



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

October 24, 1983

MEMORANDUM TO: File

FROM: William J. Ward, Director *WJW*  
Division of Field Operations  
Office of Investigations

SUBJECT: TRANSAMERICA DeLAVAL EMERGENCY DIESEL  
GENERATORS

At approximately 1515 hours October 18, 1983, I returned a telephone call to Mr. Thomas Novak, Assistant Director, Division of Licensing, Office of Nuclear Reactor Regulation. On this subject, Mr. Novak stated that he and his staff would be meeting in the near future with licensee representatives regarding the Grand Gulf Nuclear Generating Station application for full power authorization. Mr. Novak was aware that OI had initiated an investigation regarding the subject diesel generators and was concerned that this may pose some difficulties in his meeting with Grand Gulf representatives. Mr. Novak pointed out that before NRR can recommend approval of Grand Gulf's full power authorization to the Commission, it must arrive at a determination regarding the emergency diesel generators at Grand Gulf. He wanted to know what restrictions our pending investigation would have on the questions that he would need to ask Grand Gulf. I informed him that OI had no objections to his asking any questions necessary for NRR to arrive at an informed decision as to the validity of the licensee's opinion regarding the safety of the generators. As an example, I pointed out that he could ask what assurances Grand Gulf had that the metal in the crank shafts was of the requisite quality. If the Grand Gulf response were that the material certifications showed the metal to be of sufficient safety, it would be prudent to then inquire as to whether any independent testing had been done of the crank shafts. I pointed out to Mr. Novak that if worse came to worse, OI was prepared to risk Grand Gulf's inferring areas of investigative interest if such were necessary for NRR to arrive at safety related conclusions. I said that this was an acceptable risk and was demonstrably different from publicly disseminating such information to all the parties such as a Board Notification. Novak stated that he understood the foregoing and thanked me for my cooperation.

cc: B.B. Hayes  
R.A. Fortuna  
E.C. Gilbert  
✓ R.K. Herr, OI:RIV

*Porter's*  
*and*

15

F/5

3  
6-12

Power  
7/10/87

3/24/87 in Power spoke w

Mullins DGC

had 8" of documentation. Saw

LILCO filed amended

complaint about 1 mo previous

previously. He was a friend to

Lincoln. Lincoln was also

to review all file material

7/20 - Mullins will try to get

to me by 7/22. Call to report him

if nec

Mullins  
634-3224 7/16 on leave  
7/17 on leave  
ccy

Mullins  
7/20/87 -  
Discovering in  
on going in  
civil suit  
NR C people  
will be testifying

8 met, who  
Chuck Mullins, OGC  
is chair p 27  
contact  
ccy

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5  
FOIA 20-A-12

5-84-008

F/1



# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA - 89-192

RESPONSE TYPE

FINAL

☒

PARTIAL

DATE

FEB 8 1990

DOCKET NUMBER(S) (if applicable)

REQUESTER

Robert M. Rolfe, Esquire

## PART I - AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

☐ No agency records subject to the request have been located.☐ No additional agency records subject to the request have been located.☐ Requested records are available through another public distribution program. See Comments Section.☒ Agency records subject to the request that are identified on Appendix(es) D are already available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC 20555.☒ Agency records subject to the request that are identified on Appendix(es) E are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.☐ The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.☐ Agency records subject to the request that are identified on Appendix(es) \_\_\_\_\_ may be inspected and copied at the NRC Local Public Document Room identified in the Comments Section.☒ Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.☒ Agency records subject to the request are enclosed. \*☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.☐ You will be billed by the NRC for fees totaling \$ \_\_\_\_\_.☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated \_\_\_\_\_ No \_\_\_\_\_.

## PART II - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

COMMENTS

\*Copies of the records identified on enclosed Appendix E are enclosed.

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

*Dorrie H. Church**902130203 (SPP)*



**PART B B - APPLICABLE EXEMPTIONS**

Records subject to the request that are described on the enclosed Appendix(es) F are being withheld in their entirety or in part under the following Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC Regulations.

