



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

PDR  
016

MAY 06 1985

Lynne Bernabei, Esquire  
General Counsel  
Government Accountability Project  
1555 Connecticut Avenue, NW  
Suite 202  
Washington, DC 20036

IN RESPONSE REFER  
TO FOIA-84-717

Dear Ms. Bernabei:

This is in response to your letter dated August 29, 1984 in which you requested, pursuant to the Freedom of Information Act (FOIA), documents concerning investigations conducted by the Office of Investigations at the Waterford Steam Electric Station, Unit 3.

The documents listed on Appendix D are investigatory records compiled for law enforcement purposes and are being withheld in their entirety pursuant to Exemption (7)(A) of the FOIA (5 U.S.C. 552(b)(7)(A)) and 10 CFR 9.5(a)(7)(i), because disclosure of this information would interfere with an enforcement proceeding. Release of this information could allow those being investigated to learn the scope, direction, and focus of investigatory efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators.

In addition, documents 4, 5, 7, 8, 9, 10, 12, 13, 15, 17, 19, 20, 21, 22, 23, 24, 26, 29, 30, 34, 69, 92, 93, 98, 106, 117, and 122 contain information, the disclosure of which could cause a clearly unwarranted invasion of the privacy of several individuals. This information is being withheld from public disclosure pursuant to Exemptions (6) and (7)(C) of the FOIA (5 U.S.C. 552(b)(6) and (7)(C)) and 10 CFR 9.5(a)(6) and (7)(iii) of the Commission's regulations.

In addition, documents 20, 69, 70, 79, 85, 94, 95, 96, 98, 99, 103, and 110 contain information, the release of which would disclose the identities of confidential sources. This information is being withheld pursuant to Exemption (7)(D) of the FOIA (5 U.S.C. 552(b)(7)(D)) and 10 CFR 9.5(a)(7)(iv) of the Commission's regulations.

In addition, documents 115, 120, and 121 are being withheld pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. These documents are drafts containing the preliminary advice, opinions, and recommendations of members of the staff. Release of this type of information would tend to inhibit the frank and candid exchange of information in future deliberations and thus would not be in the public interest. There are no reasonably segregable factual portions because release of the facts would permit an indirect inquiry into the predecisional process of the agency.

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Lynne Bernabei, Esquire

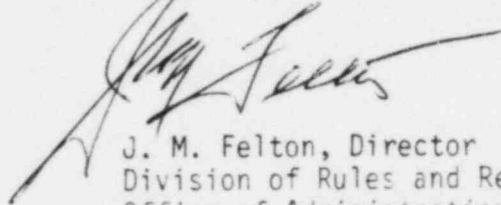
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Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for this denial is Ben B. Hayes, Director, Office of Investigations.

This denial may be appealed to the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, 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,

A handwritten signature in dark ink, appearing to read "J. M. Felton", is written over the typed name and title.

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

Enclosures:  
As stated

Appendix D

1. "Investigation Status Record," Waterford 3 4-84-021 (1 page)
2. Organizational Chart of EBASCO, NY and Waterford--LP&L (1 page)
3. Memorandum from E. H. Johnson to John T. Collins (42 pages)
4. Investigator's notes with individual resumes (338 pages)
5. Individual training and personnel packages (742 pages)
6. OI "Investigation Status Record" 4-84-014 (2 pages)
7. OI investigator's background information on named individual (47 pages)
8. Signed sworn statement of named individual and investigator's background information (29 pages)
9. Transcript of OI investigator's interview of named individual with 2 page handwritten attachment (36 pages)
10. OI investigator's report of interview of named individual and background information (18 pages)
11. Report of reinterview of an individual and investigator's notes (2 pages)
12. OI investigator's report of interview of named individual and investigator's notes (10 pages)
13. Transcript of OI investigator's interview of named individual, investigator's notes, and supporting documentation (146 pages)
14. Report of interview of named individual and background information (97 pages)
15. Signed sworn statement of named individual and investigator's notes (17 pages)
16. Report of interview of named individual, investigator's notes, and supporting documentation (34 pages)
17. Report of interview of named individual, investigator's notes, and supporting documentation (16 pages)
18. Transcript of OI investigator's interview of named individual and an investigator's note (61 pages)

