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

JUL 03 1985

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

IN RESPONSE REFER
TO FOIA-85-342

Dear Ms. Garde:

This is in further response to your letter dated May 8, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), records related to the March 22, 1985, letter from Mr. C. E. Norelius, Region III, and Mr. James W. Cook, Consumers Power Company, regarding the January 10, 1985, Brookhaven National Laboratory Report concerning the allegations of E. Earl Kent.

The documents listed on the enclosed Appendix B are investigatory records compiled for law enforcement purposes and are being withheld from public disclosure 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. Disclosure of the information would interfere with an enforcement proceeding.

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 this denial is Ms. Sharon R. Connelly, Director, Office of Inspector and Auditor.

This denial may be appealed to 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 NRC has not completed its search for documents subject to your request. We will respond as soon as that effort is completed.

Sincerely,

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: As stated

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PDR FOIA
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APPENDIX B

I. OIA Case Summary

1. 05/09/85 Letter to W. J. Dircks from H. W. Wahl
2. 04/04/85 Memo to S. R. Connelly from J. G. Keppler w/enclosures

Enclosures:

- (a) 3/14/85 Memo w/3 enclosures to C. E. Norelius from C.H. Weil
- (a) 4/4/85 Memo to J. A. Hind, C.E. Norelius, R.L. Spessard
from B. Davis

GOVERNMENT ACCOUNTABILITY PROJECT

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

(202) 232-8550

May 8, 1985

FREEDOM OF INFORMATION ACT REQUEST

FREEDOM OF INFORMATION
ACT REQUEST

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

FOIA-85-342
rec'd 5/13/85

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 related to the March 22, 1985 letter from C.E. Norelius, Region III, NRC and Mr. James W. Cook, Consumer's Power Company regarding the January 10, 1985 Brookhaven National Laboratory report concerning the allegations of E. Earl Kent.

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.

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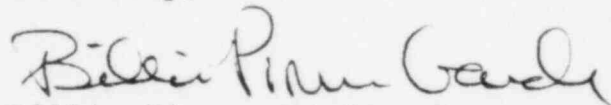
Through its Citizens Clinic, GAP offers assistance to local public interest and citizens groups seeking to ensure the health and safety of their communities.

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 (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,

A handwritten signature in cursive script, reading "Billie Pirner Garde".

Billie Pirner Garde
Director, Citizens Clinic