



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

016

50-341

Ms. Jennifer E. Puntenney
Executive Director
Safe Energy Coalition of Michigan
P.O. Box 331
Monroe, MI 48161

DEC 9 1986

IN RESPONSE REFER
TO FOIA-86-A-144
AND 86-A-145
(FOIA-86-244 & 86-245)

Dear Ms. Puntenney:

This is in response to your letter dated August 19, 1986, in which you appealed Mr. Donnie H. Grimsley's letter dated July 16, 1986, which denied twenty-one documents subject to your Freedom of Information Act (FOIA) request for documents related to the Fermi 2 plant.

Acting on your appeal, I have carefully reviewed the record in this case, and have determined that some of the previously withheld information can now be released. Therefore, your appeal is partially granted and partially denied.

The nine documents listed on the enclosed Appendix A and portions of documents eight through twelve listed on the enclosed Appendix B can now be made publicly available and are enclosed.

Documents one through seven and the remaining portions of documents eight through twelve listed on the enclosed Appendix B will continue to be withheld from public disclosure pursuant to Exemptions (5), (6), and (7)(D) of the FOIA (5 U.S.C. 552(b)(5), (6), and (7)(D)) and 10 CFR 9.5(a)(5), (6), and (7)(D) of the Commission's regulations as indicated next to each document listing.

Documents one, two, three, four, seven, and the enclosure to document ten on Appendix B are draft documents which are clearly predecisional because they were prepared prior to and in the course of reaching final agency decisions. These documents describe preliminary staff thinking and, therefore, contain preliminary advice, opinions, and recommendations of the staff in the deliberative process of determining proper enforcement actions regarding the Fermi plant. Exemption (5) was intended to permit the agency's withholding of such documents to preserve the free and candid internal dialogue necessary for the careful formulation of agency decisions.

Documents five and six on Appendix B are internal documents containing advice and opinions which were predecisional to the issuing of the enforcement action on Fermi. Exemption (5) shields from mandatory disclosure documents generated in the deliberative process that precedes most decisions of government agencies.

Documents one, two, three, five, eight, eleven, and twelve on Appendix B contain the names and other identifying information of individuals employed at Fermi. I am unable to identify any legitimate public interest in the disclosure of these names which outweighs the individuals' privacy interests.

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Ms. Puntenney

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Document nine on Appendix B contains the name of an individual who was granted confidentiality. I am unable to identify any legitimate public interest in the disclosure of this name.

This is a final agency action. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside, have your principal place of business, or in the District of Columbia.

Sincerely,

A handwritten signature in dark ink, appearing to read "Victor Stello, Jr.", with a stylized, cursive script.

Victor Stello, Jr.
Executive Director for Operations

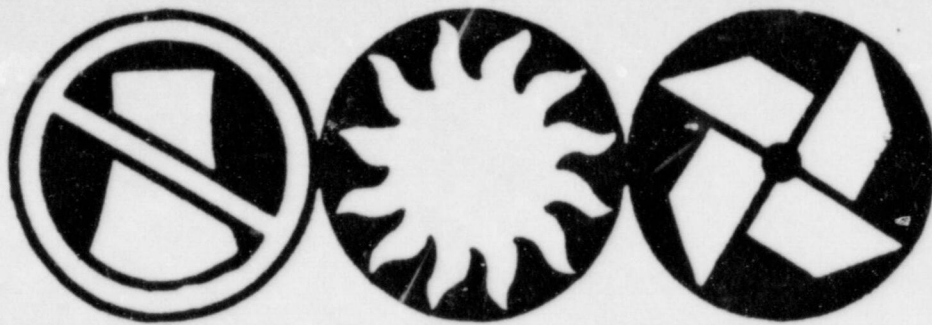
Enclosures: As stated

APPENDIX A

<u>DATE</u>	<u>DESCRIPTION</u>
1. Undated	Slides - Fermi 2, Utility Performance in dealing with known problems (8 pages).
2. Undated	Handwritten notes re: Installation of Fermi 2 Independent Alternate Shutdown System (3 pages).
3. 08/09/85	Memo from J. G. Keppler to S. Connelly re: Fermi 2 Criticality Incident - Request for Investigation (1 page).
4. 11/15/85	Memo from J. G. Keppler to C. E. Norelius re: Fermi 2 - Actions to be completed prior to Authorizing Operation Above 5% Power (2 pages).
5. 01/17/86	Fermi 2 Briefing Package for Victor Stello (6 pages).
6. 01/17/86	Fermi 2 Briefing Package for Victor Stello, Acting EDO (13 pages).
7. 01/17/86	Handwritten notes - Fermi 2 (Briefing for Mr. Stello) (2 pages).
8. 01/17/86	Memo from C. Weil to C. Norelius re: Allegation regarding Fermi Feedwater Pump/Turbine Failure (50-341) (AMS No. RIII-86-A-0005) (2 pages).
9. 02/13/86	Memo from G. Wright to Region III Allegation Review Board re: Action Plan to Address Allegations raised by Monroe County Commissioner (AMS Nos. RIII 85-A-0165, RIII 86-A-0005, RIII 86-A-0009, and RIII 85-A-0010) Pertaining to the Fermi 2 Site (12 pages).

