



PDR-016

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)

FOIA-88-84

RESPONSE TYPE

FINAL

PARTIAL

DATE

JUN 10 1988

DOCKET NUMBER(S) (if applicable)

REQUESTER

Ms. Janice Nickerson

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 B 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 C 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 on 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

*Enclosed Appendices B, C, and D, identify additional records located by staff which are related to your request. Copies of the records identified on Appendix C and the releasable portions of the record identified on Appendix D are enclosed. In light of the fact that the records identified on the enclosed appendices were not located initially, you are not being charged additional fees for search other than \$99.52 which you were billed in my earlier response dated April 19, 1988, to cover the cost of four hours of professional search time. This completes NRC's action on your request.

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

Donna H. Gandy

8806170307 880610
PDR FOIA
NICKERS088-84 PDR

PART II B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices D 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).

- 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
William T. Russell	Regional Administrator Region I	D/1		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 B

DOCUMENTS AVAILABLE IN THE PDR/LPDR

FOIA REQUEST NUMBER 88-84

<u>DATE</u>	<u>ORIGINATOR</u>	<u>RECIPIENT</u>	<u>DESCRIPTION</u>
1.	Inspection Report 50-293/85-13	(Accession No. 8507220382)	
2.	Inspection Report 50-293/85-22	(Accession No. 8510110040)	
3.	Inspection Report 50-293/86-14	(Accession No. 8608040282)	
4.	Inspection Report 50-293/86-14	(Correction to Report Accession No. 8608210027)	
5.	Inspection Report 50-293/86-29	(Accession No. 8610210414)	
6.	Inspection Report 50-293/86-44	(Accession No. 8702090041)	
7.	Inspection Report 50-293/87-35	(Accession No. 8712150099)	
8.	Inspection Report 50-293/88-01	(Accession No. 8803170055)	

APPENDIX C
 RECORDS TO BE PLACED IN PDR UNDER THIS FOIA REQUEST NUMBER

FOIA REQUEST NUMBER 88-84

	<u>DATE</u>	<u>ORIGINATOR</u>	<u>RECIPIENT</u>	<u>DESCRIPTION</u>
1.	Undated	Typed Notes (1 Page)		
2.	2/19/86	Region I Letter Subject: Allegation Concerning Nuclear Waste Shipment (1 Page)		
3.	9/2/87	Allegation Panel Decisions and Allegation Description Regarding Allegation RI-87-A-0107 (2 Pages)		
4.	2/8/88	Allegation Panel Decisions and Allegation Description Regarding Allegation RI-88-A-0007 (2 Pages)		
5.	Undated	J. Lyash Resident Inspector Pilgrim	R. Blough Region I, NRC	Memo Subject: Allegation of Improper Disposal of Radioactively Contaminated Shrubs (RI-87-A-0107)(2 Pages)
6.	3/4/88	S. Collins Region I, NRC	R.G. Bird BEC0	Letter Subject: Allegations Received by NRC Involving Improper Documentation of Health Physics Survey Results and Dumping of Contaminated Resins on Boston Edison Property (2 Pages)

APPENDIX D

RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
1.	4/4/88	Letter to Samuel J. Collins from R. G. Bird, Boston Edison (1 page) - <u>Release</u> , with Attachment I, Response to Allegation A (4 pages) - <u>Withhold, Exemption 7A</u> , and Attachment II, Response to Allegation B (1 page) - <u>Release</u>

Brierwood Lane,
Kingston, Massachusetts 02364

February 4, 1988

Linda L. Robinson, Chief
Freedom of Information and Privacy Acts Branch
Division of Rules and Records
Office of Administration
Washington, D.C.

**FREEDOM OF INFORMATION
ACT REQUEST**
FOIA-88-24
Rec'd 2-9-88

Dear Ms. Robinson,

Under the Freedom of Information Act I am requesting any and all documents regarding the dumping of chemical wastes and any other toxic material in any dumping areas on or abutting property owned by Boston Edison in the towns of Plymouth and Kingston, Massachusetts. I am also requesting any and all documents and other pertinent information regarding the dumping and or placement of any and all debris radioactive, or thought to be radioactive, on any and all property belonging to Boston Edison, or any other property owner in the state of Massachusetts.

No records

is separate reports

This would include any and all barrels know to have previously contained any radioactive and or chemical waste or any other toxic substance. Also this would pertain to any asphalt removed from parking areas on Edison property at any time and dumped in another location.

Sincerely, Janice M. Nickerson

Janice M Nickerson

~~88-11257-313~~
+p