



PDR-016

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)

FOIA-87-644

RESPONSE TYPE

FINAL

PARTIAL

DATE

JAN 11 1988

DOCKET NUMBER(S) (if applicable)

50/293

REQUESTER

Ms. Donna Sergi

PART I - 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.

Agency records subject to the request that are identified in Appendix _____ are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.

Agency records subject to the request that are identified in Appendix F are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

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, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.

Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

In view of NRC's response to this request, no further action is being taken or appeal letter dated _____.

PART II A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions described in and for the reasons stated in Part II, sections 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, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Comments

Copies of Appendix F and G records are being placed at the Local Public Document Room maintained in the Plymouth Public Library, 11 North Street, Plymouth, Massachusetts.

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PDR FOIA PDR
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SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

Donna H. Chisler

PART II B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices G 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 141-145 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 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)
7. The withheld information consists of investigatory records compiled for law enforcement purposes and is being withheld for the reason(s) indicated: (EXEMPTION 7)
 - 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 |
| Thomas F. Hurley | Office of Nuclear Health Regulation App. "G" | | | X |
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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 FRECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

| <u>NUMBER</u> | <u>DATE</u> | <u>DESCRIPTION</u> |
|---------------|-------------|--|
| 1. | 3/79 | Proposal - Anticipated Transients Without Scram - Recirculation Pump Trip - Pilgrim (14 pgs.) |
| 2. | 6/25/85 | Memo for Richard Starostecki from Hugh Thompson, subject: "Licensing Action Review," (38 pgs.) |
| 3. | 1/29/87 | Report entitled, "Standby Liquid Control System, Control Capacity Equivalency," (36 pgs.) |

APPENDIX B

RECORDS PARTIALLY WITHHELD (UNDER EXEMPTION 5)

- | NUMBER | DATE | DESCRIPTION & EXEMPTION |
|--------|---------|--|
| 1. | 4/18/85 | <p>Memo for Dennis Cutchfield from Alex H. Beckham, subject: "Safety Evaluation Report for Pilgrim Station, Heenic Letter 83-28, Item 1.1 (Post Trip Review) (TAC No. 52786) 2 pgs. - <u>release</u> w/Encl. 1 - Safety Evaluation, 5 pgs. <u>release</u>, and Encl. 2 - SARP Evaluation, 1 pg. - <u>withheld</u></p> |
| 2. | 9/3/85 | <p>Memo for Gus C. Laines from Dennis L. Ziemann, subject: "Revised Safety Evaluation Report for Pilgrim Station, Heenic Letter 83-28, Item 1.1 (Post Trip Review) (TAC No. 52786) 2 pgs. - <u>release</u> w/Encl. 1 - Safety Evaluation, 5 pgs. <u>release</u>, and Encl. 2 - SARP Evaluation, 1 pg. - <u>withheld</u></p> |
| 3. | 7/10/86 | <p>Memo for Paul Leck from Gus J. Laines, subject: "Safety Evaluation Report for Pilgrim Station Heenic Letter 83-28, Item 1.2 (Post-Trip Review - Data and Information Capability - 2 pgs. - <u>release</u> w/Encl. 1 - Safety Evaluation, 10 pgs. <u>release</u>, and Encl. 2 - SARP Evaluation, 1 pg. - <u>withheld</u></p> |

APPENDIX GRECORDS PARTIALLY WITHHELD

| <u>NUMBER</u> | <u>DATE</u> | <u>DESCRIPTION & EXEMPTION</u> |
|---------------|-------------|--|
| 4. | 10/10/86 | <p>Memo for P. Luch from Gus Lainas, subject: "Safety Evaluation Report for Generic Letter 83-28, Item 2.1 (Part 1) Equipment Classification for Pilgrim Nuclear Power Station, 1 pg. <u>release</u> with safety Evaluation - 3 pgs. <u>release</u> attaching ICSB SALP Report, 1 pg. - <u>withheld</u> and Conformance to Generic Letter 83-28 report, 12 pgs. <u>release</u></p> |

Note: The SALP information has been included in the Final SALP Report which is available in the Public Document Room and the Local Public Document Room, by requesting Accession No. 8706290002.



THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

JOHN W. MCCORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON 02108-1698

JAMES M. SHANNON
ATTORNEY GENERAL

September 28, 1987

Donnie H. Grimsley
Director, Division of Rules and Records
Office of Administration
United States Nuclear Regulatory Commission
7735 Old Georgetown Road
Bethesda, MD 20814

FREEDOM OF INFORMATION
ACT REQUEST
FOIA-87-644
Rec'd 9-29-87

Dear Mr. Grimsley:

This is a request under the Freedom of Information Act (FOIA), as amended 5 U.S.C. 552.

I hereby request all records documenting commitments made by Boston Edison Company to the NRC concerning improvements to the Pilgrim Nuclear Power Station hardware or procedures related to anticipated transients without scram (ATWS), including the original commitment, any subsequent changes to the commitment, and when and how the commitment was actually met.

I reserve the Attorney General's right to appeal the withholding or deletion of any material.

As authorized in the Nuclear Regulatory Commission's regulations at 10. C.F.R. § 9.14a(a)(2), we believe that furnishing these requested documents without charge to the Massachusetts Department of the Attorney General would be a governmental courtesy appropriate to this request, particularly given the importance of the documents sought and our limited budget.

As you know, the FOIA also authorizes you to reduce or waive fees when release of requested information would benefit "the public interest." As Attorney General for the Commonwealth, we believe the information requested would clearly be in the public interest, and therefore the fees for searching and reproduction should be waived. The documents requested are for the Attorney General's review of the conduct of the Boston Edison Company during the recent outage of the Pilgrim Nuclear Power Plant. The Attorney General conducts such a review regarding the reasonableness of the company's

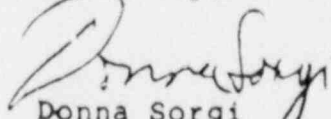
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actions as part of his representation of Massachusetts consumers before the Massachusetts Department of Public Utilities. Provision of the requested documents with waiver of fee will both facilitate this review process and reduce the cost of providing this governmental service for Massachusetts citizens.

Based on the above and on our limited budget, I therefore request that you waive any fees. As provided in 10 C.F.R. § 9.14b(e), I reserve the Attorney General's right to appeal any denial of fee waiver or reduction.

If you have any questions, please call me at 617-727-1083. Pursuant to the FOIA, I will expect a reply within 10 working days.

Sincerely,



Donna Sorgi
Chief, Utilities Division
Assistant Attorney General
Public Protection Bureau
(617) 727-1083