



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

PDR ab

RESPONSE TYPE	
FINAL	PARTIAL
DATE	APR 9 1987
DOCKET NUMBER(S) (if applicable)	

REQUESTER
Paul C. Reber

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 D 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 H 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

Please note that documents D68 and D69 are final reports of investigations. We have been informed by the staff that there are approximately eight feet of background documents related to these reports. If, following your review of these reports, you have any further interest in the subject matter, please submit another FOIA request for additional records related to those reports.

Also, our responses to the following requests identified records either directly or peripherally related to the subject of your request. These records are available for public inspection and copying at the PDR in folders for these requests:

- FOIA-85-185, (CUNNINGHAM)
- FOIA-85-186, (CUNNINGHAM)
- FOIA-85-187, (CUNNINGHAM)

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

Donnie H. Gandy

8704130549 870409
PDR FOIA
REBER85-419 PDR

PART II.B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices E, F, & 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)
- X 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)
- X 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
Mr. James M. Taylor	Director, Office of Inspection & Enforcement	Appendix E		X
Mr. John C. Hoyle	Assistant Secretary of the Commission	Appendix F	X	
Mr. James G. Keppler	Regional Administrator Region III	Appendix G		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 D

Records Maintained in the PDR

- D64 8/28/81 Letter to Denton from Dale (3 pages)
Accession No. 8108310482
- D65 8/19/83 Memo to R. F. Fraley from W. J. Dircks, Subject: ACRS Concerns
Regarding Waterford-3 Training (1 page), w/attachment:
(PDR Accession No. 8308300524 - Letter w/enclosures available
in NRC PDR) (16 pages)
- D66 12/28/83 Memo to Gilinsky from Dircks, Subject: Grand Gulf Operator
Qualifications (18 pages) Accession No. 8401060344
PDR/ADOCK/50-416V
- D67 10/1/85 Letter to Markey from Palladino w/o enclosures (2 pages)
Accession No. 8611030317 PDR/FOIA-85-661/Wisenberg
- D68 3/5/84 Report of Investigation (Sanitized Version), Grand Gulf Nuclear
Power Plant-Possible Deliberate and Willful Material False
Statements Regarding RO and SRO License Examination
Applications, Case No. 2-83-037 by R.H. Burch, Investigator,
Region II, Consisting of the following Records: (Volume I; 337
pages and Volume II; 264 pages) Accession No. 8508080034
PDR/ADOCK/50-416Q
- D69 7/13/84 Report of Investigation (Sanitized Version), Grand Gulf Nuclear
Power Plant-Possible Falsificatio. of Mechanical Maintenance
Training Records, Case No. 2-84-005 by R.H. Burch,
Investigator, Region II (82 pages), Consisting of the Following
Records:
- A7/13/84 Report of Investigation (37 pages) Accession No. 8508080011
PDR/ADOCK/50-416Q
- B2/16/84 Memo for Vorse from O'Reilly, Subject: Request for
Investigative Assistance: Grand Gulf Nuclear Plant (Case No.
RII-84-A-0023) w/enclosures (7 pages) Accession No. 8508080015
PDR/ADOCK/50-416Q
- C2/24/84 Memo for Verrelli from Burch, Subject: Concerns Expressed by
Confidential Source During OI Interview (2 pages) Accession No.
8508080018 PDR/ADOCK/50-416Q
- D2/11/84 Letter to O'Reilly from McGaughy, Subject: Review of Training
Not Included Within Scope of Recertification Program w/enclosures
(7 pages) Accession No. 8508080022 PDR/ADOCK/50-416Q
- E4/2/84 Memo for Burch thru Lewis from Verrelli w/enclosures (11 pages)
Accession No. 8508080025/PDR/ADOCK/50-416Q
- F3/27/84 Report No. 50-416/84-07, Inspection on February 16-March 9, 1984,
w/enclosures (18 pages) Accession No. 8405300595 PDR/ADOCK/50-416Q
- D70 3/5/85 SECY-85-78, for Commissioners from Dircks, Subject: Report on
Assessment of Job-Related Qualifications for Nuclear Power
Plant Operators (4 pages) Accession No. 8508080485
PDR/FOIA-85-434/Barkus

Appendix E

Records Withheld in Their Entirety By Mr. James M. Taylor, Director,
Office of Inspection and Enforcement, Pursuant to FOIA Exemption (5) & (7)(A)**

