



FOIA — 92-252

RESPONSE TYPE

FINAL ☒ PARTIAL ☒

DATE

AUG - 7 1992

DOCKET NUMBER(S) (if applicable)

740005
RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

REQUESTER

Mr. Ryan Tutak

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.☐ Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.☐ Agency records subject to the request that are identified in Appendix(es) _____ are 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.☐ 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.☐ Agency records subject to the request that are identified in 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 located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.☒ Agency records subject to the request are enclosed. ²☒ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

Fees

☐ You will be billed by the NRC for fees totaling \$ _____☐ You will receive a refund from the NRC in the amount of \$ _____☐ 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

☒ 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, 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.

COMMENTS

*Copies of the records identified on enclosed Appendix A are enclosed as a partial response to your FOIA request. The record identified on enclosed Appendix B, although responsive to your request, is being withheld in its entirety. Additional records responsive to your request are still being reviewed. You will be notified promptly upon the completion of this review.

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

9301140266 920807
PDR FOIA
TUTAK92-252

PDR

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST**
(CONTINUATION)

FOIA NUMBER(S)

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PART II B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) B are being withheld in their entirety or in part under the Exemption No. (s) and for the reason(s) given 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 recipients 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, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECRETARY	IG
Ben B. Hayes	Director, OI	App. B	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 there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, 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."

To be released entirely

<u>Date</u>	<u>Description</u>
1. Undated	Document Serial List (2 pages)
2. Undated	Sequence of Events (1 page)
3. 04/13/87	Allegation Management System (1 page)
4. 04/20/87	Memo C. H. Weil to C. E. Norelius re: valve tampering allegation (1 page)
5. 04/27/87	NRC Form 34 for court reporter services (1 page)
6. 04/30/87	Memo C. H. Weil to C. E. Norelius re: valve tampering allegation (1 page)
7. 06/10/87	Memo C. H. Weil to J. A. Hind re: valve tampering allegation (2 pages)
8. Undated	Briefing Paper - Big Rock Point Valve Tampering (3 pages)
9. 07/30/87	Memo C. H. Weil to E. T. Pawlik re: valve tampering and radiation protection allegation (1 page)
10. 07/31/87	Memo C. H. Weil to E. T. Pawlik re: OI investigation of valve tampering (1 page)
11. 08/03/87	Memo C. H. Weil to E. T. Pawlik re: investigation of valve tampering (1 page)
12. 09/04/87	Transmittal ltr J. A. Hind to F. W. Buckman w/Inspection Report No. 50-155/87010(DRSS) (17 pages) (Ltr and report are in the PDR Accession No. 8709100015. The attachment is not.)
13. 09/09/87	Memo C. H. Weil to E. T. Pawlik re: OI investigation of valve tampering (1 page)
14. 10/08/87	Ltr K. W. Berry to NRC re: response to inspection report w/attachment (5 pages) Acc. No. 8710140396
15. 02/05/88	Action Item Control Form w/02/05/88 memo J. A. Grobe to B. S. Mallett re: OI administrative case closure (3 pages)
16. 04/01/88	Memo B. S. Mallett to J. A. Grobe re: OI administrative case closure (2 pages)
17. 04/01/88	Memo C. E. Norelius to J. G. Partlow re: evaluation memo - potential regulatory deficiency pertaining to vital equipment tampering (1 page)

To be released entirely

	<u>Date</u>	<u>Description</u>
18.	04/15/88	Memo J. A. Grobe to C. E. Norelius re: alleged's complaint (1 page)
19.	Undated	Memo A. B. Davis to Multiple Addressees re: vital equipment tampering event (3 pages)
20.	06/24/88	Memo C. H. Weil to C. E. Norelius re: closeout of valve tampering allegation (3 pages)
21.	9/4/87	Memo E. Pawlik to A. B. Davis re: Request for Investigation (1 page)
22.	10/28/87	Memo E. Pawlik to A. B. Davis re: Request for Investigation (2 pages)
23.	1/27/88	Memo E. Pawlik to A. B. Davis re: Administrative Closure of OI Case Q3-87-020 (4 pages)
24.	Undated	Pg 106 from U.S. Code of Regulations (1 page)
25.	Various	Investigation Status Sheet (1 page)
26.	7/24/87	Memo J. Davidson to Hayes, Creed, and McPeck re: FBI Information (1 page)
27.	7/29/87	Memo Davis to Pawlik re: Request for Investigation (7 pages)
28.	6/1/88	Memo Grimes to Norelius re: Response to Evaluation Memo - Potential Regulatory Deficiency Pertaining to Vital Equipment Tampering. (1 page)
29.	7/23/87	Letter to Buckman from Shafer transmitting Inspection Rpt. No. 50-155/87012. (18 pages), Acc. No. 8707300154

Re: FOIA-92-252

APPENDIX B

DOCUMENTS BEING WITHHELD IN THEIR ENTIRETY

NUMBER	DATE	DESCRIPTION
1.	8/3/87	Handwritten Notes, (2 pgs.) - EXEMPTION 5.

