G are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, D _____ 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.XX ☒ Agency records subject to the request are enclosed. Appendix G, and releasable portions of Appendix H documentsXX ☒ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you. Dept. of Labor

XX Fees

XX ☒ You will be billed by the NRC for fees totaling \$ 74.00 [370 pages @ \$.20 per page]☐ 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

XX ☒ 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 FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

9604040027 960314
PDR FOIA
SHEEHAN95-417 PDR

FSA 10/

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

FOIA NUMBER(S)

FOIA 95-417

DATE

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PART II. B - APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) H 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	IC
Thomas T. Martin	Regional Administrator, Reg. I	Appendix H	XX		

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 G
RECORDS RELEASED IN THEIR ENTIRETY

NUMBER	DATE	DESCRIPTION
1	10/10/95	Memo from D. Vito to Allegation File RI-94-A-0185 (2 pgs.)
2	10/04/95	Ltr. from Thomas T. Martin to John J. Barton (3 pgs.)
3	09/27/95	EA Number Request Form (1 pg)
4	09/27/95	E-Mail from Daniel Holody to OEMail, Subject: EA request form 95-218 (1 pg.)
5	09/26/96	Fax from J. Beall to D. Holody (2 pgs.)
6	09/26/95	Allegation Disposition Record (1 pg.)
7	08/31/95	Note from D. Vito to Jacque, John, Monte, - Closeout of RI-94-A-0185 (1 pg.)
8	08/16/95	Ltr. from Jacque P. Durr to John J. Barton (1 pg.)
9	07/26/95	Allegation Disposition Record (1 pg.)
10	07/21/95	Letter from Jacque P. Durr to John J. Barton (4 pgs.)
11	07/17/95	E-Mail from David Vito to JFR (John Rogge) (1 pg.)
12	07/10/95	E-Mail from Cheryl Beardslee to DJV (David Vito) (1 pg.)
13	07/07/95	E-Mail from John F. Rogge to DJV, MONTEC (Monte Conner) (1 pg.)
14	07/05/95	Ltr. from John J. Barton to USNRC (3 pgs.)
15	06/22/95	Faxsheet from Oyster Creek Resident Inspector Office to J. Rogge (1 pg)
16	06/15/95	Memo from VP/Director, Oyster Creek John J. Barton to All Oyster Creek Personnel (2 pgs.)

APPENDIX G
RECORDS RELEASED IN THEIR ENTIRETY
(Continued)

NUMBER	DATE	DESCRIPTION
17	06/06/95	Ltr. from Richard W. Copper to John J. Barton (official record copy) (4 pgs.)
18	05/31/95	E-Mail from Daniel J. Holody to DRB (Dawn Landron) (1 pg.)
19	05/31/95	EA Number Request Form (1 pg.)
20	05/22/95	E-Mail from Eben Conner to MDC (Mary Jo Campion) (1 pg.)
21	05/22/95	Allegation Disposition record (RI-95-A-0058) (1 pg.)
22	05/04/95	Memo from Monte Conner to Allegation File RI-95-A-0044 (1 pg.)
23	05/03/95	Ltr. from Jacque P. Durr to John J. Barton (1 pg.)
24	04/24/95	Excerpts from Inspection Report 50-219/95-06 (2 pgs.)
25	04/19/95	Allegation Disposition Record (1 pgs.)
26	04/19/95	Allegation Summary for April 19, 1995 Panel (2 pgs.)
27	04/03/95	Welding Documentation Turnover Transmittal (1 pg.)
28	04/03/95	E-Mail from Karla Smith to DJV (David Vito) (1 pg.)
29	04/03/95	Pipe Weld Record Sheet (2 pgs.)
30	04/03/95	Clean-up Valve V-16-103 (1 pg.)
31	03/27/95	E-Mail from David Vito to JFR (John Rogge) (1 pg.)
32	03/27/95	Note handwritten (1 pg.)

