

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR-016

JUL 22 1985



Ms. Lynne Bernabei
Government Accountability Project
1555 Connecticut Avenue, NW
Suite 202
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-85-123

Dear Ms. Bernabei:

This is in further response to your letter of February 19, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), three categories of documents relating to the Waterford Steam Electric Station, Unit 3.

We previously made publicly available documents identified in letters to you dated April 11, 1985, May 24, 1985, and June 10, 1985.

In response to your request, 72 additional records have been identified and are being withheld from public disclosure pursuant to Exemptions (5), (6), (7)(A), (7)(C), and (7)(D) of the FOIA (5 U.S.C. 552(b)(5), (6), (7)(A), (7)(C), and (7)(D)) and 10 CFR 9.5(a)(5), (6), (7)(i), (7)(iii), and (7)(iv) of the Commission's regulations. These records are withheld in their entirety because they are predecisional in nature or their release could cause an unwarranted invasion of personal privacy, disclose confidential sources, or interfere with ongoing investigations.

Pursuant to 10 CFR 9.15 of the Commission's 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 this denial are Mr. Ben B. Hayes, Director, Office of Investigations and Ms. Sharon R. Connelly, Director, Office of Inspector and Auditor.

This denial may be appealed to the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed 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."

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", written over a horizontal line.

J. M. Felton, Director
Division of Rules and Records
Office of Administration

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GOVERNMENT ACCOUNTABILITY PROJECT

1555 Connecticut Avenue, N.W., Suite 202
Washington, D.C. 20036

(202) 232-8550

February 19, 1985

FREEDOM OF INFORMATION ACT REQUEST

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION ACT REQUEST

FOIA-85-123

Rec'd 2-21-85

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA) 5 U.S.C. § 552, et seq., the Government Accountability Project (GAP), requests copies of all agency records and information including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, and other data compilations on which or through which information is transmitted, interim and/or final reports, status reports, and all other records relevant to or generated in connection with the following:

- (1) Any meetings, discussions or other briefings between or among the following offices of the NRC concerning the decision to grant a low-power license to the Waterford Steam Electric Station, Unit 3, which was issued on December 18, 1984: The Commissioners or their offices; the Office of General Counsel; the Office of Executive Legal Director; the Office of Inspection and Enforcement; Revision V; the NRC Staff; the Office of Nuclear Reactor Regulation; the Office of Investigations; and the Office of Inspector and Auditor. This request includes all transcripts of briefings of the Commission and/or the Commissioners by NRC, the Waterford Task Force, OI, Darrell Eisenhut or Dennis Crutchfield;
- (2) Supplemental Safety Evaluation Report No. 9, issued concerning Waterford 3 in the December, 1984-January, 1985 time period. This request

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includes all documents which support or justify the conclusions found in the SSER 9; all documents discussing the impact of SSER 9 on the motions to reopen the record pending before the Atomic Safety and Licensing Appeal Board; and all input from witnesses or alleged, including but not limited to George Hill and his document review team.

- (3) Any arrangements, agreements, contracts or other understandings between or among the Waterford Task Force, the NRC, NRR, Mr. Crutchfield, or OI, on the one hand, and any witness or alleged, on the other hand. This request includes but is not limited to copies of the contracts or agreements; documents related to any OIA investigation into the issue of retaining and paying witnesses; any briefing of the Commission on this matter; and any proposed or effected action taken as a result of discussion of the propriety of paying witnesses or alleged who make allegations to the NRC about potential safety problems at nuclear power plants.

If any records have been destroyed and/or removed, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken, relevant date(s), individual, office and/or agency-wide policies and/or justification(s) for the action(s), identification of all personnel involved with the action(s), and any and all records relevant to, generated in connection with, and/or issued in order to implement the action(s).

GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public." 5 U.S.C. § 552(a)(4)(A). The Government Accountability Project is a non-profit, nonpartisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the Project promotes whistleblowers as agents of government accountability. GAP requests the above information as part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

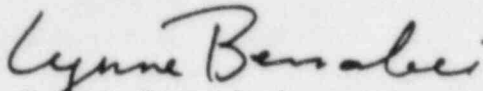
For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing

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February 19, 1985

the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten days.

Sincerely yours,

A handwritten signature in cursive script, reading "Lynne Bernabei".

Lynne Bernabei
General Counsel