APPENDIX B

<u>DATE</u>	<u>DESCRIPTION</u>	<u>EXEMPTION(S)</u>
1. Undated	Draft Region III Action Based on Fermi OI Report by J. Keppler, A. Davis, and B. Berson (2 pages).	5 & 6
2. Undated	Draft NRC Action Based on Fermi OI Report by J. Keppler, A. Davis, and B. Berson (2 pages).	5 & 6
3. Undated	Draft Conclusions Based on Fermi OI Report by J. Keppler, A. Davis, and B. Berson (1 page).	5 & 6
4. Undated	Draft Major Facts by A. Davis (1 page).	5
5. 03/05/86	Major Facts, NRC Action Based on Fermi OI Report, and Conclusions by J. Keppler, A. Davis, and B. Berson (3 pages).	5 & 6
6. 11/20/85	Memo from P. Byron to Region III Files re: November 20, 1985 Conversation with A. Benes, DECO General Auditor (2 pages).	5
7. 12/12/85	Draft of Statement of Facts Based on OI Interview Transcripts Fermi July 1, 1985, Rod Pull Incident (9 pages).	5
8. 11/27/85	Memo from J. McMillen to J. Keppler re: Trip Report Fermi II for Observation of Requalification Examinations (6 pages).	6
9. 01/21/86	Letter from C. Weil to J. Eckert re: Fermi Allegation (1 page)	7D
10. 04/08/86	Memo from J. Keppler to H. Denton, et. al., re: Proposed Enforcement Actions for Fermi 2 Rod Pull (1 page) with enclosed draft of RIII Proposed Enforcement Actions (8 pages).	5
11. 03/28/86	Memo from C. Weil to R. Lickus re: Allegation regarding Fermi Feedwater Pump/Turbine Failure (50-341) (AMS No. RIII-86-A-0005) (2 pages).	6
12. 01/14/86	Memo from C. Weil to C. Norelius re: Allegation regarding Fermi Feedwater Pump/Turbine Failure (50-341) (AMS No. RIII - 86-A-0005) w/AMS form and memo dated 1/10/86 from T. Tambling to C. Weil re: Allegation - Fermi Feedwater Pump/Turbine Failure (4 pages).	6



SAFE ENERGY COALITION OF MICHIGAN

P.O. BOX 331 MONROE, MICHIGAN 48161

March 24, 1986

Freedom of Information Officer
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-86-049

Rec'd 4-3-86

Dear Sir/Ms.:

Pursuant the Freedom of Information Act, 5 USC 552 et Seq. as amended, the Safe Energy Coalition of Michigan hereby request material as described below:

- (1) All internal memos and meeting minutes, and notes regarding De-Edison Company and the Fermi 2 nuclear power plant located in Monroe County, Michigan, since fuel loading on March 20, 1985.
- (2) All internal memos and correspondence regarding the Office of investigations report and conclusions on the Fermi 2 July 2nd, 1985 criticality incident
- (3) All internal memos and correspondence regarding the report and conclusions from the Office of Investigator and Auditor investigation on the July 2nd, 1985 reactor criticality/ out-of-sequence control rod incident

Pursuant, 5 USC 552 (a) (4)(A), we hereby request waiver of all fees in connection with this request "because furnishing the information can be considered primarily benefitting the general public." If any fees are to be charged in connection with this request, please notify us in advance for approval at the above address or at this telephone number 313-477-3441 or 313-477-1670. This advance notice shall not be necessary if the fees are to be less than \$ 15.00 in total.

