



PDR-016

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

DEC 2 1987

Ms. Linda Bauman
Government Accountability Project
Midwest Office
104 E. Wisconsin Avenue
Appleton, WI 54911

IN RESPONSE REFER
TO FOIA-87-A-98
(FOIA-87-596)

Dear Ms. Bauman:

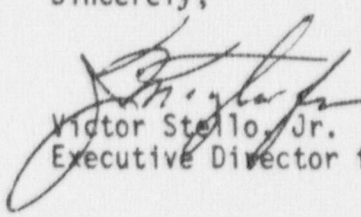
This is in response to your letter dated November 6, 1987, in which you appealed Mr. Donnie H. Grimsley's response dated October 29, 1987. Mr. Grimsley's response denied one record in its entirety and portions of another record subject to your Freedom of Information Act (FOIA) request for six categories of documents regarding the Comanche Peak Report Review Group. This response will address the record identified on the enclosed Appendix D of Mr. Grimsley's response. Mr. Chilk will respond concerning the record identified on Appendix C of Mr. Grimsley's response.

Acting on your appeal, I have carefully reviewed the record in this case and have determined that the previously withheld information will continue to be 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. Therefore, your appeal is denied.

Although you state in your November 6, 1987, letter that the document was withheld in its entirety, only portions of the document were, in fact, withheld. Those portions consist of the individual's social security number, date of birth, insurance and retirement information. I am unable to identify any legitimate public interest in the release of this information which outweighs the privacy interests of the individual.

This is a final agency action on your appeal. As set forth in 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 or have your principal place of business or in the District of Columbia.

Sincerely,


Victor Stallo, Jr.
Executive Director for Operations



FOIA-87-596

RESPONSE TYPE

FINAL

OCT 28 1987

DATE

DOCKET NUMBER(S) (if applicable)

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

REQUESTER

MS. LINDA BAUMAN

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 F 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 B 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 - 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

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

Donna H. Kennedy

PART II B - APPLICABLE FOIA EXEMPTIONS

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

- 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)

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 9.16 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
VECTOR STELLO	EDO	C-1	X	
R. MARTIN	REGIONAL ATTORNEY, RIN	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 ARECORDS MAINTAINED AMONG PDR FILES

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	12/23/86	memo to Chairman Zech, et al., from W.C. Parker re: OGC Review of OIA Report concerning Region IV Management Action Relative to Conenah Peak (OIA Investigation No. 86-10) (4 pages) (FOIA-87-A-14 "Bauman")
2.	12/17/86	memo to Chairman Zech from V. Stello re: OIA Review - OIA File #86-10 (1 page) (FOIA-87- A-14 "Bauman")
3.	12/17/86	memo to V. Stello from R. Martin re: OIA Report Review: OIA File #86-10 (7 pages) (FOIA-87- A-14 "Bauman")
4.	1/15/87	memo to V. Stello from L. Zech re: OIA Report Review - OIA File #86-10 (1 page) (FOIA-87-A- 14 "Bauman")
5.	1/21/87	memo to R. Martin from V. Stello re: OIA Report Review - OIA File #86-10 (1 page) (FOIA-87-A-14 "Bauman")
6.	1/21/87	memo to J. N. Davis from V. Stello re: OIA Report Review: OIA File 86-10 - Establishment of Review Group (2 pages) (FOIA- 87-A-14 "Bauman")

APPENDIX ARECORDS MAINTAINED AMONG PDR FILES

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
7.	2/10/87	Memo to C. Zech from V. Stello re Comanche Peak Review Group (1 page) (FOIA-87-A-14)
8.	2/13/87	Memo to V. Stello from H. A. Arlotto re: Comanche Peak OIA Rept. 96-10 Review Group (4 pages) (FOIA-87-A-14)

APPENDIX BRECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	4/14/87	memo to Stille from Martin re: Regional Actions in Response to OAS Report (3 pages)
2.	8/7/87	memo to R. Martin from K. Jague re: Training (2 pages)
3.	9/9/87	Handwritten note to Paul (2 pages) with 8/31/87 memo to W. Foster from O. Powers re: Requested Regional Training (1 page)
4.	2/17/87	Regional Office Policy Guide no. 0001, Rev. 0, "System of Policy Guides + notices" (14 pages)
5.	3/31/87	Regional Office Policy Guide no. 4016, Rev. 0, "Training Issue: Accuracy + Perpetuating Ongoing Interviews" (2 pages)
6.	4/10/87	Regional Office Policy Guide no. 4013, Rev. 0, "Training Issue: Shipment of QA Records - Power Reactors" (2 pages)
7.	4/15/87	Regional Office Policy Guide no. 4004, Rev. 0, "Training Issue: "Facts vs Opinions/Assertions & Conclusions in Inspection Reports" (3 pages)