Appendix D  
(continued)

19. Report of interview of named individual and investigator's notes (10 pages)
20. Report of interview of named individual, investigator's notes, and confidentiality agreement (7 pages)
21. Report of interview of named individual, investigator's notes, and supporting documentation (45 pages)
22. Report of interview of named individual, investigator's notes, and supporting documentation (13 pages)
23. Report of interview of named individual and investigator's notes (10 pages)
24. Signed sworn statement of named individual, investigator's notes, and supporting documentation (17 pages)
25. Transcript of OI investigator's interview of named individual and supporting documentation (412 pages)
26. Report of interview of named individual, investigator's notes, and signed sworn statement (14 pages)
27. Supporting documentation for disposition of named individual (458 pages)
28. Supporting documentation for 4-84-034 (72 pages)
29. Investigator's notes and supporting documentation (59 pages)
30. Transcript of OI investigator's interview of named individual, investigator notes, and supporting documentation (523 pages)
31. Status report (Gulf Engineering Co.) (2 pages)
32. Status report of "Outstanding Interviews" (1 page)
33. Letter to J. M. Cain from D. G. Eisenhower with enclosure (17 pages)
34. Memorandum from T. A. Flipppo to W. A. Crossman (1 page)
35. LP&L QA organizational chart (3 pages)
36. LP&L Letter (2 pages)
37. Mercury Co., nonconformance report (2 pages)

Appendix D  
(continued)

- 38. EBASCO memo (3 pages)
- 39. EBASCO nonconformance report (8 pages)
- 40. EBASCO memo (1 page)
- 41. Copy of "Article NC-4000" (1 page)
- 42. Mercury "Filler Metal Withdrawal Authorization" (3 pages)
- 43. LP&L QA interview questionnaires (28 pages)
- 44. EBASCO nonconformance report (7 pages)
- 45. EBASCO "NCR Transmittal/Receipt Acknowledgement" (4 pages)
- 46. EBASCO "NCR Transmittal/Receipt Acknowledgement" (5 pages)
- 47. Mercury "Filler Metal Withdrawal Authorization" (6 pages)
- 48. Mercury "QA Re-Evaluation of Disposition" (1 page)
- 49. LP&L QA interview questionnaire (1 page)
- 50. Document pertaining to previous NCR (1 page)
- 51. Mercury "Filler Metal Withdrawal Authorization" (1 page)
- 52. Mercury "Filler Metal Withdrawal Authorization" (1 page)
- 53. "NCR Transmittal/Receipt Acknowledgement" (2 pages)
- 54. LP&L "Interoffice Correspondence" (4 pages)
- 55. LP&L "Interoffice Correspondence" (2 pages)
- 56. Letter from EBASCO (4 pages)
- 57. Letter from EBASCO (6 pages)
- 58. LP&L "Interoffice Correspondence" (4 pages)
- 59. Letter from EBASCO (3 pages)
- 60. Memo to LP&L (1 page)
- 61. Memo from LP&L (2 pages)
- 62. Memo from LP&L (3 pages)

Appendix D  
(continued)

- 63. LP&L "Interoffice Correspondence" (2 pages)
- 64. Memo from LP&L (2 pages)
- 65. Memo from LP&L (2 pages)
- 66. Transcripts of OI investigator's interview of named individual (69 pages)
- 67. Report of interview of named individual (1 page)
- 68. Report of interview of named individual (4 pages)
- 69. Report of interview of named individual (3 pages)
- 70. Signed sworn statement of individual (6 pages)
- 71. Report of interview of named individual (5 pages)
- 72. Report of interview of named individual (1 page)
- 73. Report of interview of named individual (6 pages)
- 74. Report of interview of named individual (1 page)
- 75. Report of interview of named individual (2 pages)
- 76. Report of interview of named individual (4 pages)
- 77. Report of interview of named individual (4 pages)
- 78. Report of interview of named individual (5 pages)
- 79. Report of interview of named individual (3 pages)
- 80. Report of interview of named individual (3 pages)
- 81. Report of interview of named individual (2 pages)
- 82. Report of interview of named individual (2 pages)
- 83. Report of interview of named individual (1 page)
- 84. Report of interview of named individual (3 pages)
- 85. Report of interview of named individual (3 pages)
- 86. Report of interview of named individual (3 pages)
- 87. Report of interview of named individual (2 pages)



