

PDR-016



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

DEC 10 1984

Docket No. 50-275/323

Mr. Thomas Devine
Government Accountability Project
Institute for Policy Studies
1555 Connecticut Avenue, NW, Suite 202
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-84-740

Dear Mr. Devine:

This is a partial response to your letter dated September 13, 1984 in which you requested, pursuant to the Freedom of Information Act (FOIA), all documents connected with the June 12, 1984 Congressional Briefing on the Diablo Canyon Nuclear Power Plant.

The documents listed on the enclosed Appendix contain advice, opinions, and recommendations of the staff 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. There are no reasonably segregable factual portions and the documents 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 this denial is Mr. John C. Hoyle, Assistant Secretary of the Commission.

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."

Sincerely,

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

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PDR FOIA
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APPENDIX

1. 3/26/84 Note for Comm. Bernthal from J. Meyer re: Diablo Canyon--Vote on Low Power Operation (7 pages)
2. 3/21/84 Note for Comm. Bernthal from J. Meyer re: COMVG-84-6 -- Diablo Canyon Allegation Management (1 page)
3. 2/29/84 Note sheet on SECY 84-70--Consideration of the Complicating Effects of Earthquakes on Emergency Planning at Diablo Canyon (1 page)
4. 2/24/84 Note for Comm. Bernthal from S. Sohinki re: SECY 84-70 (2 pages)
5. 2/28/84 Note for Comm. Bernthal from S. Sohinki re: SECY 84-70 (1 page)
6. 3/29/84 Memo for Secretary from Comm. Bernthal re: SECY 84-70 Order (1 page with 4 page attachment) (Draft Order)
7. 1/23/84 Vote sheet on SECY 84-1--Modification of Commission Memorandum and Order Regarding Operation of Diablo Canyon Nuclear Power Plant (LCI-83-27) (1 page)
8. 1/23/84 Note for Comm. Bernthal from J. Meyer re: SECY 84-1--Modification of Commission Memorandum and Order: Re Diablo Canyon (Authorizing Modes 4 and 3) (1 page)
9. 1/23/84 Notes from J. Meyer to Comm. Bernthal: Further Comments on SECY 84-3 (1 page)
10. 1/23/84 Note for Comm. Bernthal from J. Meyer re: SECY 84-3--Status Report on Resolution of Allegations--Diablo Canyon (1 page)
11. 1/3/84 Note for Comm. Bernthal from S. Sohinki; no subject but regarding Diablo Canyon (1 page)
12. 1/3/84 Vote sheet from Comm. Bernthal; SECY 83-512--Diablo Canyon Stay Request (1 page)
13. 10/25/83 Note for Comm. Bernthal from S. Sohinki re: Briefing on Diablo Canyon Hearing Requests (3 pages)
14. 3/27/84 Note for Comm. Bernthal from J. Meyer re: I. T. Yin 1 page with attachments (pages from transcript)
15. Undated Handwritten notes from Comm. Bernthal, no subject (regarding Diablo Canyon meeting) (3 pages)
16. Undated Notes for Comm. Bernthal from J. Meyer; no subject (regarding Seismic Issues) (1 page)

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies
1901 Que Street N.W., Washington, D.C. 20009

(202) 234-9382

September 13, 1984

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

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-740

Rec'd 9-17-84

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, files, graphs, engineering analyses, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, any other data compilations, interim and/or final reports, status reports, and any other records relevant to and/or generated in connection with the June 12, 1984 Congressional briefing on Diablo Canyon including but not limited to any practice sessions, rehearsals or previews of possible questions that could be raised at the hearing, as well as any communication concerning the June 12 briefing after the June 12 briefing was concluded.

If any of the materials covered by this request has been destroyed and/or removed, please provide all surrounding documentation, including but not limited to a description of the action(s) taken, relevant date(s), and justification(s) for the action(s).

GAP requests that fees be waived, because "findings information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(A). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the project promotes whistleblowers as agents of government accountability. We are requesting the above information as part of an on-going 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 portion 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 (I), 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.

Yours truly,

Thomas Devine
Thomas Devine
Legal Director

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Crystal Dixon
Crystal Dixon
Legal Intern