



WUdocs RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)

FOIA - 89-226

RESPONSE TYPE

FINAL

X

PARTIAL

DATE

SEP 13 1989

DOCKET NUMBER(S) (if applicable)

REQUESTER

Ms. Ophelia G. Williams

PART I. - AGENCY 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.

Requested records are available through another public distribution program. See Comments Section.

X

Agency records subject to the request that are identified on Appendix(es) F are already available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC 20555.

X

Agency records subject to the request that are identified on Appendix(es) G are being made available for public inspection and copying in the NRC Public Document Room, 2120 L 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, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Agency records subject to the request that are identified on Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments Section.

Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

Agency records subject to the request are enclosed.

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

You will be billed by the NRC for fees totaling \$ _____.

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____ No. _____.

PART II. A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

X

Certain information in the requested records is being withheld from public disclosure pursuant to the 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, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

COMMENTS

8909190023 890913
PDR FOIA
WILLIAM89-226 PDR

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Donna H. Cheney

PART II. B - APPLICABLE EXEMPTIONS

Records subject to the request that are described on the enclosed Appendix(es) *H/I* are being withheld in their entirety or in part under the Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC Regulations.

1. The withheld information is properly classified pursuant to Executive Order (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)

Sections 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 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. (EXEMPTION 5). Applicable Privilege:

☒ Deliberative Process: 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.

Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation.)

Attorney-client privilege. (Confidential communications between an attorney and his/her client.)

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 records compiled for law enforcement purposes and is being withheld for the reason(s) indicated: (EXEMPTION 7)

Disclosure could reasonably be expected to 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 could reasonably be expected to reveal identities of confidential sources (EXEMPTION 7 (D))

OTHER

PART II. C - DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/or 9.25 (c) 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 Freedom of Information and Publications Services, Office of Administration and Resources Management, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
<i>John B. Martin</i>	<i>Regional Administrator</i>	<i>App. H/I</i>	SECRETARY	EDO
	<i>Reg. V</i>			<input checked="" type="checkbox"/>

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 FRECORDS MAINTAINED AMONG PDR FILES

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	6/2/83	Notification of 6/7/83 Significant License Meeting with Utility at Region V to Review Program Status regarding Engineering, Licensing, Construction, Test and Startup Programs and Quality Verification, Acc. No. 8306070030.
2.	9/21/83	General External Technical Report - "Quality Verification Program, Vol. 1: Overview Report, July - Sept. 1983," WNP-2, Acc. No. 8309300196
3.	9/30/83	General External Technical Report - "Independent Evaluation of Plant Verification Program at WPPSS-2, Vol. 1 Quality Verification," Acc. No. 8310250093
4.	4/15/84	Memo from Martin to Denton, Acc. No. 8504220098, Diablo Canyon Unit 2
5.	7/20/84	Memo from Bishop to Eisenhut, Diablo Canyon, Unit 1, Acc. No. 840807053

APPENDIX FRECORDS MAINTAINED AMONG PDR FILES

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
6.	1/24/85	Memo from Martin to Denton, Diablo Canyon, Unit 2, Acc. No. 8704290420
7.	6/7/85	Letter from Kirsch to Mazur, Palo Verde Unit 1, Acc. No. 8506260549
8.	7/22/85	Letter from Kirsch to Mazur, WNP-2, Acc. No. 8508140156
9.	7/30/85	Memo from Kirsch to Thompson, WNP-2, Acc. No. 8510010045
10.	11/6/85	Letter from Kirsch to Koller, WNP-2, Acc. No. 8511260542
11.	2/19/87	Memo from Kirsch to Minglia, APSC, Palo Verde Unit 3, Status of Facility Completion Update." Acc. No. 8703020301

APPENDIX G

RECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	3/8/82	Memo for Eisenhut from Grimes, subject: "Grand Gulf Licensing Schedule," (1 pg.) with enclosure: draft letter to applicant, (3 pgs.)
2.	7/30/84	Memo for the Commission from Birch, subject: "Status of EP for Grand Gulf Nuclear Power Station," (2 pgs.)
3.	10/10/84	Memo for T. Bishop from Miller, subject: "Palo Verde Unit 1," (6 pgs.)
4.	10/16/84	Memo for Miller from Sorensen, subject: "Outstanding item for MC 94300 Letter," (1 pg.)
5.	11/19/84	Memo for Denton from Martin, subject: "Palo Verde Operational Readiness Report," (1 pg.) with enclosure: Summary Report for Regional Evaluation of Palo Verde Unit 1, (60 pgs.)

