



Nebraska Public Power District

COOPER NUCLEAR STATION
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NLS960174
September 13, 1996

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555

Subject: Engineering Self Assessment Report

References: 1) Letter from J. H. Mueller to L. J. Callan dated June 21,
1996 "Engineering Self Assessment Report."

Gentlemen:

In response to discussions held with the NRC Region IV staff, the Nebraska Public Power District (District) is submitting the enclosed report entitled "Nebraska Public Power District, Cooper Nuclear Station, Engineering Self-Assessment," (February 5-23, 1996), for placement in the Public Document Room (PDR). The self-assessment report was prepared approximately nine months after the Cooper Nuclear Station Engineering Division completed a major reorganization involving a complete re-engineering of organizational structure, personnel and location. The purpose of the report was to evaluate the effectiveness of the new Engineering organization, staff and processes, and to assess the success of the reorganization effort. The results of the self-assessment are being used to identify deficiencies and recommend corrective actions.

This report was previously submitted to the NRC Region IV office by letter dated June 21, 1996 (reference 1). Pursuant to a NRC Region IV staff request, the District is hereby providing a copy of the report to be placed in the PDR. For the reasons discussed below, the District has redacted certain portions of the report.

The portions of the report we have redacted contain personal privacy information, the publication of which would, in our view, constitute an unwarranted invasion of privacy. The self assessment report states at the outset that it contains "subjective evaluations of processes, people and functions" (Engineering Self-Assessment at pp. 8-9). In this connection, the report contains a full and candid assessment of the performance of various individuals, some of whom are named (pp. 83-86), and others of whom, even if not named, can be identified from contextual information provided in the report (e.g., title, position) (pp. 32, 34, 35, 36, 70). Information of this type should be protected from public disclosure. See 10 C.F.R. § 2.790(a)(6) (pertaining to records that are "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy").

This type of information is routinely recognized by the NRC as appropriate for redaction from documents placed in the PDR. For example, in a November 10, 1994 letter from James L. Milhoan, Deputy Director for Nuclear Reactor Regulation, Regional Operations and Research, to Guy R. Horn, the NRC suggested that "the Licensee should highlight for redaction, names and other identifying information that it believes would constitute an unwarranted invasion of personal privacy" in connection with NPPD's submittal to the NRC of a response to a Demand for information.

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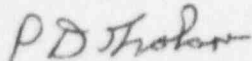
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Moreover, were this report to be the subject of a Freedom of Information Act (FOIA) request, the personal privacy exemption relating to such requests, FOIA Exemption 6 (which corresponds to 10 C.F.R. § 2.790(a)(6)), would come into play.^{1/} Under federal case law, the personal privacy exemption is to be interpreted broadly. In Department of State v. Washington Post Co., 456 U.S. 595, 599-600 (1982), the Supreme Court observed that the legislative history of Exemption 6 demonstrates that Congress' primary concern was "to provide for the confidentiality of personal matters," citing Department of the Air Force v. Rose, 425 U.S. 352, 375, n.14 (1976). Thus, in its landmark decision, Department of Justice v. Reporters Comm. For Freedom of the Press, 489 U.S. 749 (1989), the Supreme Court, in denying a request by the news media directed to the Department of Justice for access to criminal histories ("rap sheets"), stressed that "both the common law and the literal understandings of privacy encompass the individual's control of information concerning his or her person." 489 U.S. at 763. Indeed, the NRC's own guidelines on the personal privacy exemption state that the NRC will withhold from disclosure to third parties "investigations of the conduct of named individuals" and "individual performance evaluations."^{2/}

Should the NRC disagree with the extent of our redactions, please contact us so that we may discuss this issue further. We appreciate your kind attention to this matter.

Sincerely,



P. D. Graham
Site Manager

Enclosure

cc: Regional Administrator w/o enclosure
USNRC - Region IV

Senior Project Manager
USNRC - NRR Project Directorate IV-1

Senior Resident Inspector w/o enclosure
USNRC - Cooper Nuclear Station

NPG Distribution w/o enclosure

^{1/} Exemption 6 similarly covers records "which are personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

^{2/} Memorandum from Thomas E. Murley to all NRR Employees, "NRC Office Letter No. 104, Rev. 2, Freedom of Information Act Request," Enclosure 1 at 3-4 (July 31, 1990).

Correspondence No: NLS960174

The following table identifies those actions committed to by the District in this document. Any other actions discussed in the submittal represent intended or planned actions by the District. They are described to the NRC for the NRC's information and are not regulatory commitments. Please notify the Licensing Manager at Cooper Nuclear Station of any questions regarding this document or any associated regulatory commitments.

COMMITMENT	COMMITTED DATE OR OUTAGE
None	