



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

OCT 26 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 partial 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 A are enclosed.

Portions of documents 1, 3 and 4 listed on Appendix B are being withheld from public disclosure 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. The deleted information consists of the advice, recommendations and opinions of the Office of Inspector and Auditor to the Commission. The nonexempt portions of these documents are enclosed.

Portions of document 2 listed on Appendix B are being withheld from public disclosure pursuant to Exemption (7)(C) of the FOIA (5 U.S.C. 552(b)(7)(C)) and 10 CFR 9.5(a)(7)(iii) of the Commission's regulations because release of the information would constitute an unwarranted invasion of personal privacy. The nonexempt portions of this document are enclosed.

Pursuant to 10 CFR 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 person responsible for this denial is Sharon R. Connelly, Director, Office of Inspector and Auditor.

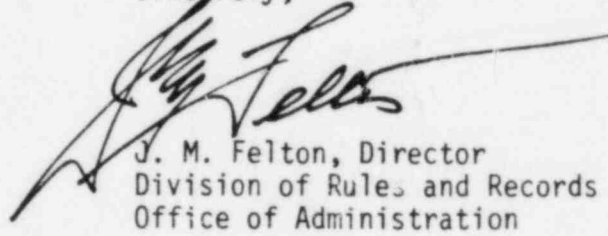
This denial may be appealed to the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

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PDR FOIA
MILLAR84-226 PDR

The review of additional documents is ongoing. As soon as our review is completed, we will be in touch with you.

The cost of reproducing documents is seven cents (\$0.07) per page. The charge for reproducing the enclosed documents is \$30.45. When we have completed the processing of your request, you will be billed by our Division of Accounting and Finance for the enclosed documents as well as any additional documents which are provided to you.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton", with a long horizontal flourish extending to the right.

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

Enclosures:
As stated

APPENDIX A

1. 3/25/83 Case Summary - Comanche Peak Nuclear Plant, Allegations Re Credibility of NRC 83-47#1 (1 page)
2. 3/21/84 Memo to Herzel Plaine from George Messenger re: Proposed Release to the News Media of Office of Inspector and Auditor Comanche Peak Investigations 83-47#2 (1 page)
3. 8/23/83 Memo for File from Mark Resner re: Comanche Peak 83-47#5 (1 page)
4. Undated Memo for Commission from James Cummings re: Proposed Response to Congressman Markey's April 15, 1983, Letter to Chairman Palladino 83-47#6 (1 page)
5. 5/2/83 Memo to James Cummings from Mark Resner re: Proposed Inquiry Regarding Comanche Peak 83-47#7 (3 pages)
6. 3/31/83 Letter to Honorable Ronald Reagan from Arvill Dillingham re: Safety Problems at Nuclear Power Plants 83-47#9
Letter to Dillingham from Victor Trebules, Letter to Dircks from Trebules w/enclosure letters to John Collins from Jim Sniezek 83-47#9 (6 pages)
7. 3/25/83 CASE - Letter to James Cummings from Juanita Ellis re: Comanche Peak Nuclear Plant w/enclosure Case's Brief in Opposition to the NRC Staff's Exceptions to the ASLB Order Denying Reconsideration of September 30, 1982 83-47#11 (175 pages)
8. 9/30/83 Case Summary - Comanche Peak - Markey Ltr Re Region IV 83-89#1 (1 page)
9. 3/23/84 News Clipping from Dallas Morning News re: Attempt to alter Comanche Peak files confirmed 83-89#3 (2 pages)
10. 10/20/83 Report of Investigation - Comanche Peak - Markey Letter Re: Region IV Investigations/Inspections 83-89#7 (56 pages)
11. 7/8/83 Memo to File from Mark Resner re: Comanche Peak 83-89#8 (1 page)
12. 1/7/83 News Clipping from Star-Telegram re: Utility official denies Comanche Peak Charges 83-89#9 (1 page)
13. 8/24/83 Letter to R. Gary from G. Madsen re: Inspection conducted authorized by NRC construction permits for Comanche Peak w/enclosure Appendix - NRC Inspection Report 50-445/83-24 50-446/83-15 Acc. No. 8310040223 830824 (25 pages)

