



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

PDR-016

DEC 27 1984

Mr. Bruce Millar  
Fort Worth Star-Telegram  
400 West Seventh Street  
Fort Worth, TX 76102

IN RESPONSE REFER  
TO FOIA-84-226

Dear Mr. Millar:

This is in further response to your letter dated March 26, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), documents concerning the Office of Inspector and Auditor's two reports regarding the Comanche Peak facility.

The documents listed on Appendix C are enclosed.

Documents 1 and 2 on Appendix D are being withheld in their entirety 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. These draft documents contain preliminary advice, opinions, and recommendations which do not reflect a final agency position. Release of these documents would tend to inhibit the open and frank exchange of ideas among the staff. There are no reasonably segregable portions of these documents.

Portions of documents 3 through 5 on Appendix D are being withheld from public disclosure pursuant to Exemption (7)(D) of the FOIA (5 U.S.C. 552(b)(7)(D)) and 10 CFR 9.5(a)(7)(iv) of the Commission's regulations because disclosure of the information could identify confidential sources. The nonexempt portions of these documents are being placed in the NRC PDR.

Pursuant to 10 CFR 9.9 and 9.15 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 the denial of document 1 are the undersigned and Robert Martin, Regional Administrator, Region IV. The person responsible for the denial of document 2 is John C. Hoyle, Assistant Secretary of the Commission. The person responsible for the denial of documents 3 through 5 is Ben B. Hayes, Director, Office of Investigations.

The denials by Mr. Martin and myself may be appealed to the Executive Director for Operations within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Executive Director

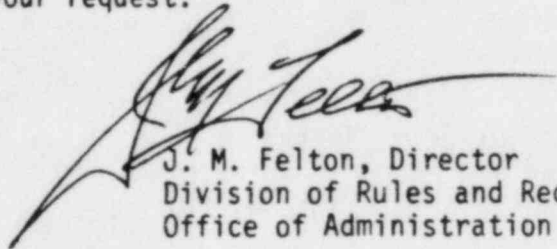
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Mr. Bruce Millar

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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." The denials by Messrs. Hoyie and Hayes may be appealed within 30 days to the Commission and should be addressed to the Secretary of the Commission.

This completes action on your request.



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

Enclosures:  
As stated

## Appendix C

1. 4/14/82 Statement of Charles A. Atchison
2. 1/7/83-  
8/15/83 Case Chronology (1 page)
3. 4/7/83 Note for Mr. Cummings from J. Ahearne re: CASE's Answer to Opposition to Applicants' 3/31/83 Motion for Expedited Reconsideration of Commission Order (3 pages)
4. 4/20/83 Action Slip re: RIV Investigation (1 page)
5. 7/13/83 Investigation Status Record (1 page)
6. 10/7/83 Letter to M. K. Udall from N. J. Palladino re: Quality Assurance/Quality Control (3 pages)
7. 11/16/83 Memo to B. Hayes from N. J. Palladino re: OIA Reports on RIV Investigations and Inspections at Comanche Peak (1 page)
8. 11/18/83 Memo to W. J. Dircks from J. T. Collins re: OIA Report "Comanche Peak--Markey letter re: Region IV Investigations/Inspections" (1 page)
9. 11/21/83 Letter to E. J. Markey from N. J. Palladino re: Whistleblower Allegation (1 page)
10. 11/21/83 Letter to E. J. Markey from N. J. Palladino re: CASE with attached 4/15/83 letter from E. J. Markey to N. J. Palladino and 4/13/83 letter to E. J. Markey from J. Ellis (7 pages)
11. 11/23/83 Memo to W. J. Dircks from J. T. Collins re: OIA Report "Review of Concerns Expressed by Citizens Association for Sound Energy About Conduct of Region IV Investigative/Inspection" (8 pages)
12. 11/23/83 Memo to W. J. Dircks from J. T. Collins re: OIA Report Entitled "Review of Concerns Expressed by the Citizens Association for Sound Energy About the Conduct of Region IV Investigations/Inspections" Revised 12/2/83 (8 pages)
13. 1/9/84 Memo to Chairman Palladino from E. B. Hayes re: OIA Reports on RIV Investigations and Inspections at Comanche Peak (1 page)
14. 3/15/84 Memo to Commissioner Gilinsky, et al., from N. J. Palladino re: News Media Request for Investigation Documents (1 page)

## Appendix D

1. Undated Draft letter and report to R. J. Gary from G. L. Madsen re: Special Inspection at Comanche Peak (15 pages)
2. Undated Draft letter to E. J. Markey from N. J. Palladino re: Investigation of NRC's Region IV (1 page)
3. 4/13/82 Investigator's handwritten note (1 page)
4. 1/7/83 Investigator's handwritten notes (7 pages)
5. 1/11/83 Investigator's handwritten notes (3 pages)