1. Undated Draft Enforcement Package - Revised CP PKG Grand Gulf (9 pages)
2. Undated Draft Enforcement Package - Revised CP PKG Grand Gulf (9 pages)
3. 3/9/84 Draft Enforcement Package (4 pages)
4. 3/25/84 Note to Dircks, EDO, Executive Director, from Taylor, Director, IE, Subject: Proposed Enforcement Action for Mississippi Power and Light Company (Grand Gulf) (2 pages)
5. 10/29/84 SECY-84-209 - Memorandum for the Commissioners from Dircks, Subject: Proposed Enforcement Action (EA-84-23) for Mississippi Power and Light Company (Grand Gulf) for Material False Statements Regarding Operator Qualification Cards (14 pages)
6. 9/21/84 Memo for Hayes, OI, from DeYoung, IE, Subject: Proposed Enforcement Action (EA-84-23) for Mississippi Power and Light Company (Grand Gulf) for Material False Statement Regarding Operator Qualification Cards (SECY-84-209) (14 pages)
- **7. 5/22/84 SECY-84-209, Subject: Proposed Civil Penalties Action (EA-84-23) for Mississippi Power and Light Company (Grand Gulf) (12 pages)
- **8. 10/29/84 SECY-84-420, Subject: Proposed Enforcement Action (EA-84-23) for Mississippi Power and Light Company (Grand Gulf) for Material False Statements Regarding Operator Qualification Cards (SECY-84-209) (15 pages)
9. 7/13/84 Memo for Palladino from Dircks, Subject: Grand Gulf Civil Penalty Package (SECY-84-209) (9 pages)
10. Undated Notes on Grand Gulf Escalated Enforcement, RE, Operator Qualification Cards Material False Statements (2 pages)

Appendix F

Records Withheld in Their Entirety By Mr. John C. Hoyle, Assistant Secretary of the Commission, pursuant to FOIA Exemption (2)* and (5)

1. 2/29/84 Memo for the Commissioners from Gilinsky, Subj: Grand Gulf Low Power License (2 pages)
- *2. 5/30/84 Memo to Chilk from Joosten, SECY-84-209 - Proposed Civil Penalties Action (EA-84-23) for Mississippi Power and Light Company (Grand Gulf); (1 page)
- *3. 6/1/84 Memo to Commissioners from Chilk, SECY-84-209 - Proposed Civil Penalties Action (EA-84-23 for Mississippi Power and Light Company (Grand Gulf); (1 page)
4. 6/3/84 Vote Sheet of Palladino on SECY-84-209 (1 page)
5. 6/6/84 Vote Sheet of Roberts on SECY-84-209 (1 page)
6. 6/11/84 Vote Sheet of Asselstine on SECY-84-209 (2 pages)
- *7. 6/12/84 Memo to Gilinsky and Bernthal from Chilk
8. 6/14/84 Vote Sheet of Bernthal on SECY-84-209 (1 page)
9. 6/14/84 Revised Vote Sheet of Asselstine on SECY-84-209 (2 pages)
10. 6/21/84 Vote Sheet of Gilinsky on SECY-84-209 (2 pages)
11. 6/22/84 Memo for Dircks from Chilk, Subj: SECY-84-209 - Proposed Civil Penalties Action (EA-84-23) for Mississippi Power and Light Company (Grand Gulf) (6 pages)
12. 6/22/84 Memo to Chilk from Dircks (Secy-84-209 - Proposed Civil Penalties Action (EA-84-23 for Mississippi Power and Light Company (Grand Gulf); (1 page)
13. 7/13/84 Memo to Palladino from Dircks, Subj: Grand Gulf Civil Penalty Package (SECY-84-209) (9 pages)
14. 8/1/84 Memo for Dircks from Chilk, Subj: Staff Requirements - Discussion of Investigaton and Possible Enforcement Action, 1:30, 7/26/84, Commissioners' Conference Room, DC Office (Closed - Ex. 5 and 7) (Part I - OI and EDO Staff) (1 page)
15. 8/1/84 Vote Sheet of Roberts on SECY-84-209A (1 page)
16. 8/6/84 Vote Sheet of Zech on SECY-84-209A (1 page)

