



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

JUL 09 1985

Ms. Lynn Cunningham
The Times-Picayune Publishing Corporation
3800 Howard Avenue
New Orleans, LA 70140-1097

IN RESPONSE REFER
TO FOIA-85-194

Dear Ms. Cunningham:

This is in response to your letter dated March 18, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), the Office of Investigations' documents regarding the control room operators at the Three Mile Island Unit 2 (TMI-2) reactor.

There are approximately 13 feet of documents subject to your request. The documents consist of transcripts and technical analysis and related data concerning the falsification of leak rate test data by individual licensed reactor operators from TMI-2. The disclosure of these documents would interfere with an ongoing enforcement action, because the disclosure could allow those under investigation to shield potential wrongdoing or wrongdoers or conceal a violation of NRC requirements from investigators. The documents are being withheld in their entirety pursuant to Exemption (7)(A) of the FOIA, 5 U.S.C. 552(b)(7)(A), and the Commission's regulations, 10 CFR 9.5(a)(7)(i).

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 Ben B. Hayes, Director, Office of Investigations.

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."

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", written over a horizontal line.

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