



U.S. NUCLEAR REGULATORY COMMISSION

PDR-016

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)

FOIA-84-21

RESPONSE TYPE

FINAL

☒ PARTIAL

14 ch

DATE

JAN 22 1988

DOCKET NUMBER(S) (if applicable)

50-275/323

REQUESTER

Garde, Billie P.

PART I. - 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.☐ Agency records subject to the request that are identified in Appendix _____ are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.☒ Agency records subject to the request that are identified in Appendix D are being made available for public inspection and copying in the NRC Public Document Room, 1717 H 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, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.☐ Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.☐ Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated _____.

PART II. A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA 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, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Comments

Records That are being placed in the NRC PDR are also being placed in the Local Public Document Room for Diablo Canyon located at the R.E. Kennedy Library, California Polytechnic State University Government Documents and Maps Department, San Luis Obispo, California 93407.

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PDR FOIA
GARDE84-21 PDR

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

William H. Edmund

FREEDOM OF INFORMATION ACT RESPONSE

FOIA NUMBER(S):

FOIA-84-21

DATE:

JAN 22 1988

PART II.B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices V are being withheld in their entirety or in part under FOIA Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.5(a) of NRC Regulations.

1. The withheld information is properly classified pursuant to Executive Order 12356 (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)

Section 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 from a foreign source 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. 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 factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency. (EXEMPTION 5)

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 investigatory records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (EXEMPTION 7)

Disclosure would 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 would reveal identities of confidential sources. (EXEMPTION 7(D))

PART II.C - DENYING OFFICIALS

Pursuant to 10 CFR 9.9 and/or 9.15 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 Rules and Records, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			SECRETARY	EDO
Mr. Bert Davis	Regional Administrator	Portions -		X
	Region 3	Appendix V		

PART II.D - APPEAL RIGHTS

The denial by each denying official identified in Part II.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 U

RECORDS BEING PLACED IN PDR

1. 5/26/78 Ltr to Crane from Book, subject: NRC Inspection of Diablo Canyon Unit 1. (9 pages)
2. 11/29/83 Memo for Eisenhower from Bishop, subject: Assistance in follow-up to Diablo Canyon Allegations. (10 pages)
3. Undated Draft allegation or concern No. 102. (10 pages)
4. Undated Quality Assurance Records-Allegation #65. (2 pages)
5. Undated Task Allegation #79, 82, 84, 87, 88 and 95. (6 pages)
6. Various I. Yin's notes and Preliminary Reports re various
Dates allegations. (136 pages)

APPENDIX V

PORTIONS OF RECORDS DELETED
EXEMPTION 6

1. 12/2/83 Interview Pipe Support Engineers. (4 pages)
2. 12/2/83 Interview Pipe Stress and Support Engineers. (6 pages)
3. 12/3/83 Interview Pipe Stress and Support Engineers. (4 pages)
4. 12/5/83 Interview Pipe Stress and Support Engineers. (3 pages)
5. 12/5/83 Interview Pipe Stress and Support Engineers. (3 pages)
6. 12/5/83 Interview Pipe Stress and Support Engineers. (2 pages)
7. 12/20/83 Memo of call slip to Yin from named individual,
w/attachment questions. (5 pages)
8. Undated Handwritten notes to Crews, Hartzman, Knighton and
Garnitz. (13 pages)
9. Undated Handwritten notes of Yin. (5 pages)
10. Undated Handwritten notes. (11 pages)
11. Undated Handwritten notes. (3 pages)

GOVERNMENT ACCOUNTABILITY PROJECT

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

(202) 234-9332

January 9, 1984

HAND-DELIVERED 9 January 1984

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-21

Rec'd 1-10-84

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

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Government Accountability Project (GAP) of the Institute for Policy Studies, 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, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, and any other data compilations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with the Safety Evaluation Report related to the operation of the Diablo Canyon Nuclear Power Plant, Units 1 and 2, NUREG-0675, Supplement No. 21 (December, 1983) ("SSER 21"). This includes, but is not limited to, any and all NRR regulations, calculations, and judgments used to evaluate any of the allegations referred to in SSER 21. We request that each responsive document be identified by the allegation number(s) to which it may relate.

If any of the material 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 "finding information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(A). The Government Accountability Project 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. Through its Citizens Clinic, GAP offers assistance to local public interest and citizens groups who seek to ensure the health and safety of their communities. The Citizens Clinic is currently assisting citizens groups in the California area concerning the Diablo Canyon Nuclear Power Plant.

For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions 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

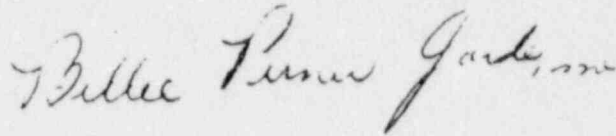
84-03-080485-2pp.

January 9, 1984

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.

Very truly yours,

A handwritten signature in cursive script that reads "Billie Pirner Garde".

Billie Pirner Garde
Citizens Clinic Director

BPG:me