



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

PDR-016
LPDR

JAN 24 1986

Docket No. 50-413/50-414

Mr. Albert V. Carr, Jr.
Duke Power Company
Legal Department
P.O. Box 33189
Charlotte, NC 28242

IN RESPONSE REFER
TO FOIA-85-584

Dear Mr. Carr:

This is the sixth partial response to your letter dated August 19, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of all records related to and underlying Enforcement Action No. EA-84-93 regarding the Catawba Nuclear Station.

The records identified on the enclosed Appendix V and certain records identified on the enclosed Appendix X are available for public inspection and copying at the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC 20555. The PDR accession numbers are identified beside each record description. Additional records related to your request have been identified in NRC's response to a previous FOIA request and are maintained in the PDR in folder FOIA-83-426 under the name of Newman. You may obtain copies of these records by referring to that FOIA folder.

The records identified on the enclosed Appendix W and a portion of the record identified on Appendix X as Attachment A to number one are being placed in the PDR in Washington, DC, and the NRC Local Public Document Room in South Carolina. You may obtain access to these records by referring to the folder FOIA-85-584 under your name.

The withheld portion of the record identified as Attachment A to document number one on Appendix X and the records denied in their entirety which are identified on Appendix X, document numbers one and two, are being withheld from public disclosure because they contain predecisional information consisting of advice, opinions, and recommendations of the staff. Disclosure would inhibit the frank and candid exchange of communications in future deliberations and thus would not be in the public interest. This predecisional information is being withheld pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations.

Pursuant to 10 CFR 9.9 of the NRC'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 the undersigned and Mr. James M. Taylor, Director, Office of Inspection and Enforcement.

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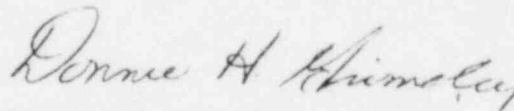
Mr. Albert V. Carr, Jr.

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This denial may be appealed to the NRC's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, 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."

We will communicate with you further regarding additional records related to your FOIA request.

Sincerely,

A handwritten signature in cursive script, reading "Donnie H. Grimsley".

Donnie H. Grimsley, Director
Division of Rules and Records
Office of Administration

Enclosures: As stated

APPENDIX V

Records Available in PDR

1. 10/06/83 Letter to Chairman Nunzio Palladino from Billie Pirner Garde re: Quality Assurance Breakdown at the Catawba Nuclear Power Station being built by Duke Power Company in South Carolina - Accession No. 8311080044. (2 pages)
2. 10/24/83 Letter to Billie Pirner Garde from William J. Dircks re: Allegation of a Quality Assurance Breakdown at the Catawba Facility in South Carolina - Accession No. 8311080041. (2 pages)
3. 08/30/84 Letter to A. S. Rosenthal et. al. from G. E. Johnson re: Hearing on Safety Issues in the Catawba Proceeding - Accession No. 8409040463. (1 page)
4. 07/06/84 Letter to H. B. Tucker from R. C. Lewis re: Report Nos. 50-413/84-49 and 50-414/84-23 - Accession No. 8407180116 PDR ADOCK 05000413. (1 page)
5. 06/22/84 Letter to J. P. O'Reilly from H. B. Tucker re: Violation No. 413/84-49-01, 414/84-23-01 w/attached Duke Power Company Response to Cause of Violation - Accession No. 8407180155 PDR ADOCK 05000413. (2 pages)
6. 05/24/84 Letter to H. B. Tucker from R. C. Lewis re: Report Nos. 50-413/84-49 and 50-414/84-23 w/o enclosed Notice of Violation and Inspection Reports - Accession No. 8407180159 PDR ADOCK 0500413. (2 pages)
7. 05/24/84 Enclosure 1 - Notice of Violation - Duke Power Company - Catawba - Accession No. 8407180163 PDR ADOCK 05000413. (1 page)
8. 05/16/84 Duke Power Company Inspection on May 1 - 4, 1984 w/attached Report Details - Accession No. 8407180165 PDR ADOCK 05000413. (4 pages)
9. 12/04/84 Letter to J. L. Kelley et. al. from G. E. Johnson re: June 22, 1984, Partial Initial Decision w/attached (1) Memo to G. Johnson, dated 11/30/84, (2) Memo to B. Jones, dated 11/27/84, (3) Memo to D. Eisenhut, dated 11/18/84, (4) Letter to H. B. Tucker enclosure Inspection Report Nos. 50-413/84-82, 50-414/84-36 and (5) Letter to H. B. Tucker enclosing Notice of Violation and Inspection Reports - Accession No. 8412070374. (20 pages)

APPENDIX W

Records Being Placed in the PDR and LPDR

1. 09/09/83 Memo for File from Patrick McKenna, Jr., re: Catawba Nuclear Power Station: GAP Allegation Against George Maxwell, SRI. (1 page)
2. 09/13/83 Telephone or Verbal Conversation Record from P. M. to B. Garde. (1 page)
3. 09/21/83 Memo for R. C. DeYoung from S. G. Burns re: Request for Action Under 10 CFR 2.206 Concerning Catawba Units 1 and 2. (2 pages)
4. 09/22/83 Memo for Ben Hayes from J. J. Cummings re: Catawba Nuclear Power Station; Government Accountability Project (GAP) Allegations. (1 page)
5. 09/22/83 Note to Jim Cummings from Steve Burns re: Alleged Improper Conduct by Region II Personnel. (1 page)
6. 10/17/83 Inside N.R.C., Page 5. (1 page)
7. 11/29/83 Memo for George Messenger from Patrick McKenna, Jr., re: Catawba Nuclear Power Station; Government Accountability Project (GAP) Allegations. (2 pages)
8. 01/10/84 Report of Interview by George A. Mulley, Jr., re: Allegations About Catawba Nuclear Power Station Units 1 and 2. (2 pages)
9. Undated Chart w/attached Present WA Organizational Structure and Organizational Structure - December 1981. (3 pages)

APPENDIX X

<u>DATE</u>	<u>DOCUMENT DESCRIPTION</u>	<u>EXEMPTION</u>	<u>PDR NUMBER</u>
1. Undated	Synopsis of Duke's April 22, 1985, letter re: Catawba 2.206. (1 page)	Withheld in entirety - Exemption 5	
	*Attachment: A - Excerpt - Duke Power Company's Response to GAP's 9/27/84 Enforcement Action Request. (25 pages) NOTE: The handwritten notations on the excerpt are being denied	Exemption 5	Portion Released - complete record already in the PDR 8504250162
	Attachment: B - Undated Memorandum from Shapar to Commissioners, Subject: SECY-78-308 - Protection of Informants - Response to Commission Questions regarding Section 7 of S.2584 - In PDR See FOIA-83-426 - Newman		
	Attachment: C - 9/21/78 SECY-78-308A, "Section 7 of S.2584 - Protection of Informants. In PDR See FOIA-83-426 - Newman		
	Attachment: D - 4/22/85 letter from Owen Duke Power Co. to Taylor, IE.		8504250162
2. Undated	IE:ES Notes on ERA Section 210 Cases and ASLB 6/22/84 PID re: Duke Power Co. (4 pages)	Withheld in Entirety - Exemption 5	

*Denotes portion of record denied