



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

PDR
016

OCT 23 1985

Robert R. Belair, Esquire
Kirkpatrick & Lockhart
1900 M Street, NW
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-85-248

Dear Mr. Belair:

This is in further response to your letter dated April 8, 1985, in which you requested, pursuant to the Freedom of Information (FOIA), copies of documents which relate to the presence and influence of organized crime at the Shoreham nuclear power plant site during construction of the plant.

The documents identified on enclosed Appendix B are being placed in the NRC Public Document Room located at 1717 H Street, NW, Washington, DC 20555 in file folder FOIA-85-248 in your name. Portions of document 3 on Appendix B have been deleted because they are outside the scope of your request.

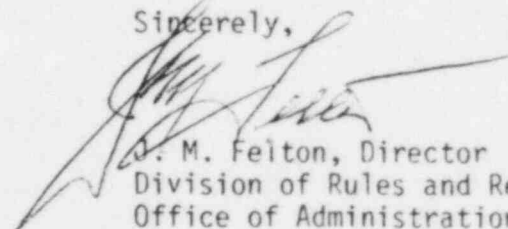
The document identified on enclosed Appendix C contains the preliminary advice, opinions, and recommendations of the staff. Release of the document would tend to inhibit the frank and candid exchange of information in future deliberations and thus would not be in the public interest. The document is being withheld in its entirety pursuant to Exemption 5 of the FOIA, 5 U.S.C. §552(b)(5), and the Commission's regulations, 10 CFR §9.2(a)(5). There are no reasonably segregable factual portions because release of the facts would permit an indirect inquiry into the predecisional process of the agency.

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 Mr. Ben B. Hayes, Director, Office of Investigations.

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."

This completes NRC action on your request.

Sincerely,



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

Enclosures: As stated

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APPENDIX B

Documents Being Placed in the PDR

1. 03/05/80 Memo from Gallina to File NRC:I:D-88, subject: Shoreham Investigation. (2 pages)
2. 03/26/85 Routing and Transmittal Slip from DE to Harold D. (1 page)
3. 04/09/85 Memo from Connelly to the Commission, subject: Shoreham Construction. (1 page)

APPENDIX C

Document Being Withheld

1. 04/03/85 Memo from R. Keith Christopher to Ben Hayes, subject: Issues Raised During the Airing of the "60 Minutes" Television Program Pertaining to the Shoreham Nuclear Power Station. (2 pages)

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ROBERT R. BELAIR
(202) 452-7023

April 8, 1985

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

FREEDOM OF INFORMATION
ACT REQUEST

Re: Freedom of Information Act Request

FOIA-85-248

rec'd 4/9/85

Gentlemen:

On behalf of our client, Suffolk County, we request, pursuant to the Freedom of Information Act, as amended, 5 U.S.C. § 552 ("FOIA"), and the rules of the Nuclear Regulatory Commission ("NRC") issued thereunder, 10 C.F.R. Part 9, copies of all written materials in the possession or control of the NRC which relate to the presence and influence of organized crime at the Shoreham Nuclear Power Plant site during construction of the plant.

In the event that access is denied to any part of the requested materials, please supply the following information

- a. Identify the withheld or deleted material and specify the statutory basis for the denial, as well as your reasons for believing that an exemption applies, as required by 10 C.F.R. § 9.10(b).
- b. Segregate the nonexempt from the allegedly exempt portions of all materials and release the former, as required by 10 C.F.R. § 9.5(b).
- c. Supply a detailed statement of the content of the withheld or deleted material, along with the date on which the material was written; its title or section heading; its author; the author's title; and identification of any persons or entities who have received copies of such materials, as required by the applicable case law. Vaughn v. Rosen, 484 F.2d 820, 826-827 (D. C. Cir. 1973).
- d. Separately state your reasons for not invoking your discretionary power to release the allegedly exempt materials. 10 C.F.R. § 9.9.

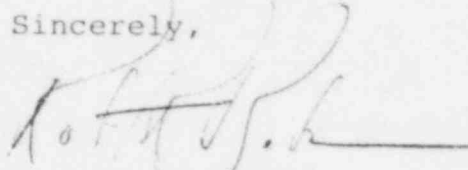
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The undersigned is willing to inspect the requested material prior to its reproduction in order to identify specific material for reproduction.

The undersigned will pay charges for search time and copying fees, as provided by NRC's regulation at 10 C.F.R. § 9.14. If search and copying fees to be incurred by the undersigned will exceed \$500, please notify the undersigned before this sum is exceeded.

We expect to receive your response to this FOIA request within ten (10) working days of your receipt of this request, as required under the FOIA and as set forth at 10 C.F.R. § 9.8.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert R. Belair", written over a horizontal line.

Robert R. Belair