



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

JUN 02 1986

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

IN RESPONSE REFER
TO FOIA-86-84

Dear Ms. Garde:

This is in further response to your letter dated February 10, 1986, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of all records developed subsequent to the issuance of the August 30, 1985, OIA report about the T-shirt incident at the Comanche Peak plant.

With the exception of one page identified at number four on the enclosed Appendix D, the records identified on Appendix D are being withheld in their entirety. The contents of these records and annotations thereon contain predecisional advice, opinions, and recommendations prepared by the staff during the deliberative process involving an enforcement action. This information is 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 NRC's regulations. The factual matter in the records is presented in the record EA 86-63, issued May 2, 1986, which is publicly available at the PDR under accession number 8605060096.

Pursuant to 10 CFR 9.9 of the NRC'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. James M. Taylor, Director, Office of Inspection and Enforcement.

This denial may be appealed to the NRC's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, 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."

This completes NRC's action on your request.

Sincerely,

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

Enclosure: As stated

8606040378 860602
PDR FOIA
GARDE86-84 PDR

APPENDIX D

1. Undated copy of a February 19, 1986 memorandum to Robert D. Martin, Regional Administrator, RIV; Harold R. Denton, Director, Office of Nuclear Reactor Regulation; and Guy H. Cunningham, III, Executive Legal Director from Richard H. Vollmer, Deputy Director, Office of Inspection and Enforcement; Subject: Enforcement Action Regarding Harassment and Intimidation at Comanche Peak with enclosed draft enforcement action. (25 pages)

Note: The original and concurrence copies (2 pages) of the undated memo are annotated duplicates of the memo identified at number 4 below.

2. Undated Draft Notice of Violation and Proposed Imposition of Civil Penalties. (3 pages)
3. Undated chart listing Potential Cases of Harassment, Intimidation, and Discrimination at Comanche Peak Steam Electric Station (CPSES) (4 pages).
4. Undated copy of a February 19, 1986 memorandum to Robert D. Martin, Regional Administrator, RIV; Harold R. Denton, Director, Office of Nuclear Reactor Regulation; and Guy H. Cunningham, III, Executive Legal Director from Richard H. Vollmer, Deputy Director, Office of Inspection and Enforcement; Subject: Enforcement Action Regarding Harassment and Intimidation at Comanche Peak with enclosed draft enforcement action. (29 pages)

Note: The cover typing identification sheet is being disclosed and is being placed in PDR file FOIA-86-84.
The enclosures to this memo are duplicates of the enclosure identified at number 1 and the record identified at number 3 above. However, there are different annotations on the enclosure.

GOVERNMENT ACCOUNTABILITY PROJECT

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

(202) 232-8550

February 10, 1986

FREEDOM OF INFORMATION ACT REQUEST

FREEDOM OF INFORMATION
ACT REQUEST

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

FOIA-86-84
Rec'd 2-18-86

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 developed subsequent to the issuance of the August 30, 1985, OIA report about the T-shirt incident including but not limited to any memoranda, comments, etc., submitted to OIA from Region IV, EDO, NRR, ELD, or any other branch of the NRC.

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).

~~8604030476~~

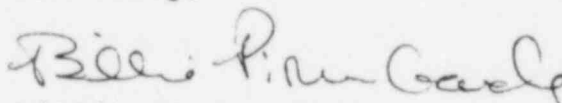
GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(a). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through public outreach, the Project promotes 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 Texas concerning the construction of the Comanche Peak nuclear power plant.

We are requesting the above information as part of an ongoing monitoring project on the adequacy of Region II and 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 (I), 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
Director
Environmental Whistleblower Clinic

Document Name:
MEMO RE COMANCHE PEAK

Requestor's ID:
OP6

Author's Name:
jane axelrad

Document Comments:

Destination Name:
LEADOP

Distribution Name:
NRCIE_BETTY_0483

Addressee:
general delivery

Date Sent:
02/19/86

Time Sent:
11:49

Message:
R. Martin ^{HC} ~~D. Powers and T. Westerman~~

*Conf (out)?
syn 2 h*

*TUGCO vs
TUEC*