



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

PDR
016

June 12, 1985

Ms. Lynn Cunningham
The Times-Picayune Publishing Corp.
3800 Howard Avenue
New Orleans, Louisiana 70140-1097

Ref: FOIA-85-A-20C (FOIA-85-188)

Dear Ms. Cunningham:

This letter responds to your May 1, 1985 Freedom of Information Act appeal in which you restate your original request for "a list of all Office of Investigations reviews, reports or investigations regarding the Waterford 3 nuclear plant in Taft, La." Your appeal letter indicates you believe the reason given for the denial of certain portions of the "list" furnished to you in our response of April 2, 1985 is inadequate. Since all information provided to you at the time of your request related to "ongoing investigations" the portions deleted from that listing are clearly withholdable pursuant to Exemption 7(A) of the Freedom of Information Act. Therefore, the Commission denies your appeal.

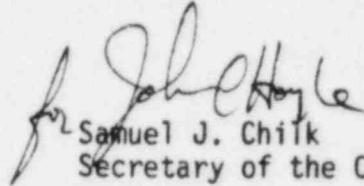
For your information, the listing of cases provided you in our response of April 2 under the subheading "OI:RIV Closed Inquiries," which contains certain Exemption 7(A) deletions, refers to cases which have been transferred from one investigatory reference category to another. The only subject matter deletions in the "closed" portion of the list are investigatory inquiries which have been incorporated into active, ongoing investigations.

The listing of OI investigations which NRC provided in response to your initial request contains information compiled for law enforcement purposes and the release of such information would interfere with ongoing investigatory proceedings, by allowing the subject of the investigations to learn the scope, direction and focus of OI's investigatory efforts. Such knowledge could be used to shield potential wrongdoings/wrongdoers or to conceal a violation of NRC requirements from the investigators. Therefore, the Commission has determined that this information should continue to be withheld 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.

As part of the review, in preparing the response to this appeal, the Office of Investigations has provided an update to the "OI:RIV Closed Inquiries" section of the list initially provided to you. This update is enclosed.

This letter represents final agency action on your May 1, 1985 FOIA appeal. Judicial review of this decision is available in federal district court in the district in which you reside or have your principal place of business, or in the District of Columbia.

Sincerely,


for Samuel J. Chilk
Secretary of the Commission

Enclosure:
Update (2 pgs)