



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

PDR-066

August 9, 1985

Ms. Stevi Stephens
Nuclear Awareness Network
1347 1/2 Massachusetts
Lawrence, KS 66044

IN RESPONSE REFER
TO FOIA-85-161 and
FOIA-85-A-25 (85-161)

Dear Ms. Stephens:

This is in final response to your letter dated March 1, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of four categories of records regarding the Wolf Creek Nuclear Generating Plant.

The three documents identified on enclosed Appendix H are being placed in the NRC Public Document Room (PDR) located at 1717 H Street, NW, Washington DC 20555, in file folder FOIA-85-161.

The four documents identified on enclosed Appendix I are being withheld in part. Portions of Document 1 contain personal information the disclosure of which would constitute an unwarranted invasion of personal privacy. These portions are being withheld from public disclosure pursuant to Exemptions (6) and (7)(C) of the FOIA (5 U.S.C. §552 (b)(6) and (7)(C)) and 10 CFR 9.5(a)(6) and (a)(7)(iii) of the Commission's regulations. Portions of Documents 2, 3, and 4 consist of investigatory records compiled for law enforcement purposes the release of which would interfere with an ongoing enforcement proceeding. 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. This information is 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. In addition, Document 4 has an attachment that is a draft containing the preliminary advice, opinions, and recommendations of members of the staff. Release of this information would tend to inhibit the frank and candid exchange of information in future deliberations and thus would not be in the public interest. This information is being withheld from public disclosure pursuant to Exemption 5 of the FOIA (5 U.S.C. §552(b)(5)) and the Commission's regulations at 10 CFR 9.5(a)(5). The releasable portions of the documents on Appendix I are being placed in the PDR.

The document identified on enclosed Appendix J is being withheld in its entirety. This document consists of drafts containing the preliminary advice, opinions, and recommendations of members of the staff. Release of the information would tend to inhibit the frank and candid exchange of information in future deliberations and thus would not be in the public interest. There are no reasonably segregable factual portions because release of the facts would permit an indirect inquiry into the predecisional process of the agency. This document is being withheld from public disclosure pursuant to Exemption 5 of the FOIA (5 U.S.C. §552(b)(5)) and the Commission's regulations at 10 CFR 9.5(a)(5).

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Ms. Stevi Stephens

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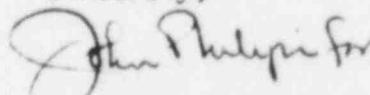
Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for these denials is Ben B. Hayes, Director, Office of Investigations.

These denials 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."

My staff informs me that other documents that are subject to this request are also subject to your pending FOIA requests for information related to the Wolf Creek Nuclear Generating Plant, FOIA-84-291 and 85-101, and will be addressed with regard to those requests. Six documents originated by the Department of Labor have been referred to that agency for a disclosure determination and direct response to you.

This completes NRC action on this FOIA request. Also, in light of our responses of May 10, June 3, June 19 and this date, no further action will be taken on your letter of May 15 appealing our lack of response to this FOIA request.

Sincerely,



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

Enclosures: As stated

Re: FOIA-85-161

APPENDIX H

DOCUMENTS BEING PLACED IN THE PDR

1. 02/19/85 Memo from Chilk to Asselstine, subject: OI Request for Commission Guidance on Initiating Investigations of Senior Managers at the Wolf Creek Generating Station (1 page)
2. 03/01/85 Excerpt of Inspection Report 50-482/85-03 (2 pages)
3. 04/10/85 Memo from Denise to Thompson, subject: Kansas Gas and Electric Company (FG&E) Quality First Program at Wolf Creek (DN:50-482)

APPENDIX I

<u>DATE</u>	<u>DOCUMENTS BEING RELEASED IN PART</u> <u>DOCUMENT DESCRIPTION</u>	<u>EXEMPTION</u>
1. 03/08/83	Memo from Richard Herr to Eric Johnson, subject: Wolf Creek Allegation	6, 7(C)
2. 11/30/84	Memo from Edwin Triner to J. Meyer and Ann Tipton, subject: Background Information on Wolf Creek Nuclear Generating Station	7(A)
3. 02/15/85	Report of Inquiry, subject: Q4-84-018(S)	7(A)
4. 03/07/85	Memo from B. Hayes to Thomas Rehm, subject: Responses to Congressman Slattery and Glickman	5, 7(A)

APPENDIX J

DOCUMENT BEING WITHHELD IN ITS ENTIRETY

1. Undated Draft response to Rep. Glickman's 3/20/85 letter
(2 pages)