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

**FOIA** — 96-298

RESPONSE TYPE

☒ FINAL

☐ PARTIAL

4th

DATE

DEC 30 1996

DOCKET NUMBER(S) (if applicable)

REQUESTER

Karl J. Stoecker

## **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) J 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) K 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. App K and the releasable portions of App. I documents are

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

☒ Fees

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

☒ You will receive a refund from the NRC in the amount of \$ 3.74.

☐ 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**

The actual fees for processing your request are as follows:

Search (15 hours, 5 minutes)	\$ 439.46
Review (16 hours, 45 minutes)	564.75
Duplication (578 pages)	115.60
	<u>\$1119.81</u>

Since you paid for fees in advance in the amount of \$1123.55, you will received a refund from the NRC Division of Accounting in the amount of \$3.74.

This completes NRC action on your request.

*Handwritten: FIAI%,*

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

9701060063 961230  
PDR FOIA  
STOECKE96-298 PDR

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

FOIA NUMBER(S)

**FOIA — 96-298**

DATE

**DEC 30 1996**

**PART II. B — APPLICABLE EXEMPTIONS**

Records subject to the request that are described in the enclosed Appendix(es) I 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
Frank J. Miraglia	Acting Director, Office of Nuclear Reactor Regulation	Appendix I	XX		
James Lieberman	Director, Office of Enforcement	Appendix I-9 Attach. 2 & 4	XX		

**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 I  
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	2/16/94	<p>Memo from John Stolz to William Bateman, subject: Updated Briefing Package for Visit by Northeast Utilities Officials with the Chairman, The Commission, The EDO, The Director, OI, and the Director, OE - Haddam Neck, Seabrook and Millstone Units 1, 2, and 3, (1 page). <b>Released.</b></p> <p>Enclosure 1: Meeting Schedule. (1 page) <b>Released.</b></p> <p>Enclosure 2: Briefing Package for the February 23, 1994, Visit - Northeast Utilities. (22 pages) <b>Portions withheld, EX. 6</b></p>
2.	12/5/94	<p>Memo from Phillip McKee to William Dean, subject: Briefing Package for Visit by Northeast Utilities, with the Commissioners and James Taylor. (1 page) <b>Released.</b></p> <p>Enclosure 1: Schedule of Commission/Senior Staff Visits. (1 page) <b>Released</b></p> <p>Enclosure 2: Briefing Package for Visit by Northeast Utilities with Commissioners and James Taylor. (20 pages) <b>Portions withheld, EX. 6</b></p>
3.	1/18-19/95	<p>NRC Senior Management (SNM) Summary, January 18-19, 1995, Region IV. (16 pages) <b>EX. 5 and outside scope of request.</b></p>
4.	1/1995	<p>Senior Mgmt Meeting Narrative Summary - January 1995 - Millstone History. (24 pages) <b>Portions withheld, EX. 5</b></p>
5.	1/27/95	<p>Memo from James Taylor to the Commission, subject: Results of the NRC Senior Management Meeting Held January 18-19, 1995. (4 pages) <b>Portions withheld EX. 5, and outside scope of request.</b></p>