Appendix D  
(continued)

88. Report of interview of named individual (4 pages)
89. Report of interview of named individual (1 page)
90. Report of interview of named individual (2 pages)
91. Report of interview of named individual (4 pages)
92. Report of interview of named individual (4 pages)
93. Signed sworn statement of individual (4 pages)
94. Signed Confidentiality Agreement of individual (1 page)
95. Signed Confidentiality Agreement of individual (1 page)
96. Signed Confidentiality Agreement of individual (1 page)
97. Transcript of OI investigator's interview of named individual (59 pages)
98. Investigator's notes of interviews and investigatory matters (139 pages)
99. Signed authorization of named individual (1 page)
100. Transcript of OI investigator's interview of named individual (46 pages)
101. Transcript of OI investigator's interview of named individual (59 pages)
102. Transcript of OI investigator's interview of named individual (71 pages)
103. Transcript of OI investigator's interview of named individual (84 pages, 19 pages attachments)
104. Transcript of OI investigator's interview of named individual (69 pages)
105. Transcript of OI investigator's interview of named individual (100 pages)
106. Undated Investigator's notes file 4-83-A43 (37 pages)
107. Undated EBASCO "stop work order" (1 page)
108. Undated Notice concerning Mercury nonconformance reports (1 page)

Appendix D  
(continued)

109.	Undated	EBASCO QA evaluation disposition (1 page)
110.	Undated	Case status report (2 pages)
111.	Undated	Background data on named individual (46 pages)
112.	Undated	Background information (8 pages)
113.	Undated	Status of various cases (9 pages)
114.	1/14-20/84	Copy of "GAMBIT" (6 pages)
115.	3/1/84	Draft of a section of a response to Congress (3 pages)
116.	3/27/84	OI summary of allegations (50 pages)
117.	4/25/84	Investigator's notes of interviewed individual (9 pages)
118.	4/25/84	Transmittal document from Mercury Co., to NRC investigator (1 page)
119.	5/24/84	Investigator's notes and LP&L separation questionnaires (55 pages)
120.	8/24/84	Draft of a section of a response to Congress (3 pages)
121.	8/30/84	Draft of a section of a response to Congress (2 pages)
122.	9/17/84	Records from Mercury along with "Document Transmittal" (30 pages)



# GOVERNMENT ACCOUNTABILITY PROJECT

1555 Connecticut Avenue, N.W., Suite 202  
Washington, D.C. 20036

(202) 232-8550

August 29, 1984

## FREEDOM OF INFORMATION ACT REQUEST

Director  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-84-719  
Rec'd 9-5-84

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, et seq., the Government Accountability Project (GAP), requests copies of all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, and other data compilations, on which or through which information is transmitted, interim and/or final reports, related to any investigation, inquiry, review, probe or other questioning conducted by the Office of Investigation (OI) concerning the Waterford Steam Electric Station, Unit 3, or any OI Report generated in the course of any such investigation, inquiry, probe, review or questioning.

This request includes all documents related to the ongoing OI investigation into falsification of records and harassment of QA/QC personnel at the Waterford site.

If any records have been destroyed and/or removed, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken, relevant date(s), individual, office and/or agency-wide policies and/or justification(s), for the action(s), identification of all personnel involved with the action(s), and any and all records relevant to, generated in connection with, and/or issued in order to implement the action(s).

GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public." 5 U.S.C. §552(a)(4)(A). The Government Accountability Project is a non-profit nonpartisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the Project promotes whistleblowers as agents of government accountability. GAP requests the above information as part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant

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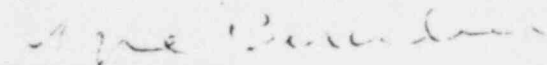
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Director  
Office of Administration  
August 29, 1984  
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to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

I look forward to your response to this request within ten days.

Sincerely yours,



Lynne Bernabei  
General Counsel