



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555
FEB 01 1985

PDR-016
LPDR

Docket No. 50-275-323

Joel Reynolds, Esquire
Center for Law in the Public Interest
10951 West Pico Boulevard, Third Floor
Los Angeles, CA 90064-2166

IN RESPONSE REFER
TO FOIA-84-73

Dear Mr. Reynolds:

This is in further response to your letter of January 20, 1984, in which you requested, pursuant to the Freedom of Information Act, documents regarding the 1977 Nuclear Services Corporation audit of Pullman Power Products, the prime piping contractor for the Diablo Canyon Nuclear Power Plant.

Enclosed is a 40-page November 3, 1983, transcript entitled "Report of Allegations at Diablo Canyon." This document was undergoing review when we prepared our September 26, 1984, response letter to you.

At the time the enclosed transcript was undergoing review, an additional transcript was found to be subject to your request. The cover sheet and the first three pages of the transcript entitled "Discussion of Hearing Requests and Whether to Lift Suspension at Diablo Canyon" are enclosed. Pages 4 through 61 of the closed Commission meeting are being withheld in their entirety pursuant to Exemption 10 of the Government in the Sunshine Act (5 U.S.C. 552(c)(10)) and 10 CFR 9.104(a)(10) of the Commission's regulations.

Pursuant to 10 CFR 9.15, 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 the denial of the withheld portions 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."

This completes NRC action on your request.

Sincerely,

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

8502280640 850201
PDR FOIA
REYNOLDS84-73 PDR

Enclosures: As stated

CENTER FOR LAW
IN THE PUBLIC INTEREST

1001 WEST RICO BOULEVARD
THIRD FLOOR

LOS ANGELES, CALIFORNIA 90084-2188
TELEPHONE (213) 470-3000

WASHINGTON, D.C. OFFICE

1575 EYE STREET, N.W.
SUITE 650
WASHINGTON, D.C. 20005-1105
TELEPHONE (202) 371-0199

LEGAL STAFF
NANCY C. CAHMAN
CARLYLE W. HALL JR.
BILL LANN LEE
JOHN R. PHILLIPS
KATHERINE R. RANSEL
JOEL R. REYNOLDS
MARILYN C. TESAURO
FREDRIC E. WOOCHER
NICHOLAS C. YOST

OF COUNSEL
ROBERT BERKE
GEOFFREY COWAN

ADMINISTRATIVE OFFICER
MARSHA H. KWALWASSER

VISITING FELLOWS
LAWRENCE A. GOLDBERG
JOCELYN D. LARKIN
CYNTHIA D. ROBBINS
ETHAN R. SCHULMAN

*ADMITTED IN D.C.
NOT CALIF.

January 20, 1984

FREEDOM OF INFORMATION
ACT REQUEST

FOIA 84-73

Rec'd 1-21-84

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20055

Re: Freedom of Information Act Request

Dear Sir:

This is a request under the Freedom of Information Act, as amended, 5 U.S.C. § 552. On behalf of the Joint Intervenors in the Diablo Canyon Nuclear Power Plant licensing proceeding (In the Matter of Pacific Gas and Electric Company, Nos. 50-275, 323), I am writing to request a copy of all records (10 C.F.R. 9.3a(b)) which discuss, relate to, arise out of, or address in any way the 1977 Nuclear Services Corporation audit of Pullman Power Products (also known as Pullman-Kellogg), the prime piping contractor for the Diablo Canyon Nuclear Power Plant. This request encompasses, among other things, all responses or analyses of the audit by any person, company, entity, or agency; any documents from any subsequent investigations into the audit findings by any person, company, entity, or agency; and any documents relating to disclosure of (or failure to disclose) the audit report to the NRC or any person, company, entity, or agency.

If you determine that some or all of the documents are exempt from release, please advise me as to which exemption(s) you believe covers the materials which you are not releasing and the reasons supporting that belief. In addition, I will expect, as the Act requires, that you will provide me with the remaining non-exempt portions. I, of course, reserve the right to appeal any decision to withhold information and expect that you will list the address and office to which such an appeal may be directed.

Dore 8403090027 2pp.

BOARD OF TRUSTEES

JAMES N. ADLER
REGINALD ALLEYNE
BAYARD F. BERMAN
HOWARD L. BERMAN

PHILIP S. BERRY
GEOFFREY COWAN
MARGOT E. FEUER
ROBERT A. GREENFIELD
CARLYLE W. HALL JR.

ELIZABETH H. HOROWITZ
ALVIN S. KAUFER
MICHAEL R. KLEIN
WESLEY MARK
GLADYS MEADE

JUDY ORTUNG
VICTOR H. PALMER
BOB PAYSON
JOHN R. PHILLIPS
WILLIAM PRESS

BRENT H. RUSHFORTH
MICHAEL H. SHARRO
STANLEY R. SHEWBAUM
MARIO SICILIANO
ALAN STAMM

STEWART L. UDALL
DONALD H. WESSUNG
FRANCIS H. WHEAT
WERNER WOLFEN

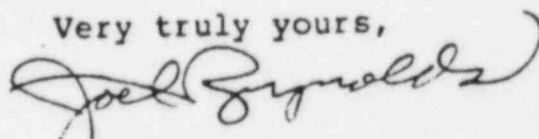
Director, Office of Administration
January 20, 1984
Page Two

As you know, the amended Act permits you to reduce or waive search and copying fees if it "is in the public interest primarily benefiting the public." 5 U.S.C. § 552(a)(4)(A). Because the Center for Law in the Public Interest is a nonprofit institution and because the public generally will benefit from and be served by full disclosure of the documents requested, I believe that this request plainly fits that category and ask that you waive any fees.

If you have any questions regarding this request, please telephone me at (213) 470-3000.

As the amended Act requires, I will expect to receive a reply from you within ten (10) working days.

Very truly yours,



Joel Reynolds
Counsel to the
Joint Intervenors

JR:cc