- ☐ 1. The withheld information is properly classified pursuant to Executive Order (EXEMPTION 1)
- ☐ 2. The withheld information relates solely to the internal personnel rules and procedures of NRC (EXEMPTION 2)
- ☐ 3. The withheld information is specifically exempted from public disclosure by statute indicated (EXEMPTION 3)
  - ☐ Sections 141-145 of the Atomic Energy Act which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165)
  - ☐ Section 147 of the Atomic Energy Act which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167)
- ☐ 4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated (EXEMPTION 4)
  - ☐ The information is considered to be confidential business (proprietary) information.
  - ☐ The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).
  - ☐ The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).
- ☒ 5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation (EXEMPTION 5) Applicable Privilege
  - ☐ Deliberative Process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable fact portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
  - ☐ Attorney work product privilege (Documents prepared by an attorney in contemplation of litigation)
  - ☐ Attorney-client privilege (Confidential communications between an attorney and his/her client)
- ☐ 6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy (EXEMPTION 6)
- ☒ 7. The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated (EXEMPTION 7)
  - ☐ Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators (EXEMPTION 7 (A))
  - ☐ Disclosure would constitute an unwarranted invasion of personal privacy (EXEMPTION 7(C))
  - ☐ The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources (EXEMPTION 7 (D))
- ☒ OTHER  
**Critical Self-Evaluative Privilege - Exemption 5**

**PART B C - DENYING OFFICIALS**

Pursuant to 10 CFR 9.25(b) and/or 9.25(c) of the U.S. Nuclear Regulatory Commission 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 the denial are those officials identified below as denying officials and the Director, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			SECRETARY	EDO
Ben B. Hayes	Director, Office of Investigations	App. F/1, F/4 and F/5		<input checked="" type="checkbox"/>
John C. Hoyle	Ass't Secretary of the Commission	App. F/2	<input checked="" type="checkbox"/>	
James A. Fitzgerald	Ass't General Counsel for Adjudications & Opinions	App. F/3 and F/6	<input checked="" type="checkbox"/>	

**PART B D - APPEAL RIGHTS**

The denial by each denying official identified in Part B C may be appealed to the Appellate Official identified in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or 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."

APPENDIX D  
DOCUMENTS MAINTAINED AT THE PDR

NUMBER	DATE	DESCRIPTION
1.	8/30/83	I&E Information Notice No. 83-58: TDI Generator Crankshaft Failure, Acc. No. 8308040044.
2.	1/16/84	Inspection Report No. 999003341/83-03 TDI, Acc. No. 8402130524.
3.	1/16/84	Inspection Report No. 999003341/83-02 TDI, Acc. No. 8402130518.
4.	1/17/84	Letter to TDI with enclosures, Acc. No. 8402130510.
5.	7/86	NUREG-1216 - Safety Evaluation Report Related to the Operability and Reliability of Emergency Diesel Generators Manufactured by TDI, Acc. No. 8609100233.

**APPENDIX E  
DOCUMENTS BEING PLACED IN THE PDR**

NUMBER	DATE	DESCRIPTION
1.	7/23/82	Letter to Mr. Joe Barrios, from Mr. C. C. Wei, re: Pride of Texas Engine Problems, (3 pgs.)
2.	10/7/83	Memo for R. K. Herr from John Collins, subject: "Requested Investigation of TDI, (3 pgs.).
3.	10/14/83	Letter to Michael S. Miller from Linda L. Martin, re: Review of documents at Titan Navigation, Inc., (20 pgs.).
4.	12/21/83	Letter to Anthony F. Earley from Alan Roy Dynner re: Subpoena to U.S. Steel Corporation, (17 pgs.).
5.	1/17/84	Memo for Darrell G. Eisenhut from John T. Collins, subject: "TDI-Vendor Program Branch Inspection History," (1 pg.) Acc. No. 861215050316 with attachment: Vendor Program Branch TDI Inspection History, (7 pgs.).
6.	6/14/85	Letter to Edward Baker from Thomas F. Burns enclosing BNL's Technical Report of Vendor Trip to TDI, (10 pgs.).
7.	3/30/87	Letter to Thomas E. Ross from E. Neil Jensen re: Sacramento Municipal Utility District V, TDI, (3 pgs.).