APPENDIX G
RECORDS RELEASED IN THEIR ENTIRETY
(Continued)

NUMBER	DATE	DESCRIPTION
33	03/22/95	Allegation Disposition Record (RI-95-A-0044' (1 pg.)
34	03/15/95	Allegation Receipt Report (4 pgs.)
35	03/11/95	Oyster Creek Work Procedures Manual (13 pgs.)
36	03/09/95	Pre-Job Briefing Check List (1 pg.)
37	03/08/95	Pre-Job Briefing Check List (1 pg.)
38	03/08/95	Welding Package Information Request (3 pgs.)
39	03/08/95	Radiological Review Request Form (1 pg.)
40	03/07/95	GPU Nuclear Job Order (4 pgs.)
41	03/01/95	OCNGS Radiological Survey (1 pg.)
42	02/08/95	Allegation Disposition Record (Oyster Creek) (1 pg.)
43	02/08/95	E-Mail from David Vito to JFR (John Rogge) (1 pg.)
44	02/07/95	E-Mail from John Rogge to DJV (David Vito) (1 pg.)
45	01/24/95	E-Mail from David Vito to JKL3 (Jean Lee) (1 pg.)
46	01/23/95	E-Mail from Gregory Smith to KPS:DJV (David Vito) (1 pg.)
47	12/28/94	Memo from J. Durr to D. Vito (RI-94-A-0185) (1 pg.)
48	12/13/94	Allegation Review Board Summary (2 pgs.)
49	11/30/94	Inspection Report 94-26 Feeder from Monte Conner (2 pgs.)

APPENDIX G
RECORDS RELEASED IN THEIR ENTIRETY
(Continued)

NUMBER	DATE	DESCRIPTION
50	10/06/94	Telephone Report (1 pg.)
51	09/23/94	Allegation Disposition Record (RI-94-0185) (1 pg.)
52	07/27/94	Allegation Disposition Record (RI-93-A-224) (1 pg.)
53	11/29/93	Memo to D. Vito from E. McCabe - Closure Allegation RI-93-A-0013 (1 pg.)
54	11/18/93	Handwritten note from Vonna Ordar to Pat Patnaik (1 pg.)
55	11/16/93	Memo from J. Rogge, thru Larry Doerflein to Allegation File No. RI-93-A-0193 (1pg.)
56	11/10//93	E-Mail from Maitri Banerjee to DJV (David Vito) (1 pg.)
57	11/2/93	Record of Allegation Panel Decisions (1 pg.)
58	10/20/93	Record of Allegation Panel Decisions (1 pg.)
59	10/93	Inspection Plan for Allegation Follow-Up (RI-A-93-134) (1 pg.)
60	09/29/93	E-Mail from John Rogge to RLF1 (Roy Fuhrmeister) (RI-93-A-0123) (1 pg.)
61	9/22/93	Sample Record of Allegation Panel Decisions (1 pg.)
62	09/22/93	Record of Allegation Panel Decisions (2 pgs.)
63	09/16/93	E-Mail from David Vito to RLF1 (Roy Fuhrmeister) (R-93-A-0134) (1 pg.)
64	08/93	OCNGS FSAR UPDATE (4 pgs.)

APPENDIX G
RECORDS RELEASED IN THEIR ENTIRETY
(Continued)

NUMBER	DATE	DESCRIPTION
65	07/30/93	E-Mail from David Vito to RLF1 (Roy Fuhrmeister) (1 pg.)
66	07/27/93	Memo from Roy Fuhrmeister to Allegation File RI-93-A-0085 Closeout (2 pgs.)
67	06/30/93	Record of Allegation Panel Decisions (2 pgs.)
68	06/25/93	Fax to J. Rogge of Map (1 pg.)
69	06/25/93	E-Mail from D. Vito to JFR (J. Rogge) - Relocated Bridge for Lacey Road (1 pg.)
70	06/25/93	Record of Allegation Panel Decisions (2 pgs.)
71	06/25/93	Allegation Receipt Report (RI-93-A-0134) (2 pgs.)
72	05/14/93	E-Mail from Lonny L. Eckert to RLF1 (Roy Fuhrmeister) (2 pgs.)
73	05/05/93	Record of Allegation Panel Decisions (2 pgs.)
74	05/03/93	E-Mail from John Rogge to LHB (Lee Bettenhausen) and RLF1 (Roy Fuhrmeister - Closeout of Allegation (1 pg.)
75	04/21/93	Sample Record of Allegation Panel Decisions (2 pgs.)
76	04/19/93	Allegation Receipt Report (RI-93-A-0085) (3 pgs.)
77	03/24/93	E-Mail from David Vito to RLF1 (Roy Fuhrmeister) (2 pgs.)
78	03/23/93	Memo for File RI-92-A-081 from R. L. Fuhrmeister - Closeout of Allegation (1 pg.)
79	03/10/93	Telephone Report - RI-93-A-0040 (1 pg.)

