

PART II B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices C are being withheld in their entirety or in part under FOIA Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.5(a) of NRC Regulations.

- 1. The withheld information is properly classified pursuant to Executive Order 12356 (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)

Section 141-146 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 from a foreign source pursuant to 10 CFR 2.790(d)(2).

- X 5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. 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. (EXEMPTION 5)

- 6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (EXEMPTION 6)

- X 7. The withheld information consists of investigatory records compiled for law enforcement purposes and is being withheld for the reason(s) indicated: (EXEMPTION 7)

X Disclosure would interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow them 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 would reveal identities of confidential sources. (EXEMPTION 7(D))

PART II C - DENYING OFFICIALS

Pursuant to 10 CFR 9.9 and/or 9.15 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 Rules and Records, 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	
			SECRETARY	EDO
R. O. MARTIN	REGIONAL ADMIN, REGION 4	C-1, C-8, C-9, C-11, C-12 C-21, C-22, C-25, C-26, C-29		X
BEN B. HAYES	DIRECTOR, OI	C-2 - C-7, C-10, C-13 - C-20, C-23, C-24, C-27, C-28, C-30, C-31		X

PART II D - APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or 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."

APPENDIX A

RECORDS MAINTAINED AMONG PDR FILES

1. Undated Letter to R.L. Andrews from J.E. Gagliardo re: Inspection of Licensed activities at Fort Calhoun Station during March 23-27, 1987. (1 page), Accession No. 8705130277 (PDR)
2. 5/8/87 NRC Inspection Report: 50-285/87-08, License No. DPR-40, Docket No. 50-285, Fort Calhoun Station, Inspection conducted March 23-27, 1987 (4 pages), Accession No. 8705130282 (PDR).

APPENDIX B

RECORD SUPPLIED ONLY TO THIS REQUESTER UNDER THE ABOVE REQUEST NUMBER

1. 5/26/87 Letter (handwritten) to J. Skolaut, Dept. of Labor from G. Hoffman. (1 page)
2. Undated Named individual resume. (1 page)
3. Undated Certified mail receipt. (1 page)
4. Undated Nebraska Testing Laboratories Welder & Welding Operator Qualification Test Record. (1 page)
5. Undated Allegation Data Sheet, named individual information (marked up). (1 page)
6. Undated Allegation Data Sheet as above, named individual. (1 page)

APPENDIX C

RECORDS TOTALLY WITHHELD

EXEMPTIONS (5) & (7)(A)

1. 3/16/87 Allegation Data Input, Fort Calhoun 50-285. (1 page)
Allegation No. RIV-87-A-0018.
2. 3/16/87 Draft Memo to D. Hunter, RIV, from P. Harrell SRI, Ft.
Calhoun, subject: Allegation. (6 pages)
3. 3/16/87 Memo to D. Hunter from P. Harrell, subject: Allegation.
(3 pages)
4. 3/23/87 Draft Memo to D. R. Hunter from P. Harrell, subject:
Allegation. (3 pages)
5. 3/23/87 Memo to D. R. Hunter from P. H. Harrell, subject:
Allegation (marked copy). (2 pages)
6. 3/23/87 Draft Memo to D. R. Hunter from P. H. Harrell. (3 pages)
7. 3/26/87 Memo to D. Hunter from P. Harrell, subject: Allegation.
(2 pages)
8. 3/27/87 Handwritten note, initials M.E.. (1 page)
9. 3/31/87 Handwritten note, initials M.E.. (1 page)
10. 3/31/87 Allegation Review Case No. 4-87-A-018, subject: Welding
Concerns. (1 page)
11. 4/14/87 Handwritten note, initials M.E.. (2 pages)
12. 5/20/87 Handwritten note, initials M.E.. (2 pages)
13. 5/20/87 Memo, handwritten to Dorwin Hunter and Mark Emerson from
P. Harrell, subject: Welding Allegation (Ref. 4-87-A-018).
(2 pages)
14. 5/20/87 Memo, handwritten to Dorwin Hunter and Mark Emerson from
P. Harrell, subject: Welding Allegation. (3 pages)
15. 5/20/87 Typewritten statement by named individual. (3 pages)
16. 5/28/87 Handwritten note to Mark (RIV) from Dale. (1 page)
17. 6/1/87 Memorandum to D. Hunter from P. Harrell, subject: Welding
Allegations, reference 4-87-A-012 and 4-87-A-014. (6 pages)

APPENDIX C

RECORDS TOTALLY WITHHELD

(Continued)

EXEMPTIONS (5) & (7)(A)

18. 6/19/87 Handwritten note, no initials. (2 pages)
19. 6/24/87 Allegation Management System data Alleg. No. RIV-87-A-0018. (2 pages)
20. 7/7/87 Memorandum to File on 4-87-A-018 from Tom McKernon. (1 page)
21. 7/31/87 Handwritten note, initials M.E.. (2 pages)
22. Undated Draft letter to named individual from Mark Emerson, re: Allegation No. 4-87-A-0018. (1 page) Enclosure 1 Statement of Concerns. (1 page)
23. Undated Handwritten Statement of Concerns, unsigned. (1 page)
24. Undated Handwritten note, re: IR No. 50-285/87-08 AFs 4-87-A-012/018. (1 page)
25. Undated Request for Investigation to Donald Driskill from Robert D. Martin, OI:RIV for Ft. Calhoun Station (3 pages) Concurrence page 3 to above (1 page) Document identification from 5520. (1 page)
26. Undated Synopsis, two named individuals, handwritten. (2 pages)
27. Undated Appendix A Notice of Violation (NOV) 50-285/87-08 draft. (1 page) w/attached Attachment for NOV. (3 pages)
28. Undated Appendix A typed Notice of Violation 50-285/87-08. (3 pages)
29. Undated Exceptions to Referrals, RIV 87-A-018 Ft. Calhoun. (87) (1 page)
30. 6/11/87 Letter, V.P. Ferrarini, Engineering Analysis Services, Inc. (EAS) to Mr. Dave Sellers USNRC. (1 page) w/attached Trip Report for Fort Calhoun inspection, subject: May 27, 1987 Ft. Calhoun Construction Allegation Review. (4 pages)
31. Various The Office of Investigations file

APPENDIX D

RECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

1. 12/20/72 Ft. Calhoun Station Standing Order No. G-13, Personnel Conduct Procedure. (1 page)
2. 2/18/87 Exceptions to Referrals Form, RIV-87-A-012. (1 page)
3. 6/5/87 Routing and Transmittal Slip, RIV. (1 page)