SERIAL NO. DOCUMENT

- 1 RUEGER IDENTIFICATION SHEET
- 2 RUEGER MANAGEMENT SYSTEM COMPUTER SHEETS
- 3 EXEMPT MATERIAL ROUTING SHEET
- 4 4/10/87 MEMO, S. GUTHRIE TO B. BUDENKAMP
- 5 NOTES & DOCUMENTS OBTAINED BY S. GUTHRIE
- 6 4/16/87 MEMO, G. L. PIRTLE TO J. R. CREED
- 7 4/15/87 LETTER TO RUEGER
- 8 4/20/87 MEMO, C. H. WEIL TO C. C. NOBLEUS
- 9 4/27/87 REQUEST FOR COURT REPORTER
- 10 4/27/87 MEMO, G. L. PIRTLE TO J. R. CREED
- 11 QUESTION OUTLINE FOR 5/4/87 ~~MEMO~~ RUEGER INTERVIEW
- 12 4/30/87 MEMO, C. H. WEIL TO C. C. NOBLEUS
- 13 INTERVIEW TRANSCRIPT (FILED SEPARATELY)
- 14 6/4/87 MEMO, G. L. PIRTLE TO C. H. WEIL (FILED WITH SERIAL 13)
- 15 6/5/87 LETTER TO RUEGER
- 16 6/10/87 MEMO, C. H. WEIL TO J. R. HEND (FILED SEPARATELY)
- 17 6/10/87 LETTER TO RUEGER (FILED WITH SERIAL NO. 16)
- 18 6/26/87 MEMO, G. L. PIRTLE TO C. H. WEIL
- 19 BRIEFING PAPER
- 20 7/24/87 MEMO, J. DRAVIAN TO MULTIPLE ADDRESSEES w/ FBI MEMO ATCH.
- 21 7/29/87 MEMO, A. B. DAVIS TO C. T. PAULIK
- 22 INSPECTION REPORT NO. SO-155-P7012
- 23 7/30/87 MEMO, C. H. WEIL TO C. T. PAULIK
- 24 7/30/87 MEMO, G. L. PIRTLE TO B. R. BERSON
- 25 7/31/87 MEMO, C. H. WEIL TO C. T. PAULIK

Serial No. Document

26 8/3/87 memo, C. H. Weil to C. T. Pawlik
 27 License Handout at 8/6/87 Management Meeting
 28 Inspection Report No. 50-155/87010
 29 Cross Reference Sheet
 30 9/4/87 memo, E. T. Pawlik to R. B. Davis
 30A ~~9/9/87 memo, C. H. Weil to C. T. Pawlik~~
 31 9/9/87 memo, C. H. Weil to C. T. Pawlik
 32 10/13/87 note from J. Druzoson to J. Creed
 33 10/15/87 memo, J. Druzoson to Multiple Addressees
 34 10/23/87 memo, C. H. Weil to C. T. Pawlik
 35 ~~11/3/87 memo, C. T. Pawlik to R. B. Davis~~
 36 11/3/87 memo, B. B. Hayes to Chairman Zech
 37 10/28/87 memo, C. T. Pawlik to R. B. Davis
 38 11/23/87 letter to ALLEGAN
 39 1/20/88 memo, J. R. Grube to Multiple Addressees
 40 1/27/88 memo, C. T. Pawlik to R. B. Davis
 41 2/5/88 memo, J. R. Grube to B. S. Mallett (RHS No. FO302368i)
 42 3/22/88 memo, G. L. Pirtle to C. H. Weil
 43 3/23/88 memo, G. L. Pirtle to C. H. Weil
 44 3/29/88 memo, J. R. Grube to ALLEGAN
 45 4/1/88 memo, B. S. Mallett to J. R. Grube
 46 4/1/88 memo, C. C. Norcross to J. G. Parnow
 47 4/13/88 memo, J. R. Grube to C. C. Norcross
 48 6/1/88 memo, B. K. Grimes to C. C. Norcross
 49 6/24/88 memo, C. H. Weil to C. C. Norcross
 50 R. B. Davis memo to Multiple Addressees w/ note not sent
 51 6/28/88 letter to ALLEGAN

