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

JUL 18 1985

Mr. Thomas Kuchenberg
c/o Mrs. Marjorie Aamodt
200 North Church Street
Parkesburg, PA 19365

IN RESPONSE REFER
TO FOIA-85-428

Dear Mr. Kuchenberg:

This is in partial response to your letter dated June 10, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), (1) copies of documents related to the May 16, 1985, Commission Memorandum and Order (CLI-85-08) denying the January 15, 1985, Aamodt Motion for Reconsideration, and (2) a full transcript of the December 2 and 3, 1980, interviews of Karl Plumlee by David Gamble.

The documents identified on enclosed Appendix A are being placed in the NRC Public Document Room (PDR) located at 1717 H Street, NW, Washington, DC 20555, in file folder FOIA-85-428 in your name. With regard to item 2 of your request, no transcript was taken of the interviews of Karl Plumlee by David Gamble. However, a report of each interview was written, and those reports are being released as Documents 1 and 2 on Appendix A.

The two documents identified on enclosed Appendix B are being withheld in their entirety. The documents contain the predecisional legal analyses, opinions and recommendations between the Office of the General Counsel (OGC) and the Office of Policy Evaluation (OPE) for the Commissioners' consideration of the Aamodt motion requesting that the TMI-1 record be reopened. The documents reflect the predecisional process between OGC, OPE and the Commissioners. 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, 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.

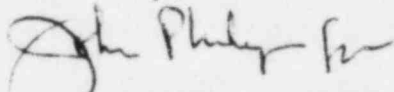
Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for this denial is James A. Fitzgerald, Assistant General Counsel.

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."

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The search for and review of documents that are subject to your request are continuing. We will notify you upon completion of the search and review.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", with a stylized flourish at the end.

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

Enclosures: As stated

APPENDIX A
Documents Being Placed in the PDR

1. 12/02/80 Report of Interview. (3 pages)
2. 12/03/80 Report of Interview. (1 page)
3. 01/15/85 Newspaper article from New Era. (1 page)
4. 01/16/85 Newspaper article from Atlanta Constitution. (1 page)
5. 01/24/85 Letter from Sharon R. Connelly, OIA, to Stephen S. Trott, U.S. Department of Justice. (1 page)
6. 04/23/85 OIA Case Summary Sheet, (1 page)
7. 04/23/85 Note from Mary Wagner to Owen Thompson, subject: TMI-1: Aamodt April 13 Pleading. (2 pages)
8. 04/25/85 OIA Investigative Plan. (1 page)
9. 05/03/85 Memo from Frank Congel to Mary Wagner, subject: Affidavit Regarding Amendment to Aamodt Motion dated January 15, 1985 (12 pages)
10. 06/03/85 Report of Interview. (1 page)
11. 06/14/85 OIA Verification Sheet. (1 page)
12. 06/19/85 Memorandum from Sharon R. Connelly, OIA, to Robert B. Minogue, RES. (2 pages)
13. 06/19/85 OIA Memorandum Report. (3 pages)

APPENDIX B

DOCUMENTS BEING WITHHELD

<u>DATE</u>	<u>DESCRIPTION</u>
1. March 4, 1985	SECY-85-74 memorandum from M. Malsch, Deputy General Counsel, and J. Zerbe, Director, Office of Policy Evaluation, for the Commissioners, Subject: TMI-1 -- Aamodt Motion for Reconsideration and Reopening of the Record, (2 pages); attachment, undated draft Commission memorandum and order, (7 pages)
2. May 10, 1985	SECY-85-74A memorandum from M. Malsch, Deputy General Counsel, and J. Zerbe, Director, Office of Policy Evaluation, for the Commissioners, Subject: TMI-1 -- Aamodt Motion for Reconsideration and Reopening of the Record, (6 pages); attachment undated draft Commission memorandum and order, with handwritten notations, (8 pages)