APPENDIX G
RECORDS RELEASED IN THEIR ENTIRETY
(Continued)

NUMBER	DATE	DESCRIPTION
80	03/10/93	Sample Record of Allegation Panel Decisions - RI-93-A-0040 (1 pg.)
81	03/04/93	Memo to File RI-92-A-0050 to R. Fuhrmeister - Closeout of Allegation RI-92-A-0050 (2 pgs.)
82	02/24/93	Sample Record of Allegation Panel Decisions - RI-92-A-0181 (1 pg.)
83	02/11/93	E-Mail from Lonny Eckert to RLF1 (Roy Fuhrmeister) (1 pg.)
84	01/29/93	Ltr. to John Barton, GPU Nuclear Corporation from James Joyner, NRC - Inspection Report No. 50-219/93-01 (10 pgs.)
85	01/27/93	Sample Record of Allegation Panel Decisions - RI-93-A-0013 (2 pgs.)
86	01/18/93	Allegation Receipt Report - RI-93-A-0013 (3 pgs.)
87	01/12/93	Telephone Report -RI-93-A-003 (1 pg.)
88	1/11/93	Material Nonconformance Report (2 pgs.)
89	01/08/93	Telephone Report - Oyster Creek Allegation Issues (1 pg.)
90	01/07/93	Pg. 2 of a Fax - Gregg Tulley, Safety Coordinator (1 pg.)
91	01/06/93	Telephone Report - RI-93-A-0003 (1 pg.)
92	01/06/93	Handwritten note to Charles Jenkins, OSHA (1 pg.)
93	01/06/93	Sample Record of Allegation Panel Decisions - RI-93-A-0003 (2 pgs.)
94	11/25/92	Sample Record of Allegation Panel Decisions (PI-92-A-0247) (2 pgs.)

APPENDIX G
RECORDS RELEASED IN THEIR ENTIRETY
(Continued)

NUMBER	DATE	DESCRIPTION
95	10/15/92	Memo from Dave Vito to Allegation File RI-92-A-0181 (1 pg.)
96	09/30/92	Sample Record of Allegation Panel Decisions (RI-92-A-0197) (1 pg.)
97	09/16/92	Sample Record of Allegation Panel Decisions (RI-92-A-0181) (1 pg.)
98	08/13/92	NUKON Insulation Installation Manual - Material Safety Data Sheet (5 pgs.)
99	06/10/92	Record of Allegation Panel Decisions - RI-92-A-0050 (1 pg.)
100	06/03/92	Record of Allegation Panel Decisions - RI-92-A-0050 (1 pg.)
101	05/18/92	Record of Allegation Panel Decisions - RI-92-A-0050 (1 pg.)
102	04/07/92	Memo to Allegation File RI-92-A-0050 from William H. Ruland, AOC - Phonecon with S. Levin/J. Barton on 4/3/92 (1 pg.)
103	04/02/92	Record of Allegation Panel Decisions - RI-92-A-0050 (1 pg.)
104	03/25/92	Record of Allegation Panel Decisions - RI-92-A-0050 (1 pg.)
105	03/24/93	Telephone Conversation with Dave Vito (1 pg.)
106	03/13/92	Allegation Receipt Report - RI-92-A-0050 (1 pg.)
107	03/01/92	E-Mail to RUF1 (Roy Fuhrmeister) from EUW (Ed Wenzinger) (1 pg.)
108	01/02/92	Memo from Roy Fuhrmeister to File (RI-91-A-0255) Official Record Copy (1 pg.)

APPENDIX G
RECORDS RELEASED IN THEIR ENTIRETY
(Continued)

NUMBER	DATE	DESCRIPTION
109	12/17/91	Ltr. to John Barton, GPU Nuclear Corporation from Lee Bettenhausen, NRC (50-219/91-29) (5 pgs.)
110	11/27/91	Record of Allegation Panel Decisions - RI-91-A-0078 (1 pg.)
111	10/04/91	Memo to R. Fuhrmeister from G. C. Smith - Allegation No. RI-91-A-0255 (1 pg.)
112	09/27/91	Record of Allegation Panel Decisions - RI-91-A-0255 (1 pg.)
113	09/04/91	Routing and Transmittal Slip concerning Mr. Richards, area Director, DOL (1 pg.)
114	09/04/91	Telephone Conversation between Mike Callahan and Tim Frye (1 pg.)
115	08/30/91	Memo to Roy Fuhrmeister from William Ruland - RI-91-A-0195 (2 pgs.)
116	08/29/91	Ltr. to John Barton, GPU Nuclear Corporation from Edward Wenzinger, NRC (50-219/91-22) (2 pgs.)
117	08/23/91	Inspection Report 91-22 Oyster Creek Generating Station (21 pgs.)
118	08/19/91	Routing and Transmittal slip from D. Holody to File - called R. Richards (1 pg.)
119	07/17/91	Record of Allegation Panel Decisions - RI-91-A-0195 (1 pg.)
120	07/15/91	Facsimile request to Paul Harris, NRC from J. Nakoski, Oyster Creek (1 pg.)
121	07/15/91	"GPU Nuclear Power Points" (4 pgs.)
122	07/03/91	Routing and Transmittal slip to Roy from Dan concerning D. Donato (1 pg.)