**APPENDIX F**  
**DOCUMENTS BEING WITHHELD IN THEIR ENTIRETY**

NUMBER	DATE	DESCRIPTION
1.	Various Dates	Handwritten Investigator's Notes, (1 pg.) - EXEMPTION 5.
2.	Undated	Draft Memo, subject: "New Information Concerning TDI Emergency Diesel Generators, Board Notification 83-___," (2 pgs.) - EXEMPTION 5.
3.	9/4/82	Transamerica Delaval Inter-Office Correspondence, (4 pgs.) - EXEMPTION 5.
4.	1/27/83	Investigator's Notes, (4 pgs.) - EXEMPTION 7D.
5.	10/24/83	Memo for the File, subject: "TDI Emergency Diesel Generators," (1 pg.) - EXEMPTION 5.
6.	9/25/86	Memo with attached Depositions of Individuals, (786 pgs.). - EXEMPTION 7D.



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April 26, 1989

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FILE NO 24566.3

DIRECT DIAL NO BOX 188

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-89-192  
Rec'd 5-3-89

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Director, Division of Rules and Records Management  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Sir:

This is a request for documents and records pursuant to the  
Freedom of Information Act, 5 U.S.C. § 552 (1982) and 10 C.F.R.  
§§ 9.1-.204.

This request is made on behalf of the Long Island Lighting  
Company whose principal place of business is located in  
Hicksville, New York.

In this request, the terms "documents and files" are defined  
to include the following:

All reports, records, lists, inter-  
office memoranda, intra-office  
memoranda, data, telegrams; correspon-  
dence, schedules, photographs, sound  
reproductions, ledger books, log books,  
data sheets, graphs, catalogues,  
computer tapes, records or printouts,  
notes, records of telephone conversa-  
tions, meeting agendas, attendance  
lists, minutes or notes of meetings,  
statements or any other handwritten,  
typewritten, printed, recorded or  
graphic material of any kind or  
description whatsoever.

~~8908070064~~  
(E)



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The documents and files sought in this request are:

All files of the Office of Investigations that pertain to any investigation of Transamerica Delaval, Inc. (or Imo Delaval, Inc. and Imo Industries, reflecting name changes since 1986) that previously were withheld under Exemption 7(A) of the Freedom of Information Act, 5 U.S.C. § 552(b)(7)(A) and 10 C.F.R. 9.5(a)(7)(i). (See August 28, 1986 letter from T.S. Ellis to NRC and October 6, 1986 letter from Donnie H. Grimsley to T.S. Ellis, III, enclosed) and any subsequent documents pertaining to Transamerica Delaval, Inc., Imo Delaval, Inc. or Imo Industries in the file of the NRC's Office of Investigation and all documents bearing report or tracking number Q 5-84-008.

If the Nuclear Regulatory Commission withholds documents or records responsive to this request, then we request that you furnish us with a detailed statement of the reasons for denying access to each document withheld and the following information regarding each such document so that we may determine whether to seek a judicial remedy under the Act:

- (a) the date of each such document or record;
- (b) the identity of the author or authors and addressee or addressees of each such document or record;
- (c) the identity of all persons in the Nuclear Regulatory Commission or elsewhere who received copies of each such document or record;
- (d) the title of each such document or record;
- (e) the general nature and subject matter of each such document or record; and

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(f) whether each such document or record contains any factual information, including, but not limited to, data, descriptions, and critiques of methodologies or statements of policy.

If portions of any responsive documents are deleted before disclosure, we request, pursuant to 10 C.F.R § 9.19, a written statement describing the scope and reasons for any deletion.

It is not necessary that the documents be copied and delivered to us. We will be happy to review the documents at the production location. LILCO will pay any appropriate copying costs or fees attributable to this request and needs no prior notice of the amount of such fees.

We request a response within ten working days of receipt of this request pursuant to 5 U.S.C. § 552(a)(6)(A) and 10 C.F.R § 9.25.

Please call me if you have any questions regarding this request.

Sincerely,



Robert M. Rolfe

177/6391