

VII. THE NRC'S ARBITRARY AND CAPRICIOUS REFUSAL TO IDENTIFY, AND EITHER DISCLOSE OR WITHHOLD UNDER AN EXEMPTION, NRC DOCUMENTS REQUESTED UNDER THE FREEDOM OF INFORMATION ACT BARS PUBLIC EXAMINATION OF NRC DECISIONS.

On June 30, 1982, MVPP's counsel, the Government Accountability Project, brought suit against the NRC on behalf of Mr. Thomas Applegate, another Government Accountability Project client, to obtain documents it had requested under the Freedom of Information Act, 5 U.S.C. § 552, et seq. On November 23, 1981, Mr. Applegate, through his counsel, requested copies of all "notes, memoranda, telephone logs, tapes, diaries and/or other records prepared by U.S. government employees in connection with the August 7, 1981 OIA Report entitled 'Special Inquiry re: Adequacy of IE Investigation 50-358/80-9, at the William H. Zimmer Nuclear Power Station,'" or the investigation leading up to the Report. The request specifically included early drafts or proposed supplements to the OIA Report. None were produced; nor was there even an admission of their existence. At no time was the Harpster interview, Attachment 6, identified by the NRC. Only after Mr. Applegate filed suit against the NRC was the Harpster interview produced as an interview prepared in connection with the OIA Report. See August 10, 1982 Letter of Richard Parrish, attached and incorporated herein as Attachment 25. MVPP, Mr. Applegate and their shared counsel believe the NRC arbitrarily and capriciously refused to identify documents clearly responsive to a proper request under FOIA.

This conduct illustrates further why the NRC should not be allowed to monitor the reinvestigation and QCP at Zimmer without public input. The Freedom of Information Act ("FOIA" or "Act") was enacted explicitly to allow citizens access to information about government processes. The NRC apparently is unable to

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Correction has been served by mailing copies first class postage prepaid, this 3rd day of November, 1982, to the following:

*Chairman Nunzio J. Palladino U.S. Nuclear Regulatory Commission Washington, DC 20555	Dr. Stanley M. Livingston Administrative Judge 1005 Calle Largo Sante Fe, New Mexico 87501
*Commissioner John F. Ahearne U.S. Nuclear Regulatory Commission Washington, DC 20555	*Chairman, Atomic Safety and Licensing Appeal Board Panel U.S. Nuclear Regulatory Commission Washington, DC 20555
*Commissioner James K. Asselstine U.S. Nuclear Regulatory Commission Washington, DC 20555	*Chairman, Atomic Safety and Licensing Appeal Board Panel U.S. Nuclear Regulatory Commission Washington, DC 20555
*Commissioner Thomas M. Roberts U.S. Nuclear Regulatory Commission Washington, DC 20555	Robert F. Warnick Director, Enforcement and Investigation NRC Region III 799 Roosevelt Road Glen Ellyn, IL 60137
*Commissioner Victor Gilinsky U.S. Nuclear Regulatory Commission Washington, DC 20555	Deborah Faber Webb, Esquire 7967 Alexandria Pike Alexandria, KY 41001
*Leonard Bickwit, Esquire General Counsel U.S. Nuclear Regulatory Commission Washington, DC 20555	Andrew B. Dennison, Esquire Attorney at Law 200 Main Street Batavia, Ohio 45103
*Judge John H. Frye, III Chairman, Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, DC 20555	Troy B. Conner, Esquire Conner and Wetterhahn 1747 Pennsylvania Ave. NW Washington, DC 20006
*Charles A. Barth, Esquire Counsel for the NRC Staff Office of the Executive Legal Director U.S. Nuclear Regulatory Commission Washington, DC 20555	John D. Woliver, Esquire Clermont County Community Council Box 181 Batavia, Ohio 45103
Dr. Frank F. Hooper Administrative Judge School of Natural Resources University of Michigan Ann Arbor, Michigan 48109	

*Delivered through NRC internal mails.

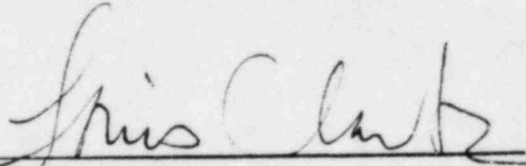
Brian Cassidy, Esquire
Regional Counsel
Federal Emergency Management
Agency - Region I
John W. McCormack POCH
Boston, Mass. 02109

George E. Pattison, Esquire
Prosecuting Attorney of
Clermont County, Ohio
462 Main Street
Batavia, Ohio 45103

*Docketing and Service Branch
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

David K. Martin, Esquire
Assistant Attorney General
Acting Director, Division of
Environmental Law
209 St. Clair Street
Frankfort, KY 40601

William J. Moran, Esquire
Vice President and General Counsel
The Cincinnati Gas and Electric
Company
PO Box 960
Cincinnati, Ohio 45201


LOUIS CLARK
