



NUD005

FOIA — 96-298

RESPONSE TYPE

FINAL

xx PARTIAL

2nd

DATE

NOV 06 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) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

XX Agency records subject to the request that are identified in Appendix(es) B 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.

XX Agency records subject to the request are enclosed. App. B and the releasable portions of App. C, D, & E are

Records subject to 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 \$ _____.

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

XX 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

FIAI
o/i

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

9611140293 961106
PDR FOIA
STOECKER-298 PDR

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

FOIA NUMBER(S)

FOIA — 96-298

DATE

NOV 06 1996

PART II. B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) C - F 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
Sandra Joosten	Executive Assistant Office of the Secretary	App. C & D		XX	
Guy Caputo	Director, Office of Investigations	App. E/1	XX		
James M. Taylor	Executive Director for Operations	App. E/2		XX	
Hubert J. Miller	Regional Administrator, Reg. I	App. F	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."

Re: FOIA-96-298

APPENDIX B
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY

NUMBER	DATE	DESCRIPTION
1.	Undated	Meeting with Northeast Utilities - Jim Taylor's Comments. (1 page)
2.	Undated	Meeting with Northeast Utilities - Bill Russell's Comments. (2 pages)
3.	9/7/94	Viewgraphs- Millstone Visit - W. T. Russell/T. T. Martin. (20 pages)
4.	2/6/95	Letter from James Taylor to W. B. Ellis. (1 page)

Re: FOIA-96-298

APPENDIX C
DOCUMENT BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	Undated	Background information on individual. (1 page) Portions withheld, EX. G

Re: FOIA-96-298

APPENDIX D
DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	5/31/94	Memo from Neil Jensen to Commissioner de Planque, subject: DD-94-05: Director's Decision Re: H&I at Millstone. (1 page) Portions withheld, EX. 5
2.	7/16/96	Memo from Brian Holian to Chairman Jackson, subject: Meeting with Northeast Utilities' Board of Trustees - July 18. (2 pages) Portions withheld, EX. 5
3.	7/16/96	Memo, same as Item 2 above, with annotations. (2 pages) Portions withheld, EX. 5

Re: FOIA-96-298

APPENDIX E
DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	Undated	List of Open OI:RI Northeast Utilities /Millstone Investigations. (1 page) Portions withheld - EX. 7(A)
2.	Undated	Memo from James Taylor to the Record regarding May 2, 1995 Drop-In Visit -- Northeast Utilities Millstone, Haddam Neck and Seabrook. (22 pages) Portions withheld - EX. 4

Re: FOIA-96-298

APPENDIX F
DOCUMENTS BEING WITHHELD IN THEIR ENTIRETY

NUMBER	DATE	DESCRIPTION
1.	Undated	Proposed FOX Telecon Talking Points. (1 page) EX. 5
2.	3/17/95	Handwritten notes from NRC-NU Board of Trustees Meeting. (1 page) EX. 5

POMERANTZ HAUDEK BLOCK & GROSSMAN

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

100 PARK AVENUE

NEW YORK, NY 10017-5516

TELEPHONE: (212) 661-1100

FACSIMILE: (212) 661-8665

KARL J. STOECKER

July 23, 1996

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

96010240107 1P



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 6, 1995

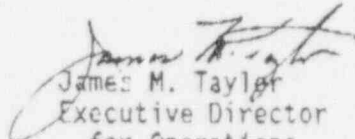
Mr. William B. Ellis, Chairman
Northeast Utilities
Northeast Nuclear Energy Company
P. O. Box 270
Hartford, Connecticut 06141-0270

Dear Mr. Ellis:

For a number of years, NRC senior managers have observed, with concern, frequent personnel errors and weaknesses in work planning and control at Millstone Unit 2 that have precipitated or contributed to significant plant events. While substantial resources and management attention have been expended to address these longstanding staff performance concerns, and site management acted to truncate a series of significant performance problems during the current Unit 2 refueling outage, we would like to better understand the Board of Trustees' view on the need for continued improvement in performance at Millstone Unit 2. As a result, I plan to conduct a site visit in the near future. Further, William Russell, Thomas Martin, and I would like to meet with you and your Board of Trustees.

Mr. Martin will be contacting you to arrange a mutually agreeable time and location for the meeting. If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,


James M. Taylor
Executive Director
for Operations

Docket No. 50-336

cc: See next page

B/K

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