



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

DCD
"PDR only"

May 3, 1988

50-315

Mr. M. P. Alexich
Vice President
Indiana Michigan Power Company
P. O. Box 16631
Columbus, OH 43216

Dear Mr. Alexich:

By letter dated March 31, 1988, you responded to three allegations made by a former QC supervisor who had been employed by a contractor at the Donald C. Cook Nuclear Plant. These allegations had been transmitted to you for investigation by Mr. Norelius of this office by letter dated November 3, 1987. Our review and evaluation of your response is ongoing. Your March 31, 1988 letter also requested, pursuant to 10 CFR 2.790(b) of the Commission's regulations, that your response and all accompanying documents be wholly withheld from public disclosure. The reasons for withholding stated in your affidavit for withholding are 1) disclosure of portions of the documents would constitute a clearly unwarranted invasion of personal privacy, and 2) disclosure could interfere with NRC's investigation, deprive parties of an impartial adjudication, and constitute an unwarranted invasion of personal privacy.

We have evaluated the affidavit for withholding provided with your letter and have concluded the following:

1. As noted above, our evaluation of the allegations, including your response is ongoing. We have determined that the investigation details and supporting documents provided with your response are exempt from public disclosure pursuant to 10 CFR 2.790(a)(7) while our investigation into this matter is ongoing. Accordingly, these documents will not be placed in the Public Document Room at this time.
2. With respect to your March 31, 1988 letter, we have concluded that no significant personal privacy issues are involved. In addition, we have determined that the letter does not constitute an investigatory record the release of which would interfere with NRC's investigation, deprive a person of a right to a fair trial or an impartial adjudication or constitute an unwarranted invasion of personal privacy. The letter consists, in essence, of conclusions reached by your staff. We perceive no negative impact on NRC's review of this matter by public release of this letter. Nor do we believe release would harm any person's right to a fair trial. Finally, since no personal identities or information is revealed in the letter, we see no unwarranted invasion of personal privacy. Since the determination to withhold documents on the basis they constitute investigatory records is one for the Commission to make, and we perceive

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no reason for withholding, your request to withhold the March 31, 1988 letter is denied. The letter and affidavit for withholding will be placed in the NRC Public Document Room 30 days after the date of this letter unless you provide further justification for withholding the letter and affidavit within that time.

3. The affidavit asserts that disclosure of "portions of the documents" would constitute a clearly unwarranted invasion of personal privacy, but does not specify which portions of which documents should be withheld. Accordingly, your request for withholding on this basis is denied. Should you wish to pursue this request you should file a supplemental affidavit specifically identifying those documents and portions thereof which you believe should be withheld. We request any such supplemental response be filed within 30 days from the date of this letter. However, as discussed in paragraph 2. above, we have concluded that no significant personal privacy issues are associated with the March 31, 1988 letter you requested be withheld.

Please contact Bruce Berson, our regional counsel at (312)790-5732 if you have any questions.

Sincerely,



A. Bert Davis
Regional Administrator

cc: E. G. Greenman, RIII
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