14. 11/10/82 Letter to R. Gary from G. Madsen re: Inspection conducted authorized by NRC construction permits for Comanche Peak w/enclosure NRC Inspection Report 50-445/82-22
Acc. No. 8212030151 821110 (6 pages)
15. 3/28/83 Letter to R. Gary from G. Madsen re: Inspection Program by Resident Inspector of activities authorized by construction permits for Comanche Peak w/enclosures Notice of Violation
NRC Inspection Report 50-445/83-03 & 50-446/83-01
Acc. No. 8304120434 830328, PDR (18 pages)
16. 2/3/83 Supplement to Case's Motion for Protective Orders for Roy Combs, Lester Smith, and Freddy Ray Harrell (20 pages)
17. 10/6/83 Letter to Edward Markey from Carlton Kammerer re: Conduct of Investigations/Inspections by Region IV
(1 page)
18. 3/15/84 Letter to Robert Newlin from Jim Landers re: Copies of Reports Prepared by the Office of Inspector and Auditor on Performance of Region IV staff in handling allegations
(1 page)
19. 4/13/83 Letter to Edward Markey from Juanita Ellis re: Comanche Peak Nuclear Power Plant Affidavit of Robert Messerly (4 pages)
20. 1/3/84 Memo to Chairman Palladino from William Dircks re: OIA Report (1) Comanche Peak - Markey Letter re: Region IV Investigations/Inspections And (2) Review of Concerns Expressed by Case About Conduct of RIV Investigations/Inspections (3 pages)

APPENDIX B

1. 10/20/83 Memo to Commission from George Messenger re: Review of Concerns Expressed by Citizens Associated For Sound Energy About Conduct of Region IV Investigations/Inspections 83-47#3 (2 pages)
2. 10/20/83 Report of Investigation re: Review of Concerns Expressed By Citizens Association for Sound Energy About Conduct of Region IV Investigations/Inspections 83-47#4 (99 pages)
3. 3/26/84 Memo to Carlton Kammerer from George Messenger re: Letters of Transmittal re: Office of Inspector and Auditor Comanche Peak Investigations 83-89#2 w/attachment Memo of Oct. 20 from George Messenger re: Citizens Association for Sound Energy (5 pages)
4. 10/29/83 Memo for Commissioners from George Messenger re: Comanche Peak - Markey Letter Re: Region IV Investigations/Inspections 83-89 (2 pages)

LARGEST COMBINED DAILY CIRCULATION IN TEXAS

FORT WORTH STAR-TELEGRAM

MORNING EVENING SUNDAY

EDITORIAL DEPARTMENT

March 26, 1984

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-226
Rec'd 4-2-84

To the FOI officer:

I hereby request copies of all inter-office memoranda preceding the Oct. 20, 1983 release on two OIA reports. The reports are: Comanche Peak- Markey letter re: Region IV Investigations/Inspections and Review of concerns expressed by CASE about conduct of RIV.

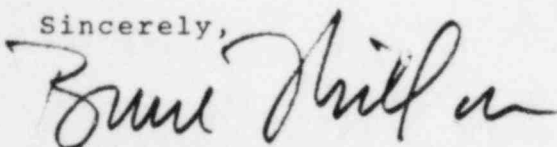
Please provide me with copies of all correspondence between William Dircks and the director of OIA between Aug and Oct 20 that is related to the aforementioned reports.

If you agree to this request in whole or in part please inform me of the search fees and the reproduction fees in advance. If the costs do not exceed \$100, please send the material as soon as possible.

If any part of this request is denied, please inform me of your appeal procedures. I will consider my request denied if I have not heard from you within ten working days of receipt of this letter.

Please be put on notice that I consider this information clearly releaseable under the Freedom of Information Act and that I consider your refusal to release the information to be arbitrary and capricious as defined in the Act.

Sincerely,



Bruce Millar

Reporter

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