



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

PDR-016

AUG 21 1985

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

IN RESPONSE REFER
TO FOIA-85-197

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), copies of documents written or received by the NRC subsequent to the December 31, 1984, Office of Inspector and Auditor (OIA) report on Region II and the Grand Gulf 1 nuclear power plant. In a telephone conversation with Ms. Linda Robinson of my staff on March 29, 1985, you clarified that the scope of your request is limited to records related to the subject OIA report.

The document identified on enclosed Appendix A is being placed in the NRC Public Document Room (PDR) located at 1717 H Street, NW, Washington, DC 20555, in file folder FOIA-85-197 in your name.

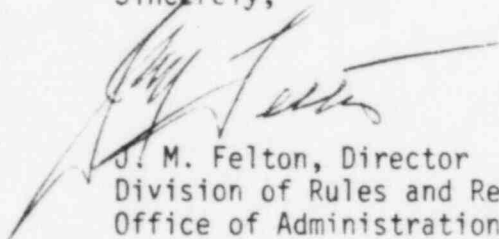
The documents identified on enclosed Appendix B contain information the release of which would interfere with ongoing investigations on Grand Gulf. The documents are being withheld from public disclosure pursuant to Exemption (7)(A) of the FOIA (5 U.S.C. §552(b)(7)(A)) and 10 CFR 9.5(a)(7)(i) of the Commission's regulations. 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.

The documents identified on enclosed Appendix C contain the predecisional analyses, opinions, and recommendations of the Commissioners, and between the Commissioners and their staffs, on the December 31, 1984, OIA report. Because the documents reflect the predecisional process among the Commissioners, and between the Commissioners and their staffs, the documents are exempt from mandatory 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). Release of the documents would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. The documents do not contain any reasonably segregable factual portions and are being withheld in their entirety.

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 of the documents on Appendix B is Ms. Sharon R. Connelly, Director, OIA. The person responsible for the denial of the documents on Appendix C is Mr. John C. Hoyle, Assistant Secretary of the Commission.

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, 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", is written over the typed name and title.

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

Enclosures: As stated

APPENDIX A

DOCUMENT BEING PLACED IN THE PDR

1. 02/01/85 Note to William Dircks from James O'Reilly re: Regional Office Notice No. 1002. (3 pages)

APPENDIX B

DOCUMENTS BEING WITHHELD

1. 04/15/85 Memorandum from Sharon R. Connelly to Carlton C. Kammerer.
2. 04/15/85 Memorandum from Sharon R. Connelly to Carlton C. Kammerer.
3. 04/08/85 Note from J. Del Medico (sic) to S. R. Connelly.
4. 04/08/85 Note from Carlton C. Kammerer to Commission.
5. Mail control form.
6. 04/12/85 Memorandum from Sharon R. Connelly to Carlton C. Kammerer.
7. 04/03/85 Note from George H. Messenger to J. R. Delmedico.
8. 04/03/85 Note from Sharon R. Connelly to Carlton C. Kammerer with attachments.
9. 03/29/85 Memorandum from Sharon R. Connelly to Commission.
10. 03/19/85 Memorandum from Commissioner Bernthal to Chairman Palladino.
11. 03/18/85 Letter from Edward J. Markey to Nunzio J. Palladino.
12. 03/06/85 Memorandum from Nunzio J. Palladino to Sharon R. Connelly.
13. 04/08/85 Memorandum from Sharon R. Connelly to File.
14. 03/21/85 Note from Gerry to Sharon R. Connelly with attachment.
15. 03/19/85 Memorandum from Mark E. Resner to File.
16. 03/18/85 Letter from Sharon R. Connelly to Karen A. Morrisette.
17. 03/15/85 Memorandum from Sharon R. Connelly to Commission.
18. 03/15/85 Memorandum from Sharon R. Connelly to Chairman Palladino.

APPENDIX B

(CONTINUED)

19. 03/14/85 Memorandum from Sharon R. Connelly to Commission.
20. 03/12/85 Memorandum from Sharon R. Connelly to Commission.
21. 03/12/85 Memorandum from Commissioner Roberts, Bernthal, and Zech to Chairman Palladino.
22. 03/01/85 Memorandum from James K. Asselstine to Sharon R. Connelly.
23. 02/12/85 Memorandum from John Puckett, ORA/RII, to Bruno Uryc, ORA/RII.
24. 02/04/85 Memorandum from James K. Asselstine to Chairman Palladino.
25. 01/11/85 Note from William J. Dircks to James P. O'Reilly.
26. Undated Letter from Nunzio J. Palladino to Edward J. Markey.
27. Undated Draft Memorandum from Nunzio Palladino to Edward Markey.
28. 04/15/85 Memorandum from Sharon R. Connelly to Carlton C. Kammerer.
29. 01/07/85 Memorandum from Mark E. Resner to File.

APPENDIX C

DOCUMENTS BEING WITHHELD

1. 03/29/85 Memo from J. K. Asselstine to N. J. Palladino responding to issues associated with OIA. (1 page) (Only 1 paragraph is subject)
2. 03/19/85 Memo from F. Bernthal to N. J. Palladino, "Referral to Department of Justice of OIA's December 31, 1984, Report 'Grand Gulf' - Region II Actions Regarding Possible Material False Statements by Mississippi Power and Light." (1 page)
3. 03/18/85 Draft memo from J. K. Asselstine to T. R. Roberts, F. Bernthal and L. Zech, responding to March 12, 1985, memorandum from those three Cmrs. concerning 12/31/84 OIA report. Draft has handwritten changes by J. K. Asselstine and P. Davis. (3 pages)
4. 03/12/85 Memo from T. Roberts, F. Bernthal, and L. Zech to N. J. Palladino, "Referral to Department of Justice of OIA's December 31, 1984, Report 'Grand Gulf' -- Region II Actions Regarding Possible Material False Statement by Mississippi Power and Light." (1 page)
5. 03/01/85 Draft handwritten memo prepared by W. J. Manning for J. K. Asselstine to S. R. Connelly, Subject is OIA report of December 31, 1984. (1 page)
6. 03/01/85 Memo from J. K. Asselstine to S. R. Connelly, subject is OIA report of December 31, 1984. (1 page)
7. 02/04/85 Memo from J. K. Asselstine to N. J. Palladino, "COMNP-85-6." (2 pages)
8. 1/23/85 Memo from N.J. Palladino to the Commissioners, subject: Pending Grand Jury Actions, COMNP-85-6. (1 page)
9. Undated Handwritten notes of W. J. Manning to J. K. Asselstine related to March 1, 1985, memo from J. K. Asselstine to S. R. Connelly on OIA's December 31, 1984, report. (1 page)