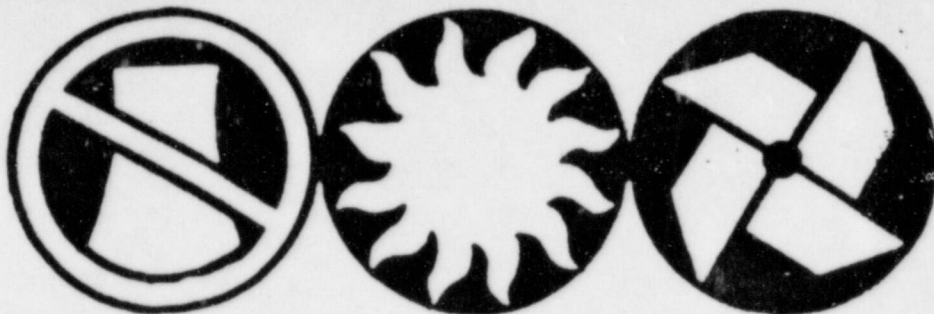
We look forward to your response within ten (10) business days after you receive this request, as specified in the Act, (FOIA). Thank you for your help in this matter.

Sincerely,

Jennifer E. Puntenney
Jennifer E. Puntenney

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SAFE ENERGY COALITION OF MICHIGAN

P.O. BOX 331 MONROE, MICHIGAN 48161

March 24, 1986

Freedom of Information Officer
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-86-245

Rec'd 4-3-86

Dear Sir/Ms.:

Pursuant the Freedom of Information Act, 5 USC 552 et Seq. as amended, the Safe Energy Coalition of Michigan hereby request material as described below:

- (1) Copy of the Office of Investigations report and conclusions on the Detroit Edison Company's Fermi 2 nuclear power plant regarding the July 2nd, 1985 criticality/out-of-sequence control rod incident,
- (2) Copy of the Office of Investigator and Auditor report and conclusions on the NRC and its involvement in the Fermi 2 nuclear power plant July 2nd, 1985 criticality incident,
- (3) All internal memos, correspondence, documents, and a copy of the Office of Investigations report and conclusions on the Fermi 2 SAFETEAM (Detroit Edison Co., Monroe County, Michigan).

Pursuant, 5 USC 552 (a) (4)(A), we hereby request waiver of all fees in connection with this request "because furnishing the information can be considered primarily benefitting the general public." If any fees are to be charged in connection with this request, please notify us in advance for approval at the above address or at this telephone number 313-477-3441 or 313-477-1670. This advance notice shall not be necessary if the fees are to be less than \$ 15.00 in total.

We look forward to your response within ten (10) business days after you receive this request, as specified in the Act, (FOIA). Thank you for your help in this matter.

Sincerely,

Jennifer E. Puntenney
Jennifer E. Puntenney



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

JUL 16 1986

Ms. Jennifer E. Putenney
Safe Energy Coalition of Michigan
P.O. Box 331
Monroe, MI 48161

IN RESPONSE REFER
TO FOIA-86-244 AND
FOIA-86-245

Dear Ms. Putenney:

This is in further response to your letters dated March 24, 1986, in which you requested, pursuant to the Freedom of Information Act (FOIA), records related to the Fermi 2 plant.

Twenty-one records contained in Region III files are being withheld pursuant to Exemptions (5), (6), and (7)(A) of the FOIA (5 U.S.C. 552(b)(5), (6), and (7)(A)) and 10 CFR 9.5(a)(5), (6), and (7)(i) of the Commission's regulations. Information withheld pursuant to Exemption (5) consists of drafts or records that contain the preliminary advice, opinions, and recommendation of members of the staff. Release of this type of information would tend to inhibit the frank and candid exchange of information in future deliberations and thus would not be in the public interest. There are no reasonably segregable factual portions because release of the facts would permit an indirect inquiry into the predecisional process of the agency.

Information withheld pursuant to Exemption (6) consists of personal information the disclosure of which would cause a clearly unwarranted invasion of personal privacy.

Information withheld pursuant to Exemption (7)(A) consists of investigatory records compiled for law enforcement purposes, the release of which would interfere with an ongoing enforcement proceeding. Release of this information could allow those being investigated to learn the scope, direction, and focus of investigatory efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators.

Pursuant to 10 CFR 9.9 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 public interest. The persons responsible for this denial are the undersigned and James E. Keppler, Regional Administrator, Region III.

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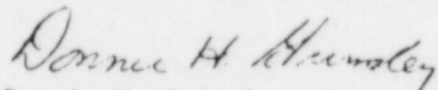
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Ms. Putteney

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This denial may be appealed to the NRC's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, 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."

Sincerely,

A handwritten signature in cursive script, reading "Donnie H. Grimsley".

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



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NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUL 16 1986

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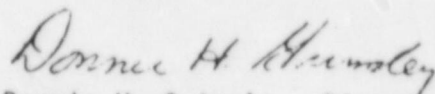
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Donnie H. Grimsley, Director
Division of Rules and Records
Office of Administration