APPENDIX G

RECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
6.	12/3/84	Memo for Martin from Kirsch, subject: "Results of Palo Verde Unit 1 Operational Readiness Review Panel Considerations," (3 pgs.)
7.	12/5/84	Memo for Denton from Martin, subject: "Diablo Canyon Unit 2 Operational Readiness Report," (2 pgs.) with enclosure: Summary Report for Regional Evaluation Diablo Canyon, Unit 2, (47 pgs.)
8.	12/26/84	Letter to Eisenhower from Van Buren, subject: "NRC Readiness Review," (2 pgs.) with attachment: Actions to Enhance Operator Preparedness, (4 pgs.)
9.	4/11/85	Memo for Miller from Sherman, subject: "Palo Verde Unit 1; Readiness for Full Power Operation," (1 pg.) with enclosure: Items Required Prior to Full Power Operation, (1 pg.)

APPENDIX GRECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
10.	10/10/85	Letter to Van Bunt from Kersch with attachments, (1 pgs.)
11.	10/23/85	Memo for Denton from Martin, subject: "Palo Verde Nuclear Generating Station Unit 2 Operational Readiness Report, (1 pg.) with enclosure: Summary Report for Regional Evaluation of Palo Verde Unit 2, (61 pgs.)
12.	11/1/85	Letter to Martin from Van Bunt, subject: "Palo Verde Nuclear Generating Station, Unit 2, Construction Status and Operational Readiness Report," (3 pgs.) with attachments: (63 pgs.)
13.	11/27/85	Memo for Denton from Martin, subject: "Palo Verde Nuclear Generating Station Unit 2 Operational Readiness Report," (1 pg.) with enclosure: Summary Report for Regional Evaluation of Palo Verde Unit 2, (1 pgs.)

APPENDIX GRECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBERNUMBERDATEDESCRIPTION

14.

12/23/86

Memo for Meaglia from
Krisch, Subject: "APSC, Palo
Verde Unit 3," (1 pg.) with
enclosures: Status of Inspections
Required, (5 pgs.)

APPENDIX HRECORDS PARTIALLY WITHHELD - Exemption 5NUMBERDATEDESCRIPTION & EXEMPTION

1. 7/9/87 Memo for Dennis M. Cutchfield from Dennis J. Kirsch, subject: "APSC, Palo Verde Unit 3, Status of Facility Completion, (1 pg.) with enclosures: Open Items Including Allegations and License Conditions, (2 pgs.), Pre-operational and Acceptance Testing Status, (1 pg. - release), Construction Status, (1 pg. - release), and Status of Inspections Required, (1 pg.) & release."
2. 9/16/87 Memo for Dennis Cutchfield from Dennis Kirsch, subject: "APSC, Palo Verde Unit 3, Status of Facility Completion, (1 pg.), with enclosures: Open Items Including Allegations and License Conditions (2 pgs.), Pre-operational and Acceptance Testing Status, (1 pg. - release), Construction Status, (1 pg. - release), Status of Inspections Required, (1 pg. - release)"

APPENDIX HRECORDS PARTIALLY WITHHELDNUMBERDATEDESCRIPTION & EXEMPTION

3.

10/22/87

Memo for Thomas Mueley from John B. Martin, subject: "Palo Verde Nuclear Generating Station Unit 3 Operational Readiness Report, (1 pg. - withhold) with enclosures: Open Items Including Allegations and Excuse Conditions. (2 pgs.), Items for Completion, (1 pg. - withhold).

APPENDIX IRECORDS TOTALLY WITHHELDNUMBERDATEDESCRIPTION & EXEMPTION

1. 3/25/87 Memo for H. R. Sleaton from
J. B. Martin, subject: " Palo
 Verde Nuclear Generating
Station Unit 3 Operational
Readiness Report, " (1 pg.) with
Attachment: Proposed License
Conditions, (1 pg.) - Exemption 5