SEQUENCE OF EVENTS

- 2/05/87 - FMS employee was scheduled to rotate out of BRP due to exposure. Expressed displeasure with various CPCo Supervisors.
- 2/06/87 - FMS employee assigned to work in the Recirculating Pump Room at
2/07/87 BRP.
- 2/07/87 - Two Auxiliary Operators noticed "graffiti" at various locations in the Reactor Building. They reported their finding to their supervisors.
- 2/09/87 - Operations Supervisor and AO entered Recirculating Pump Room and found personnel threatening messages. These were reported in a letter to the Plant Superintendent on 2/13/87.
- 2/13/87 - FMS employee requested to leave site and "badge pulled" pending further investigation.
- 2/18/87 - Letter from Plant Superintendent to FMS Management recommends restriction of FMS employee to work at nuclear plants.
- 2/20/87 - FMS employee discharged per disciplinary action policy at CPCo.
- 3/13/87 - Further investigation to support the Presidential Hearing discovered that the FMS employee had worked on CV-4050, which had experienced leakage. The loose packing gland could not be substantiated as intentional tampering but rather poor performance.
- 3/18/87 - Presidential Hearing conducted, utilizing the "graffiti" and problems with CV-4050 as basis for employment termination.
- 3/23/87 - Presidential Hearing decision received supporting the discharge of the FMS employee.

CONCLUSION

- During an Enforcement Conference in Region III on 11/18/85, NRC expressed concerns regarding lack of management control over activities of offsite workers, citing examples of earlier "graffiti" incidents.
- Big Rock Point Management felt they took appropriate actions in dealing with incidents in 1987. Prompt investigation and termination took place in accordance with Company policies.
- Although BRP Management used the problems associated with CV-4050 as supporting evidence of poor performance, "intentional tampering" could not be substantiated, which would have required "legal" actions.

MI0887-0313A-BX01

Received at 8/6/87 Customer Power
Management Bureau R

RIT-87-A-0042

A 12

5/21/87
1.3.87

ALLEGATION MANAGEMENT SYSTEM

ALLEGATION NUMBER - R111-B7-A-0042

RUN DATE: 070413

DOCKET/FACILITY/UNIT: 05000155 / BIG ROCK POINT 1 / 1
DOCKET/FACILITY/UNIT: / /
DOCKET/FACILITY/UNIT: / /
DOCKET/FACILITY/UNIT: / /

ACTIVITY TYPES - REACTOR SAFEGUARDS

MATERIAL LICENSES -

FUNCTIONAL AREAS - OPERATIONS SAFEGUARDS

DESCRIPTION - 1. A PLANT EMPLOYEE WAS ACCUSED OF SABOTAGING A VALVE.

2. THE ALLEGED SABOTAGE WAS NEVER REPORTED TO THE NRC.

CONCERNS -

3. RECORDS PERTAINING TO THE ABOVE WERE ALTERED AFTER THE FACT.

SOURCE - FORMER LICENSEE EMPLOYEE

CONFIDENT - NO

RECEIVED - 070409 BY - BL PIRTLE

/ R111

ACTION OFFICE CONTACT - IN JACKIW

- (FTS)380-5697

SAFETY SIGNIFICANCE - UNKNOWN BOARD NOTIFICATION - NO

STATUS - OPEN SCHED COMPLETION - 070700 DATE CLOSED -

ALLEGATION SUBSTANTIATED -

ALLEGOR NOTIFIED -

O1 ACTION - NO O1 REPORT NUMBER -

REMARKS - THE MATTER WAS DISCUSSED WITH THE OFFICE OF INVESTIGATIONS ON 4/9/87 AND O1:R3 REQUESTED TO BE INFORMED OF THE RESULTS OF REGION 3 INSPECTIONS. THE MATTER WAS COORDINATED BETWEEN THE REGION 3 ENFORCEMENT AND INVESTIGATIONS COORDINATION STAFF AND THE DIVISIONS OF REACTOR PROJECTS AND RADIATION SAFETY AND SAFEGUARDS ON 4/9/87. THE RESIDENT INSPECTOR WAS ASSIGNED TO OBTAIN INITIAL INFORMATION. THE REGION 3 ALLEGATION REVIEW BOARD MET ON:

RECOORDINATE WITH O1.

SEARCHED
A13 04/12/87