



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

PDR-016
LPDR

AUG 23 1984

Docket Nos. 50-440/441

Ms. Susan Hiatt
OCRE Representative
8275 Munson Road
Mentor, OH 44060

IN RESPONSE REFER
TO FOIA-84-142

Dear Ms. Hiatt:

This is in further response to your letter dated February 24, 1984, in which you requested, pursuant to the Freedom of Information Act, documents concerning allegations made by the following persons relating to the Perry Nuclear Power Plant: Steve Balazs, Phillip Hendrickson, Gene Mathis, and Richard Wade.

The documents listed on Appendix A and B of this letter are responsive to your request. Documents 1 through 12 on Appendix A are being released in part. Document 13 is being released in its entirety. Portions of documents 1 through 12 are being withheld pursuant to Exemptions 6, 7(A), and 7(C) of the Freedom of Information Act (5 U.S.C. 552(b)(6), 7(A), and (7)(C)) and 10 CFR 9.5(a)(6), (7)(i), and (7)(iii). These portions contain the names and personal identifiers of individuals contained in preliminary agency records which do not reflect the agency's findings regarding the validity of allegations or incidents described and would constitute a clearly unwarranted invasion of personal privacy and interfere with an ongoing special inspection. The nonexempt portions of the documents are enclosed.

The documents described in Appendix B are being withheld in their entirety pursuant to Exemptions 5, 6, and 7(A) and (C) of the Freedom of Information Act (5 U.S.C. 552(b)(5), (6) and (7)(A) and (C)) and 10 CFR 9.5(a)(5), (6) and (7)(i) and (iii) of the Commission's regulations. These documents consist of interoffice material constituting predecisional and investigatory records which are part of an ongoing special inspection. The documents involved address deficiencies in the program of a licensee contractor and alleged harassment and intimidation of inspectors. To disclose this information could inhibit the scope, direction, and focus of the NRC inspection efforts.

Pursuant to 10 CFR 9.9 and 9.15 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 the denial of documents 6 through 12 of Appendix A and documents 8 through 11 of Appendix B are

8502120327 840823
PDR FOIA
HIATT84-142 PDR

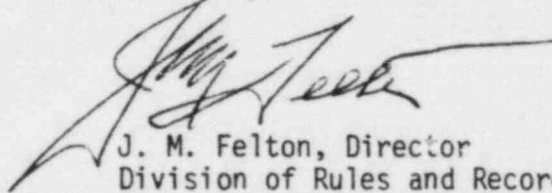
AUG 23 1984

the undersigned and Mr. James G. Keppler, Regional Administrator, Region III. The denial of documents 1 through 5 of Appendix A and documents 1 through 7 of Appendix B is Mr. George Messenger, Acting Director, Office of Inspector and Auditor.

The denials by Mr. Keppler and myself 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." The denials by Mr. Messenger may be appealed within 30 days to the Commission and should be addressed to the Secretary of the Commission.

This completes NRC's action on your request.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton", with a long horizontal flourish extending to the right.

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

Enclosures: As stated

APPENDIX A

<u>DATE</u>	<u>DOCUMENT DESCRIPTION</u>	<u>EXEMPTIONS</u>
1. 7/13/84	Memo from G. Messenger, OIA, to J. Partlow, IE, Subject: Alleged Impropriety by Construction Appraisal Team (CAT) Member (Contractor)	7C
2. 2/9/84	Report of Interview - Charles H. Weil	7C
3. 2/10/84	Report of Interview - (deleted)	7C
4. 5/8/84	Report of Interview - (deleted)	7C
5. 1/19/84	Case Summary Sheet	7C
6. 11/17/83	Memo to Region III Files from P. R. Pelke with attachment	6
7. 1/12/84	Memo to Region III Files from Max L. Gildner	6
8. 12/16/83	Memo to Region III Files from P. R. Pelke with attachments - RIII-83-A-0093	7A
9. 12/16/83	Memo to Multiple Addressees from C. H. Weil, with attachments - RIII-83-A-0108	6
10. 12/16/83	Memo to Region III Files from M. L. Gildner with attachments - RIII-83-A-0121	6
11. 12/16/83	Memo to Multiple Addressees w/attachments - RIII-83-A-0121	6
12. 12/16/83	Memo to Multiple Addressees from C. H. Weil, w/attachment - RIII-83-A-0122	7A
13. 11/7/83	Letter to M. R. Edelman from R. C. DeYoung with attached Executive Summary; Potential Enforcement Findings; and Inspection Report Nos. 50-440/83-31, 50-441/83-30	Release

APPENDIX B

<u>DATE</u>	<u>DOCUMENT DESCRIPTION</u>	<u>EXEMPTIONS</u>
1. 1/27/84	Memo to File from George Messenger, OIA, re: Meeting with DQASIP Officials (1 page)	5
2. 1/24/84	Memo to George Messenger, OIA, from H. Bowers, OIA, re: Alleged Impropriety by Construction Appraisal Team (CAT) Member (1 page)	5
3. 1/24/84	Memo to George Messenger, OIA, from H. Bowers, OIA re: Meeting with DQASIP Officials (4 pages) w/copy of 1/6/84 memo to H. Bowers from Puglia attached (see item 5 below)	5
4. 12/14/83	Memo to J. Partlow, IE, from Bert Davis RIII, re: Alleged Impropriety by Construction Appraisal Team Member (Contractor) (2 pages) w/attachment	5
5. 1/6/84	Note to Hollis Bowers, from A. Puglia, OIA, re: Meeting with DQASIP Officials (2 pages)	5
6. Undated	Professional Qualifications Statement of Senior Quality Consultant	5
7. 12/27/83	Memo to H. Bowers, OIA, from J. Partlow, IE, re: Alleged Impropriety by Construction Appraisal Team (CAT) Member (Contractor) (1 page) transmits 12/14/83 Memo, A. Bert Davis to J. Partlow - (item 4 above)	5
8. 10/26/83	Memo for RIII Files from P. R. Pelke	7A
9. 10/5/83	Memo for RIII Files from P. R. Pelke	6 and 7A
10. 12/9/83	Memo for RIII Files from E. F. Christnot	6 and 7A
11. Undated	Allegation No. RIII-83-A-0093	7A