6. 4/26/95 Memo from P. McKee to W. Dean, subject: Briefing Package for Visit by Northeast Utilities. (1 page) **Released**  
Enclosure 1: Schedule of Commission/Senior Staff Visits. (1 page) **Released**  
Enclosure 2: Briefing Package for Visit by Northeast Utilities. (15 pages) **Portions withheld, EX. 5**
7. 6/1/95 Memo from Phillip McKee to William Dean, subject: Briefing Package for Visit by Northeast Utilities. (1 page) **Released.**  
Enclosure 1: Schedule of Commission/Senior Staff Visits. (1 page) **Released.**  
Enclosure 2: Briefing Package for Visit by Northeast Utilities. (17 pages) **Portions withheld, EX. 6**
8. 10/13/95 Memo from Phillip McKee to William Dean, subject: Briefing Package for Visit by Northeast Utilities. (1 page) **Released**  
Enclosure 1: Schedule for NRC Senior Staff Visits. (1 page) **Released**  
Enclosure 2: Briefing Package for Visit by Northeast Utilities. (23 pages) **Portions withheld, EX. 6.**
9. 6/7/96 Memo from Phillip McKee to William Dean, subject: Briefing Package for Visit by Northeast Utilities, with Schedule of Commission/Senior Staff Visits, and Briefing Package for Visit by Northeast Utilities, (3 pages) **Released**  
Attachment 1: Millstone Station Senior Management Meeting Briefing Package. (36 pages) **Released**  
Attachment 2: Millstone Station Quick Look Report. (10 pages) **EX. 7(A), entirety.**  
Attachment 3: Haddam Neck Senior Management Meeting Briefing Package. (8 pages) **EX. 5, entirety**  
Attachment 4: Haddam Neck Quick Look Report. (8 pages) **EX. 7(A), entirety**  
Attachment 7: Biographical Data. (5 pages) **Portions withheld, EX. 6**  
Attachment 8: Organization Charts. (2 pages) **Released**

Re: FOIA-96-298

APPENDIX J  
RECORDS ALREADY AVAILABLE IN THE PDR

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	5/30/96	9606030007	Response from T. Feigenbaum: RAI re inspection report 50- 213/96-02, identifying examples of program weaknesses and design control process failures at plant, and the Configuration Management Plan. (244 pages) [Note: This document is Attachment 5 of the June 11, 1996 briefing package identified on Appendix I.]
2.	5/31/96	5606040300	Letter from T. Feigenbaum assessing challenges faced in improving performance of plant. (17 pages) [Note: This document is Attachment 6 of the June 11, 1996 briefing package identified on Appendix I.]

Re: FOIA-96-298

APPENDIX K  
RECORD BEING RELEASED IN ITS ENTIRETY  
(If copyrighted identify with \*)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	Undated	Millstone - June 1995 Senior Management Meeting Narrative Summary. (24 pages)



POMERANTZ HAUDEK BLOCK & GROSSMAN

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

100 PARK AVENUE

NEW YORK, NY 10017-5516

KARL J. STOECKER

July 23, 1996

TELEPHONE: (212) 661-1100

FACSIMILE: (212) 661-6665

VIA OVERNIGHT DELIVERY

Mr. Carlton Kammerer  
Director, Division of Freedom of  
Information & Publications Services  
U.S. Nuclear Regulatory Commission  
Office of Administration  
Mail Stop T6E4  
Washington, D.C. 20555

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-96-298

Rec'd 7-24-96

Re: *Freedom of Information Act Request*

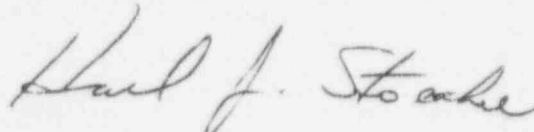
Dear Mr. Kammerer:

Pursuant to 5 U.S.C. § 552(a)(3) and 10 CFR § 9.23(b), I request copies of any NRC documents, including, without limitation, notes, meeting minutes, transcripts, recordings, summaries, electronic messages (E-mail), drafts, reports, and memoranda that contain factual information that formed the basis of, or relate to, (i) any meeting, conference or presentation attended by NRC personnel and the Board of Trustees or any Trustee of Northeast Utilities or any of its subsidiaries, including, without limitation, the meeting which occurred on March 17, 1995; and (ii) any communication between NRC personnel and the Board of Trustees or any Trustee of Northeast Utilities or any of its subsidiaries.

To the extent that the requested information is included in documents or records that contain the advice, opinions or recommendations of NRC staff, please produce all factual information that can be reasonably segregated, in accordance with 10 CFR § 9.19(b).

I agree in advance to pay any fees associated with this request up to \$500.00. I request that you notify me if the costs will be more than \$500.00. I can be reached by telephone at (212) 661-1100. Thank you in advance for your assistance.

Sincerely,



Karl J. Stoecker

KJS:eaf

96-298-40107 14