



FOIA-88-137

RESPONSE TYPE

☒ FINAL☐ PARTIAL

DATE

MAR 3 1988

DOCKET NUMBER(S) (if applicable)

PDR016
RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

REQUESTER

Lynne Bernabei, Esq.

PART I. - RECORDS RELEASED OR NOT LOCATED (See checked boxes)

☐ No agency records subject to the request have been located.☐ No additional agency records subject to the request have been located.☐ Agency records subject to the request that are identified in Appendix _____ are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.☐ Agency records subject to the request that are identified in Appendix _____ are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.☐ The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.☐ Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.☐ Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated _____.

PART II.A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

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Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions described in and for the reasons stated in Part II, sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Comments

Your letter dated February 26, 1988, is not a timely appeal of our denial of May 6, 1987. Therefore, your letter has been treated as a new FOIA request.

We have been informed by OI that the investigation is still ongoing. With regard to that portion of your letter regarding OIA, this is to inform you that we did not address the subject because we were informed that OIA had no records.

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

*Donna H. Mewley*8803080043 880303
PDR FOIA
BERNABE88-137 PDR

Records subject to the request that are described in the enclosed Appendices A are being withheld in their entirety or in part under FOIA Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.5(a) of NRC Regulations.

- Section 147 of the Atomic Energy Act which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).

- The information was submitted and received in confidence from a foreign source pursuant to 10 CFR 2.790(d)(2).

6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (EXEMPTION 5)

- X Disclosure would interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (EXEMPTION 7(A))

- Disclosure would constitute an unwarranted invasion of personal privacy (EXEMPTION 7(C))

- The information consists of names of individuals and other information the disclosure of which would reveal identities of confidential sources. (EXEMPTION 7(D))

Pursuant to 10 CFR 9.9 and/or 9.15 of the U.S. Nuclear Regulatory Commission 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 are those officials identified below as denying officials and the Director, Division of Rules and Records, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

[illegible]

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or 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."

APPENDIX A

RECORDS TOTALLY WITHHELD

NUMBER

DATE

DESCRIPTION & EXEMPTION

The Office of Investigations' investigation regarding allegations of intimidation and harassment, and safety problems at TVA by James C. Jones is still ongoing and is being withheld in its entirety pursuant to Exemption 7(A).