



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

JAN 28 1985

PDR -016

Ms. Nina Bell, Assistant Director  
Nuclear Information and Resource Service  
1346 Connecticut Avenue, NW, 4th Floor  
Washington, DC 20036

IN RESPONSE REFER  
TO FOIA-84-795

Dear Ms. Bell:

This is in further response to your letter dated October 9, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), four categories of documents regarding the Diablo Canyon Nuclear Power Plant.

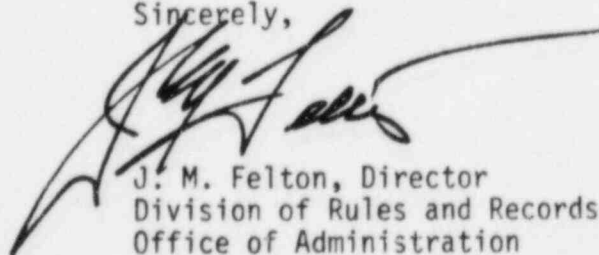
The documents listed on enclosed Appendix C contain the predecisional advice, opinions, and recommendations of the Commissioners and the staff and are being withheld from public disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. 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. 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."

The NRC has not completed its review of the documents 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

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PDR FOIA  
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APPENDIX C

1. 07/25/84 Note from L. Stoloff to Cmr. Bernthal regarding earthquakes and emergency planning at Diablo Canyon.
2. 07/27/84 Note from W. Reamer Chairman Palladino.
3. 07/30/84 Note from J. Meyer, S. Sohinki and L. Stoloff to Cmr. Bernthal, "Talking Points for the Diablo Canyon Meeting--July 30, 1984."
4. 07/30/84 Memo from W. Reamer to S. Trubatch suggesting changes to draft order.
5. 7/31/84 Memo from S. Trubatch to Commissioner Legal Assistants, "Diablo Canyon Order."
6. Undated Note from W. Reamer to Chairman Palladino, "Diablo Canyon--Earthquakes and Emergency Planning."
7. 08/02/84 Revised Draft Order of S. Trubatch.
8. Undated Draft Order with Handwritten Comments of J. Austin and P. Davis.
9. Undated Draft Order with Handwritten Comments, Underlining and Highlighting of Cmr. Asselstine.
10. Undated Cmr. Bernthal's Suggested Changes to Draft Order.
11. Undated S. Sohinki and M. Cutchin Suggested Changes to Draft Order.
12. Undated Chairman Palladino's "Points for Paragraph on Delay in Generic Consideration."



# Nuclear Information and Resource Service

1346 Connecticut Avenue NW, 4th Floor, Washington, D.C. 20036 (202) 296-7552

October 9, 1984

HAND DELIVERED

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

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-84-795

Rec'd 10-10-84

FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Felton:

Pursuant to the Freedom of Information Act, 5 U.S.C. 522, as amended, the Nuclear Information and Resource Service requests the following documents regarding the Diablo Canyon nuclear power plant. This request is made on behalf of the San Luis Obispo Mothers for Peace Inc., intervenors in the Diablo Canyon Operating License proceedings, docket nos. 50-275, 323. Please consider "documents" to include reports, studies, test results, correspondence, memoranda, meeting notes, meeting minutes, working papers, graphs, charts, diagrams, notes and summaries of conversations and interviews, computer records, and any other forms of written communication, including internal NRC Staff memoranda. The documents are specifically requested from, but not limited to, the Office of General Counsel (OGC). In your response, please identify which documents correspond to which requests below.

Pursuant to this request, please provide:

1. All transcripts of closed Commission meetings held during June, July, and August of 1984 concerning the complicating effects of earthquakes on emergency preparedness at the Diablo Canyon plant;
2. SECY-84-70;
3. SECY-84-291; and
4. Copies of all drafts of the Commission's final order CLI-84-12, and closely related documents.

In our opinion, it is appropriate in this case for you to waive search charges, pursuant to 5 U.S.C. 552(a)(4)(A) "because furnishing the information can be considered as primarily benefiting the general public." The Nuclear Information and Resource Service is a non-profit organization serving local

organizations concerned about nuclear power and providing information to the general public. Information required by 10 CFR 9.14a was provided by letter dated August 3, 1984. This FOIA request is submitted on behalf of the San Luis Obispo Mothers for Peace, a non-profit organization involved in intervention and litigation on the Diablo Canyon plant. Information sought pursuant to this request will be used in these proceedings and thus will benefit the public interest. If you should desire to contest the matter of the fee waiver, NIRS and the Mothers for Peace request immediate notification.

I expect a response within the ten working days allowed by law. If you do not intend to make this deadline, I request that a written statement to that effect be provided by you no later than that same date.

If you have any questions regarding this request you may contact Sandy Silver of the Mothers for Peace at 805-543-7748 or me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nina Bell".

Nina Bell  
Assistant Director

cc: File  
Sandy Silver  
1760 Alisal Street  
San Luis Obispo, CA 93401