



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

PDR-016

Docket Nos. 50-445/50-446

JUN 23 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-85-59, FOIA-85-299,  
AND 86-A-18 (FOIA-85-299)

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 (FOIA-85-59) and your letter dated April 22, 1985, in which you requested, pursuant to the FOIA, all records related to the allegation tracking system for reflecting the status and identification of all allegations on the Comanche Peak plant (FOIA-85-299).

Certain records subject to the two FOIA requests identified above are described below and on the enclosed Appendices P and Q.

With regard to FOIA-85-299, the following records are being made available for public inspection and copying at the NRC Public Document Room (PDR) in folder FOIA-85-299 under your name.

1. July 11, 1985, list of allegations on the Comanche Peak plant
2. June 11, 1986, list of allegations on the Comanche Peak plant

The above records list allegations which are contained in the tracking system maintained by the NRC's Office of Investigations (OI). The 1985 list provides the status of cases at that time; the 1986 list provides the current status of OI cases. Where entire entries have been deleted, those entries pertain to plants other than Comanche Peak and, therefore, are outside the scope of FOIA-85-299. With regard to additional deletions on the 1985 list for cases which were then open, you may refer to the 1986 list for the subjects of those cases. Where the deletion has been made at the entry on the 1986 list that pertains to the one remaining open case, the deleted information is being withheld pursuant to Exemption (7)(A) of the FOIA (5 U.S.C. 552(b)(7)(A)) and 10 CFR 9.5(a)(7)(i) of the Commission's regulations. Release of the information would interfere with an ongoing investigation and 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.

Pursuant to 10 CFR 9.15 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 person responsible for the denial is Mr. Ben B. Hayes, Director, OI.

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This denial may be appealed to the Secretary of the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed 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."

The remaining records subject to FOIA-85-299 are also subject to FOIA-85-59 and are being addressed under that FOIA request. Therefore, we are taking no further action on FOIA-85-299 or your letter dated March 3, 1986, appealing our lack of response to FOIA-85-299.

With regard to FOIA-85-59, with the exception of those records which are discussed below as well as those records which are identified by asterisks on Appendices P and Q and undergoing further review, we are placing the records identified on Appendices P and Q in the PDR in folder FOIA-85-59 under your name.

Portions of the record identified at number 182 on Appendix P are 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 Commission's regulations. The withheld portions contain the advice, opinions, and recommendations of the staff concerning potential violations. The nonexempt portions of this record are being placed in PDR folder FOIA-85-59.

Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information 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.

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."

In accordance with the agreement reached between you and the NRC staff at a meeting held on May 8, 1985, as summarized in Mr. J. M. Felton's letter to you dated May 15, 1985, we are not disclosing the records identified at numbers 1 through 8, 42, 46, 52 through 54, 56, 74, 75, 82, 88, 93 through 96, and 100 on Appendix P nor the records identified at numbers 7 through 10, 19, 20, 24, 31, 32, 38, 39, 51 through 53, 55, 60 through 63, 78, 82, 93, through 95, 116 and 190 on Appendix Q. Also, we are not disclosing portions of the records identified at numbers 13, 14, 17 through 24, 26 through 30, 32, 37 through 41, 43, 44, 47 through 50, 55, 57 through 65, 67 through 71, 73, 77 through 81, 83 through 87, 89 through 92, 97 through 99, 101, 102, 105, 106, 180, 184 through 189, 232, 234 and 235 on Appendix P nor portions of the records identified at numbers 1, 3 through 6, 11 through 18, 21 through 23, 25 through 30, 33, 36, 37, 41 through 49, 54, 56 through 59, 65 through 77, 79 through 81, 83, 85 through 92, 96 through 105, 108 through 115, 117 through 119, 121 through 126, 129, 130, 136, 139, 151, 152, 184, 186, 188, 197, 198, 200, and 203 on Appendix Q.

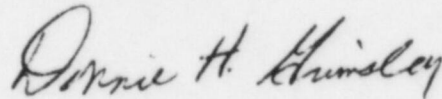
Ms. Garde

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The information not disclosed, without invocation of an FOIA exemption, consists of names and other identifying information concerning alleged, interviewees, and other individuals.

A separate set of the released records is being made available for public inspection and copying at the Local Public Document Room (LPDR) located at the University of Texas Library, 170 South Cooper Street, Arlington, Texas. Additional boxes of records subject to your request are currently under review and will be placed in the PDR and LPDR in the coming weeks.

Sincerely,



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

Enclosures: As stated