

*HYDOGS*

# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA - 92-330

RESPONSE TYPE

☒ FINAL
 ☐ PARTIAL

DATE OCT 20 1992

DOCKET NUMBER(S) (if applicable)

REQUESTER

*Mr. John Zambaske*

## PART I. AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

<input type="checkbox"/>	No agency records subject to the request have been located.
<input type="checkbox"/>	No additional agency records subject to the request have been located.
<input type="checkbox"/>	Requested records are available through another public distribution program. See Comments section.
<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	Agency records subject to the request that are identified in Appendix(es) <i>A</i> 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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	Agency records subject to the request are enclosed. <i>Appendix A+B</i>
<input type="checkbox"/>	Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
<input checked="" type="checkbox"/>	Fees
<input type="checkbox"/>	You will be billed by the NRC for fees totaling \$ _____
<input checked="" type="checkbox"/>	You will receive a refund from the NRC in the amount of \$ <i>818.20</i>
<input type="checkbox"/>	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

<input checked="" type="checkbox"/>	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.
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## COMMENTS

<i>Search</i>	<i>\$ 174.60</i>
<i>Review</i>	<i>378.30</i>
<i>Repro</i>	<i>36.80</i>
	<i>\$ 589.70</i>
<i>Advance Payment</i>	<i>1,407.90</i>
	<i>\$ 818.20</i>

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

*David H. [Signature]*

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PDR FOIA  
LAMBERS92-330 PDR

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

FOIA NUMBER(S)

**FOIA - 92-330**

DATE

**OCT 20 1992**

**PART II B - APPLICABLE EXEMPTIONS**

Records subject to the request that are described in the enclosed Appendix(es) B+C 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
<i>Mr. J. Elner</i>	<i>Administrator, Region II</i>	<i>Appendices B+C</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 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."

## APPENDIX A

RECORDS BEING PLACED INTO THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	Undated	Vogtle Electric Generating Plant, Corrective Actions for Site Area Emergency (5 pages)
2.	Undated	Vogtle Site Area Emergency, Region II, Base Team Composition (7 pages)
3.	Undated	PNO-IIT-90-02 (1 page)
4.	Undated	Status Regarding AIT Charter Item No. 3 (5 pages)
5.	Undated	Vogtle AIT Charter Item 7 (1 page)
6.	Undated	Fax to K. Brockman re: Opening and Closing Containment Equipment Hatch (6 pages)
7.	Undated	Worksheet for Technical Specifications and Other Regulatory Requirements with enclosures (26 pages)
8.	3/24	Inspectors Notes (Warren Lyon) (4 pages)
9.	1-3/90	Report to Congress on Abnormal Occurrences, Nuclear Power Plants (4 pages)
10.	3/20/90	PNO-II-90-16 (1 page)
11.	3/20/90	Georgia Power Company, Vogtle Electric Generating Plant, Unit 1 Control Log (2 pages)
12.	3/20/90	Georgia Power Company, Vogtle Electric Generating Plant, Unit 2 Control Log (3 pages)
13.	3/20/90	Georgia Power Company, Vogtle Electric Generating Plant, Unit 1 Shift Supervisor Log (2 pages)
14.	3/20/90	Georgia Power Company, Vogtle Electric Generating Plant, Unit 2 Shift Supervisor Log (3 pages)

APPENDIX A  
(Continued)

RECORDS BEING PLACED INTO THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
15.	3/20/90	Annotated Presentation to Region II, NRC on Vogtle Site Area Emergency (14 pages)
16.	3/20/90	Site Area Emergency (7 pages)
17.	3/21/90	PNO-II-90-16A with attachments (6 pages)
18.	3/21/90	Time Line Log (7 pages)
19.	3/22/90	PNO-II-90-16B (1 page)
20.	3/22/90	Meeting Attendance Record (2 pages)
21.	3/22/90	Memo to K. Brockman from S. D. Ebnetter re: AIT Charter - Vogtle (3 pages)
22.	3/23/90	Memo to the Commission from J. M. Taylor re: Investigation of March 20, 1990 Event at Vogtle Nuclear Power Plant, Involving Loss of Offsite Power and Failure of Onsite Power on Demand at Unit 1 with enclosure (4 pages)
23.	3/23/90	Interview List (2 pages)
24.	3/23/90	Morning Brfg. (2 pages)
25.	3/24/90	EP Summary #4 (7 pages)
26.	3/24/90	Status of AIT Charter Item Assigned to Rick Kendall (Items Nos. 5 & 6) (3 pages)
27.	4/2/90	Bibliography (15 pages)
28.	4/2/90	IIT D/G Operability Meeting (5 pages)
29.	4/3/90	Memo to J. P. Stohr from A. T. Boland re: Critique of Region II's Response to the Vogtle Incident with enclosure (6 pages)
30.	4/13/90	DRP Morning Report - Region II (1 page)

APPENDIX A  
(Continued)

RECORDS BEING PLACED INTO THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
31.	5/24/90	Fax to K. Brockman re: DG 1B Trouble Shooting Plan (6 pages)
32.	8/8/90	Memo to S. D. Ebner from E. L. Jordan re: Closeout of Staff Action 4.b (2) in Response to Vogtle IIT Findings (NUREG-1410) with enclosed 7/27/90 memo to E. W. Weiss from T. B. Kellam re: Telecommunications Problems During Vogtle Event (3 pages)
33.	9/30/92	Vogtle IIT, NUREG-1410 General Findings (8 pages)

APPENDIX B

RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION &amp; EXEMPTION</u>
1.	Undated	Memo to A. E. Chaffee from S. D. Ebnetter re: Designated Regional Point of Contact (1 page) EX. 6
2.	Undated	Collected Miscellaneous Information (7 pages) EX. 6
3.	3/21/90	Memo to J. F. Rogge from R. C. Jones re: Access to Radiological, Vital, and Protected Areas with enclosed 3/21/90 Letter to W. G. Hairston from P. R. Shaw (4 pages) EX. 6



APPENDIX C

RECORDS TOTALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION &amp; EXEMPTION</u>
1.	Undated	Draft NRC Staff Dispatches Augmented Inspection Team to Vogtle Nuclear Power Plant (1 page) EX. 5
2.	Undated	Draft Memo to the Commission from J. M. Taylor re: Investigation of March 20, 1990 Event at Vogtle Nuclear Power Plant, Involving Loss of Offsite Power and Failure of Onsite Power on Demand at Unit 1 (4 pages) EX. 5
3.	Undated	Draft Letter to W. G. Hairston from S. D. Ebnetter re: Confirmation of Action Letter (2 pages) EX. 5