



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

DEC 24 1985

Mr. Paul C. Reber  
Washington Document Service  
918 - 16th Street, Suite 400  
Washington, DC 20006

IN RESPONSE REFER  
TO FOIA-85-419

Dear Mr. Reber:

This is in further response to your letter dated June 12, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), access to NRC records relating to "qualification cards" of operators.

Portions of documents listed at numbers 4 through 14 on the enclosed Appendix B are being placed in the PDR. We have deleted the names of individuals the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The deleted portions of the documents are being withheld from public disclosure pursuant to Exemption (6) of the FOIA (5 U.S.C. 552(b)(6)) and 10 CFR 9.5(a)(6) of the Commission's regulations.

The documents listed on the enclosed Appendix C are being withheld in their entirety. Document 1 contains the predecisional legal analyses, opinions, and recommendations between the Office of the General Counsel and the Commissioners and pertains to a proposed civil penalty action for Mississippi Power and Light Company regarding the Office of Investigations' investigation into alleged falsification of reactor operator license applications at Grand Gulf. Document 2 contains the predecisional analyses, opinions, and recommendations of the Office of the General Counsel for the Commission's consideration of the Office of Inspector and Auditor's report on Region II's handling of falsification of operator qualifications. These documents reflect the predecisional process between the Office of the General Counsel and the Commissioners. Both documents are exempt from mandatory disclosure pursuant to Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(6) of the Commission's regulations. Release of these documents would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. These documents do not contain any reasonably segregable factual portions.

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 portions of the documents listed on Appendix B are the undersigned and Mr. J. Nelson Grace, Regional Administrator, Region II. The person responsible for the denial of the documents listed on Appendix C is Mr. James A. Fitzgerald, Assistant General Counsel of the Commission.

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PDR FOIA  
REBER85-419 PDR

Mr. Paul C. Reber

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The denials by Mr. J. Nelson Grace and myself may be appealed to the Executive Director for Operations within 30 days from the receipt of this letter. 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 denial by Mr. James A. Fitzgerald may be appealed within 30 days to the Secretary of the Commission and should be addressed to the Secretary of the Commission.

Additional records subject to your request are being reviewed, and we will contact you further concerning their disposition.

Sincerely,



Donnie H. Grimsley, Director  
Division of Rules and Records  
Office of Administration

Enclosures: As stated

APPENDIX B

(CONTINUED)

4. 05/04/83 Plant Quality Deficiency Report No. 4-83. (6 pages)
5. 08/24/83 Plant Quality Deficiency Report No. 6-83. (4 pages)
6. 08/25/83 Plant Quality Deficiency Report No. 5-83. (7 pages)
7. 10/83 Letter from MP&L to O'Reilly. (67 pages)
8. 10/14/83 Audit Checklist No. 83-0161-01. (28 pages)
9. 11/02/83 Monitoring Audit Report No. 83/0133. (4 pages)
10. 01/84 Letter from McGaughy to O'Reilly. (2 pages)
11. 02/15/84 Corrective Action Request No. 2053. (8 pages)
12. 02/29/84 Letter from O'Reilly to Richard (Confirmation of Action).  
(2 pages)
13. 03/28/84 Division of Engineering and Operational Programs Action  
Item No. 534. (4 pages)
14. Undated Worksheet Listing Operators and Training. (1 page)

APPENDIX C

1. 07/19/84 SECY-84-209A, Memorandum to Commission from J. Fitzgerald, Assistant General Counsel, Subject: Grand Gulf Civil Penalty Package (SECY-84-209A). (5 pages)
2. 03/15/85 SECY-85-93, Memorandum to the Commissioners from H. Plaine, General Counsel, Subject: Conclusions of OIA Report on Region II's Handling of Grand Gulf Falsification of Operator Qualifications in Response to Congressman Markey's Questions. (4 pages)