



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

PDR
016

SEP 05 1985

Ms. Billie P. Garde, Director
Citizen's Clinic
Government Accountability Project
1555 Connecticut Avenue, NW, Suite 202
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-85-452

Dear Ms. Garde:

This is in further response to your letter dated June 19, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), all records related to Inspection Report 83-09 on the Braidwood plant.

The documents listed on the enclosed Appendix C contain predecisional advice, opinions, and recommendations of the staff regarding NRC Region III inspection and enforcement actions and are being withheld from public disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. The withheld documents do not contain any reasonably segregable factual portions, and their release would tend to inhibit the open and frank exchange of ideas essential to the deliberative process.

Pursuant to 10 CFR 9.9 of the Commissions 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 persons responsible for this denial are the undersigned and Mr. James G. Keppler, Regional Administrator, NRC Region III.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, 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."

The NRC has not completed its review of the remaining document subject to your request. We will respond as soon as that review is completed.

Sincerely,

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

Enclosure: As stated

APPENDIX C
DOCUMENTS TO BE WITHHELD

1. 04/05/84 Memorandum for DeYoung from Keppler on Special Quality Assurance Program Inspection Findings (2 pages)
2. 05/23/84 Memorandum for Keppler from Spessard on Enforcement Actions with the special quality assurance program findings (5 pages)
3. 02/25/85 Draft Citations for future enforcement actions (4 pages)
4. Undated Draft #1 thru #6 on Braidwood (122)
5. Undated Draft responses to CECOs responses to 83-09 (4 pages)

GOVERNMENT ACCOUNTABILITY PROJECT

1555 Connecticut Avenue, N.W., Suite 202
Washington, D.C. 20036

Sally
(202) 232-8550

June 19, 1985

**FREEDOM OF INFORMATION
ACT REQUEST**

FREEDOM OF INFORMATION REQUEST

FOIA-85-452

rec'd 6/25/85

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

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. 552, the Government Accountability Project ("GAP") requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computation, voice recordings, computer runoffs, any other data compilations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with Braidwood IE Report 83-09, as well as any and all records relevant to and/or generated in connection with this FOIA request.

This request includes all agency records as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980) whether they currently exist in the NRC official, "working," investigative or other files, or at any other location, including private residences.

If any records as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, supra, and covered by this request have been destroyed and/or removed after this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken relevant to, generated in connection with, and/or issued in order to implement the action(s).

GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public," 5 U.S.C. section 552(a)(4)(a). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through its Citizens Clinic, GAP offers

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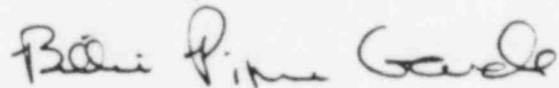
FOIA REQUEST
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June 19, 1985

We are requesting the above information as part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (1), 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten days.

Sincerely,



Billie Pirner Garde
Citizens Clinic Director

BPG:res