APPENDIX G
RECORDS RELEASED IN THEIR ENTIRETY
(Continued)

NUMBER	DATE	DESCRIPTION
123	05/14/91	Memo for Marilyn Moore from Paul Harris - Telephone Conversation with Alleger Regarding Allegation RI-91-A-0078 (1 pg.)
124	05/08/91	Record of Allegation Panel Decisions - RI-91-A-0081 (1 pg.)
125	05/08/91	Record of Allegation Panel Decisions - RI-91-A-0078 (1 pg.)
126	05/08/91	Record of Allegation Panel Decisions - RI-91-A-0078 (1 pg.)
127	05/01/91	Allegation Receipt Report - RI-91-A-0081 (2 pgs-front and back of sheet)
128	04/30/91	Fax of Detailed Description of Allegation (2 pgs.)
129	04/12/91	Letter to Mr. Carlton Kammerer, NRC from Bill Bradley, U.S. Senator (1 pg.)
130	03/12/91	Memo to Office Allegation Coordinator from William Ruland, - RI-91-A-0008 Closeout (1 pg.)
131	03/12/91	Memo to File from C. Amato - Allegation re GPU Public Info Plan (1 pg.)
132	01/16/91	Record of Allegation Panel Decisions - RI-91-A-0008 (1 pg.)
133	12/90	GPU Reactor Coolant System Boundaries Fig. 5.2-1 (1 pg.)
134	11/27/90	Letter to Eugene Fitzpatrick, GPU Corporation from Edward Wenzinger, NRC (1 pg.)
135	No Date	Memo to D. Vito from J. Durr - Allegation File Reclosure RI-94-A-0185 (2 pgs.)

APPENDIX G
RECORDS RELEASED IN THEIR ENTIRETY
(Continued)

NUMBER	DATE	DESCRIPTION
136	No Date	Memo to D. Vito from J. Durr - Allegation File Reclosure RI-94-A-0185 (concurrency page) (2 pgs.)
137	No Date	Record of Allegation Panel Decisions - RI-92-A-0181 (1 pg.)
138	No Date	Allegation RI-91-A-0224 Issue 2 and 3 (1 pg.)
139	No Date	Course of Action for Allegation RI-92-A-0247 (1 pg.)
140	No Date	Proposed Course of Action for Allegation RI-92-A-0181 (1 pg.)
141	No Date	Oyster Creek Concerns (4 pgs.)
142	No Date	Allegations and Complaints - General (1 pg.)
143	No Date	Radcon Management of GRCS Determination (3 pgs.)
144	No Date	RWP Supplement - Standard Protective Clothing Sets (1 pg.)
145	No Date	GPU Nuclear - Conduct of Radiological Engineering (1 pg.)
146	No Date	GPU Nuclear Job Order Attachment (9 pgs.)
147	No Date	Removal of U-16-0103 (1 pg.)
148	No Date	Investigate and Repair V-16-0103 (1 pg.)
149	12/12/94	E-mail from Jean Lee to various addressees, re Oyster Creek Security Issue. (1 page)
150	1/23/95	E-mail from Jean Lee to D. Vito regarding Oyster Creek. (1 page) NOTE: Deleted portions of this record are outside the scope of the request.
151	1/25/95	E-mail from Jean Lee to various addressees re NRR ARB MTG. (1 page)

Re: FOIA-95-417

APPENDIX H
DOCUMENT BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	5/11/95	Letter from Richard Cooper to John Barton, (4 pages), RELEASED , with attachment: Enclosure Providing Concerns Regarding Security at Oyster Creek Nuclear Generating Station. (2 pages) EX. 4