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

January 2, 1980

Mr. Roger D. Runningen
Small Newspapers
1063 National Press Building
Washington, DC 20045

IN RESPONSE REFER
TO FOIA-79-514

Dear Mr. Runningen:

This is in response to your letter dated November 30, 1979 in which you requested, pursuant to the Freedom of Information Act, the Nuclear Regulatory Commission's report on its investigation of alleged security breaches at Commonwealth Edison's nuclear power plant at Cordova, Illinois.

The report which is subject to your request, is an investigatory record compiled for law enforcement purposes and is being withheld from public disclosure pursuant to exemption (7)(A) of the Freedom of Information Act (5 U.S.C. 552(b)(7)(A)) and 10 CFR 9.5(a)(7)(i) of the Commission's regulations, because disclosure of the information would interfere with an enforcement proceeding.

The above-referenced section of the Freedom of Information Act exempts from mandatory disclosure "investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings." The report at issue here was generated as the product of an investigation undertaken by the Nuclear Regulatory Commission's Office of Inspection and Enforcement in April-May, 1977. The purpose of the investigation was to determine the substance of allegations made regarding security and safety procedures at the Quad Cities Nuclear Power Station and to determine whether the circumstances warranted the initiation of enforcement action. It was concluded that the matter should be referred to the Federal Bureau of Investigation (FBI) under the applicable sections of the Atomic Energy Act. Such action was taken and the report at issue was forwarded.

Upon inquiry, in connection with your request, the NRC was again advised by the FBI to withhold the NRC report from disclosure because release of the document would interfere with its ongoing enforcement proceedings. In view of these circumstances, I have determined that production of the NRC report would interfere with enforcement proceedings and, accordingly, that the document is exempt from public disclosure.

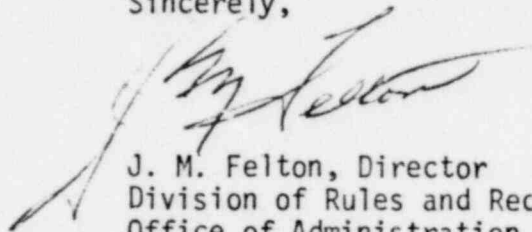
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Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. Joseph E. Ondrula, Assistant Agent In Charge, Federal Bureau of Investigation.

This denial may be appealed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555 within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing 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 cursive script, appearing to read "J. M. Felton".

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

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