



PDR-016
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

Ms. Linda Bauman
Government Accountability Project
Midwest Office
104 E. Wisconsin Avenue
Appleton, WI 54911

FEB 25 1988

IN RESPONSE REFER
TO FOIA-88-A-2
(FOIA-87-762)

Dear Ms. Bauman:

This is in response to your letter dated January 5, 1988, in which you appealed Mr. Donnie H. Grimsley's response dated December 8, 1987. Mr. Grimsley's response denied four documents subject to your Freedom of Information Act (FOIA) request for documents regarding Inspection Report 50-285/87-08 dated May 8, 1987, concerning the Fort Calhoun nuclear power plant.

Acting on your appeal, I have carefully reviewed the record in this case and have determined that the previously withheld documents will continue to be withheld from public disclosure, pursuant to Exemptions (5), (6), and (7)(A) of the FOIA (5 U.S.C. 552(b)(5), (6), and (7)(A)) and 10 CFR 9.17(a)(5), (6), and (7)(i) of the Commission's regulations. Your appeal is, therefore, denied.

Document one listed on the enclosed appendix contains advice, opinions, and recommendations of the staff concerning possible enforcement action at the Fort Calhoun plant and information the disclosure of which would cause a clearly unwarranted invasion of personal privacy. Exemption (5) shields from mandatory disclosure information generated in the deliberative process that precedes most decisions of government agencies. I am unable to identify any legitimate public interest in the personal information contained in this document which outweighs the privacy interests of an individual.

Document two listed on the enclosed appendix is an investigatory record compiled for law enforcement purposes the release of which would reasonably be expected to interfere with an ongoing enforcement action. Release of this information could allow those being investigated to learn the scope, direction, and focus of investigatory efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators.

Documents three and four listed on the enclosed appendix are drafts which were prepared prior to and in the course of reaching a final agency decision. Exemption (5) was intended to permit the agency's withholding of such documents to preserve the free and candid internal dialogue necessary for the careful formulation of agency decisions.

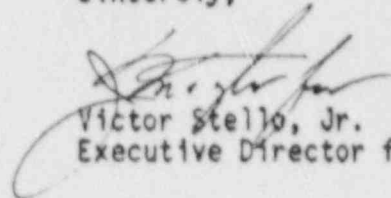
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Ms. Bauman

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This is a final agency decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business or in the District of Columbia.

Sincerely,



Victor Stello, Jr.
Executive Director for Operations

Enclosure: As stated

APPENDIX

1. 5/19/87 Memorandum to P. Hunter from E. Johnson, re: Followup on Fort Calhoun Enforcement Conference. (1 page) (Ex. 5 & 6)
2. 10/14/87 Memorandum to D. Driskill from R. Martin re: Request for Investigation (3 pages) (Ex. 7A)
3. Undated First Rough Draft, Notice of Violation. (4 pages) (Ex. 5)
4. Undated Second Rough Draft, Notice of Violation. (3 pages) (Ex. 5)