- *17. 8/8/84 Memo to Palladino and Bernthal from Chilk SECY-84-209A - Grand Gulf Civil Penalty Package (1 page)
- 18. 8/8/84 Vote Sheet of Zech on SECY-84-209A (1 page)
- 19. 8/8/84 Vote Sheet of Bernthal on SECY-84-209A (1 page)
- 20. 8/8/84 Notation Vote to Chilk from Asselstine Subj: SECY-84-209A Grand Gulf Civil Penalty Package (SECY-84-209) (1 page)
- 21. 8/10/84 Note to Palladino from Garner regarding SECY-84-209A - Deferral of Grand Gulf Civil Penalty Package (SECY-84-209) (1 page)
- 22. 8/12/84 Vote Sheet of Palladino on SECY-84-209A (1 page)
- 23. 8/16/84 Memo for Commissioners from Dircks and Hayes, Subject: Letters to Department of Justice and Licensees re: Grand Gulf Enforcement Action (SECY-84-209) and D.C. Cook Enforcement Action (SECY-84-259) (5 pages)
- 24. 11/13/84 Notation Vote to Chilk from Zech (1 page)
- 25. 11/14/84 Notation Vote to Chilk from Bernthal (1 page)
- 26. 11/20/84 Memo to Palladino and Roberts from Chilk - SECY-84-420 - Proposed Enforcement Action (EA 84-23) for Mississippi Power and Light Company (Grand Gulf for Material False Statements Regarding Operator Qualification Cards (SECY-84-209) (1 page)
- 27. 11/20/84 Vote Sheet of Asselstine on SECY-84-420 (1 page)
- 28. 11/21/84 Vote Sheet of Roberts on SECY-84-420 (1 page)
- 29. 11/23/84 Note to Palladino from Garner Regarding SECY-84-420 - Proposed Enforcement Action (EA-84-23) for Mississippi Power and Light Company (Grand Gulf) for Material False Statements Regarding Operator Qualification Cards (SECY-84-209) (2 pages)
- 30. 11/25/84 Vote Sheet of Palladino on SECY-84-420 (1 page)
- 31. 11/28/84 Memo to Commissioners from Chilk - Staff Requirements Memorandum - (1 page) with Attached (1 page) draft Memo to Dircks from Chilk, SECY-84-420 - Proposed Enforcement Action (EA-84-23) for Mississippi Power and Light Company (Grand Gulf) for Material False Statements Regarding Operator Qualification Cards (SECY-84-209)
- 32. 12/5/84 Memo for Hayes from Palladino, Subject: Need for Recommendation on Information That Can be Released Regarding the Grand Gulf Matters (2 pages)

33. 12/7/84 Memo to Palladino from Hayes, Need for Recommendation on Information That Can Be Released Regarding Grand Gulf Matters (2 pages)
34. 12/12/84 Palladino Draft of Memo to Dircks from Chilk SECY-84-420 - Proposed Enforcement Action (EA 84-23) for Mississippi Power and Light Company (Grand Gulf) for Material False Statements Regarding Operator Qualification Cards (SECY-84-209) (1 page)
35. 12/14/84 Memo to Hayes from Palladino DOJ Referrals (2 pages)
36. 12/17/84 Memo to Commissioners from Chilk - Staff Requirements Memorandum (1 page) w/attached (1 page) Draft Memo to Dircks from Chilk, SECY-84-420 - Proposed Enforcement Action (EA 84-23) for Mississippi Power and Light Company (Grand Gulf) for Material False Statements Regarding Operator Qualification Cards (SECY-84-209)
37. 12/20/84 Letter to the Honorable Edward Markey, Chairman, Subcommittee on Oversight and Investigations, Committee on Interior and Insular Affairs, U.S. House of Representatives from Palladino (18 pages)
38. 12/21/84 Memo for Dircks from Chilk, Subject: SECY-84-420 - Proposed Enforcement Action (EA-23) for Mississippi Power and Light Company (Grand Gulf) for Material False Statements Regarding Operator Qualification Cards (SECY-84-209) (1 page)
39. Undated Marginal Notes of Austin on SECY-84-420 - Proposed Enforcement Action (EA-23) for Mississippi Power and Light Company (Grand Gulf) for Material False Statements Regarding Operator Qualification Cards (SECY-84-209) (12 pages)
40. Undated Marginal Notes and Comments of Austin on 10/19/84 OIA report, Congressman Markey's Letter dated 7/27/84 Regarding Region II Actions Relating to Grand Gulf Nuclear Station (23 pages)
41. 2/1/85 Memo to Palladino from Magee Regarding Status of SECY-84-209 and SECY-84-420 (1 page)
42. Undated Handwritten Notes from Palladino's Office Files (PI-NC) on SECY-84-209A, SECY-84-212 and SECY-84-212A (2 pages)
43. 3/29/85 Vote Sheet of Zech on SECY-85-93 (1 page)
44. 4/15/85 Vote Sheet of Palladino on SECY-85-93 (1 page)
45. 4/17/85 Vote Sheet of Roberts on SECY-85-93 (1 page)
46. 4/19/85 Vote Sheet of Asselstine on SECY-85-93 (1 page)