APPENDIX BRECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
8.	4/21/87	Regional Office Policy Guide NO. 4015, Rev. 0, "Training Issue: 10 CFR 50.55(c) Rule" (2 pages)
9.	4/21/87	Regional Office Policy Guide NO. 4021, Rev. 0, "Training Issue: Citing of 'NETS'" (2 pages)
10.	4/21/87	Regional Office Policy Guide NO. 4008, Rev. 0, "Training Issue: Quality Assurance (QA) Records Versus In-Process Documents" (3 pages)
11.	4/21/87	Regional Office Policy Guide NO. 4009, Rev. 0, "Training Issue: Inspection of the Applicant's Construction Efficiency Reporting System" (3 pages)
12.	4/21/87	Regional Office Policy Guide NO. 4011, Rev. 0, "Training Issue: Enforcement of Applicant/Licensee Policies" (2 pages)
13.	4/28/87	Regional Office Policy Guide NO. 4010, Rev. 0, "Training Issue: Missed Windows of Opportunity for Inspection - Power Reactors" (3 pages)
14.	4/29/87	Regional Office Policy Guide NO. 4007, Rev. 0, "Training Issue: Inspection of Applicant/Licensee Records - Power Reactors" (4 pages)

APPENDIX BRECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
15.	4/30/87	Regional Office Policy Guide No. 4017, Ser. O, "Training Issue: The Role of the Hearing Process" (4 pages)
16.	5/28/87	memo to J. M. Taylor from K. D. Martin re: Region 10 Policy Guides (Training Issues) (1 page)
17.	7/10/87	Regional Office Policy Guide No. 4003, Ser. 3, "Training Issue: Code Interpretation/Responsibilities" (2 pages)
18.	8/4/87	Regional Office Policy Guide No. 4006, Ser. O, "Training Issue: Unresolved Items" (3 pages)
19.	9/8/87	Purchase Order, U.S. WRC RV, counseling services (1 page)
20.	8/11/87	Regional Office Policy Guide No. 4002, Ser. O, "Training Issue: Enforcement of Record Retrievability Issues" (2 pages)
21.	8/26/87	memo to J. M. Taylor from K. D. Martin re: Actions Planned in regard to the Report of the Comanche Peak Report Review Group (1 page)
22.	undated	Note to V. Stello from G. Martin re: training (1 page) with attached undated letter to K. Zeague from J. W. Rodle re: training (1 page)

APPENDIX B

RECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
23.	undated	Draft Region IV Office Policy Guide (1022) Training Issue: Guidance on Violations Against 10 CFR 40, Appendix B (4 pages)
24.	undated	Regional Office Policy Guide (1021) Training Issue: Enforcement Region IV Management Attitude (3 pages)

Re: FOIA- 87-596

APPENDIX C

RECORDS TOTALLY WITHHELD

NUMBER

DATE

DESCRIPTION & EXEMPTION

1.

Enclosures 3-6, letters to
Regional personnel - Ex. 5

APPENDIX DRECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION -</u>
1.	12/31/86	Memo to H.S. Phillips from R.D. Martin re: Follow-up Action on OIA Report - OIA File #86-10 (2 pages) (Released) with attachment SF 50-B, Notification of Personnel Action (Portion EX. 6) and 1/6/87 Regional Office Notice M. 0634 (1 page) (Released)

U.S. Nuclear Regulatory Commission
194 E. Wisconsin Avenue, N.W.
Washington, D.C. 20540

(202 202-6540)

HIGHWAY OFFICE
194 E. WISCONSIN AVENUE
APLWICH, WISCONSIN 54911-4897

September 1, 1987

FREEDOM OF INFORMATION ACT REQUEST

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20540

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-87-596
Rec'd 9-11-87

TO WHOM IT MAY CONCERN .

Pursuant to the Freedom of Information Act (FOIA, 5 U.S.C. 552,) the Government Accountability Project (GAP) requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, computer runoffs, and any other data compilations, interim and/or final reports, status reports, and any and all other records relevant to and or generated in connection with:

- 1) Mr. Stello, 1/21/87 memo establishing CPRRG, 2) Enclosures 3-6, letters to Region IV personnel, 3) Notes of Mr. Stello's meeting with individuals involved
- 4) Region-wide training program and guidance plan-any contracts or work orders assigning this task 5) Mr. Martin's 12/17/86 memo to Mr. Stello from Mr. Martin
- 6) OGC's 12/23/86 memo to the Commission. These documents are referenced to in Mr. Stello's 4/14/86 memo to Mr. Zeck.

This request includes all agency records as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980) whether they currently exist in the NRC official, "working" investigative or other files, or at any other location, including private residences.

If any records as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, supra, and covered by this request have been destroyed and/or removed after this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken relevant to, generated in connection with and/or issued in order to implement the action(s).

87-11030079 2 pp.

...the information is
...as primarily benefiting the general public, "5 U.S.C.
...GAP" is a nonpartisan public interest
...concerned with local and state government. Through pub
...the Project promotes whistleblowers as agents of government
...Through its Environmental Whistleblower Clinic, GAP offers
...assistance to local public interest and citizens groups and intervenors
...in the concern for safety at nuclear power plants.

We are requesting this information as part of an ongoing monitoring project
of the NRC's efforts to protect public health and safety at and near
nuclear processing plants and radioactive waste facilities.

For any documents or portions that you deny due to a specific FOIA
exemption, please provide an index itemizing and describing the documents
or portions of documents withheld. The index should provide a detailed
justification of your grounds for claiming each exemption, explaining why
each exemption is relevant to the document or portion of the document
withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820
(D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten (10) working
days.

Sincerely,



Linda Bauman
FOIA Coordinator
Midwest Office

Response to this request should be mailed to the Midwest Office:

104 E. Wisconsin Avenue -B
Appleton, Wisconsin 54911-4897