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February 17, 1984

Freedom of Information Act Appeal  
Secretary to the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

APPEAL OF INITIAL FOIA DECISION

84-A-31E(84-73)

Rec'd 2-21-84

Dear Sir:

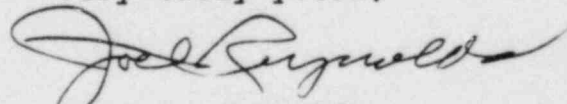
This is an appeal pursuant to subsection (a)(6) of the Freedom of Information Act, as amended ("FOIA") (5 U.S.C. §552).

On January 20, 1984, I wrote on behalf of the Joint Intervenors in the Diablo Canyon Nuclear Power Plant licensing proceeding to request all documents relating to the 1977 Nuclear Services Corporation audit of Pullman Power Products. (A copy of that FOIA request letter is attached.) I have received no response to that request.

As you know, the Act requires a reply within ten working days of the request. Because no reply has been received, I am treating the NRC's failure to respond as a denial of my request. This letter is a formal appeal of that denial.

As the amended Act provides, I will expect a reply within twenty working days.

Very truly yours,



Joel R. Reynolds  
Counsel to the  
Joint Intervenors

JRR:cc  
Enclosure

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PDR FOIA  
REYNOL84-A-31 PDF

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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.

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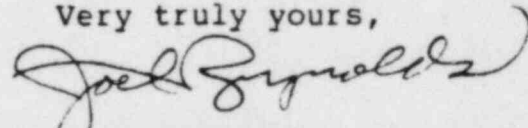
Director, Office of Administration  
January 20, 1964  
Page Two

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