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

DEC 24 1985

Docket No. 50-445/50-446

Ms. Billie Pirner Garde  
Citizens Clinic Director  
Government Accountability Project  
1555 Connecticut Avenue, Suite 202  
Washington, DC 20036

IN RESPONSE REFER  
TO FOIA-85-59

Dear Ms. Garde:

This is in further response to your letter dated January 21, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), records related to the NRC Comanche Peak Task Force established in March, 1984.

By letter dated November 6, 1985, we informed you that the document described below was being placed in the PDR.

APPENDIX C - CIVIL/STRUCTURAL RECORDS

Document Number 352 (dated 01/08/85):

NRC Memorandum from B. J. Youngblood to Distribution, Subject: Review and comments on Comanche Peak SSER #5 relating to CYGNA Independent Assessment Programs (81 pages)

After additional review, the NRC has determined that this document should be 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. This record is a draft version of SSER #5. The release of this predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process.

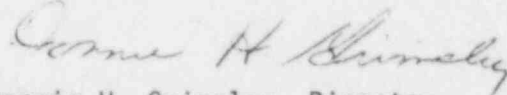
Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

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PDR FOIA  
GARDE85-59 PDR

Ms. Billie Pirner Garde

This denial 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 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."

Sincerely,



Donnie H. Grimsley, Director  
Division of Rules and Records  
Office of Administration

**GOVERNMENT ACCOUNTABILITY PROJECT**

1555 Connecticut Avenue, N.W., Suite 202  
Washington, D.C. 20036

(202) 232-8550

G:85:104

January 21, 1985

FREEDOM OF INFORMATION ACT REQUEST

FREEDOM OF INFORMATION  
ACT REQUEST

**FOIA-85-59**  
**Rec'd 1-25-85**

Director  
Office of Administration  
Nuclear Regulatory Commission  
Washington, D.C. 20555

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the Government Accountability Project ("GAP") requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, computer runoffs, any other data compilations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with the overview, regulation and investigation of the Comanche Peak Nuclear Plant by any person, branch, or department of the NRC since January 18, 1985.

This request includes all agency records as defined in 10 C.F.R. § 9.3a(b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980) whether they currently exist in the NRC official, "working," investigative or other files, or at any other location, including private residences.

If any records as defined in 10 C.F.R. § 9.3a(b) and the NRC Manual, *supra*, and covered by this request have been destroyed and/or removed after this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken relevant to, generated in connection with, and/or issued in order to implement the action(s).

GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public," 5 U.S.C. § 552(a)(4)(a). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through public outreach, the Project promotes whistleblowers as agents of government accountability. Through its Citizens Clinic, GAP offers assistance to local public interest and citizens groups seeking to ensure the health and safety of their communities. The Citizens Clinic is currently assisting several citizens groups, local governments and intervenors in the central Texas area concerning the construction of the Comanche Peak nuclear power plant.

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2 pp.

Director  
Office of Administration

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We are requesting the above information as part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (1), 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten days.

Sincerely,

*Billie Pirner Garde*

Billie Pirner Garde  
Citizens Clinic Director