47. 4/19/85 Memo to Commissioners from Asselstine (COMJA-85-5), SECY-85-93 - OGC Review of OIA Report on Region II's Handling of Grand Gulf Issues (1 page)
48. 4/22/85 Memo to Asselstine from Zech (COMJA-85-5) SECY-85-93 - OGC Review of OIA Report on Region II's Handling of Grand Gulf Issues (1 page)
49. 4/25/85 Memo to Asselstine from Roberts (COMJA-85-5) SECY-85-93 - OGC Review of OIA Report on Region II's Handling of Grand Gulf Issues (1 page)
50. 4/26/85 Vote Sheet of Bernthal on SECY-85-93 (1 page)
51. 4/29/85 Memo to Connelly from Asselstine 10/19/84 OIA Report on Grand Gulf (2 pages)
52. Undated Vote Display on SECY-85-93 (2 pages)
53. 5/28/85 Memo to Commissioners from Chilk (COMJA-85-5) Staff Requirements Memorandum, (1 page) with (1 page) Attached Draft Memo with Handwritten Notes to Asselstine from Chilk (COMJA-85-5) SECY-85-93 - OGC Review of OIA Report on Region II's Handling of Grand Gulf Issues
54. 6/3/85 Memo to Asselstine from Chilk COMJA-85-5 - SECY-85-93 -- OGC Review of OIA Report on Region II's Handling of Grand Gulf Issues (1 page)

APPENDIX G

Record With Portions Withheld by Mr. James G. Keppler
Regional Administrator, Region III, Pursuant to FOIA Exemption (6)

5/3/84 Donald C. Cook Condition Report (14 pages)

Appendix H

Record Being Held in PDR Folder

- H1 4/25/84 Facsimile Transmitted from J. M. Puckett, Region II to Jane A. Axelrad, IE (1 page)
- H2 12/13/83 Memo to Dircks from Gilinsky, Subject: Grand Gulf Operator Qualifications (2 pages)



Washington Document Service

918 · 16th Street · Suite 400 · Washington, D.C. 20006 · (202) 789-0116/0117

June 12, 1985

**FREEDOM OF INFORMATION
ACT REQUEST**

BY HAND

Mrs. Patricia G. Norry
Director
Office of Administration
Nuclear Regulatory Commission
3775 Old Georgetown Road
4th Floor
Bethesda, Maryland

FOIA-85-419
rec'd 6/13/85

FREEDOM OF INFORMATION ACT REQUEST

Dear Mrs. Norry:

This is to request the disclosure of copies of the following materials available from your agency under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing of the Nuclear Regulatory Commission (NRC), 10 C.F.R. Part 9, Subpart A:

- (1) Inspection reports, memoranda, correspondence, studies, Notices of Deviation, Notices of Violation, and other documents promulgated or received by the NRC or any office thereof which refer or relate to a control room operator, licensed operator, or licensed operator candidate "qualification card";
- (2) Documents reflecting the NRC or NRC staff's reaction or response to, follow-up or review of, or recommendations regarding any nuclear operations facility's utilization of (or its failure to properly utilize or require completion or utilization of) the qualification card referred to in the preceding paragraph.

~~8508120635~~ 2pp

Mrs. Patricia G. Norry

- 2 -

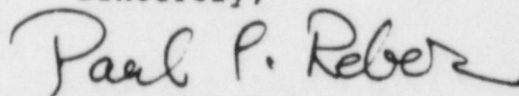
June 12, 1985

As you know, the Freedom of Information Act requires that you respond within ten working days. In an effort to expedite Nuclear Regulatory Commission processing of this request, I would be willing to discuss specific instances of withholding, deletions or other exemption claims in advance of a final decision by your agency.

If any portion of this request is denied, I would like a detailed statement of the reasons for withholding any document and an index or similar statement identifying the documents withheld. See Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

In accordance with your regulations and the FOIA, I agree to pay all reasonable search and copying charges upon presentation of an invoice, along with the furnished documents. If the total charges will exceed \$200.00, please advise me of the estimated expense before it is incurred.

Sincerely,

A handwritten signature in cursive script that reads "Paul P. Reber". The signature is written in dark ink and is positioned above the typed name.

Paul C. Reber