



FOIA-86-197

RESPONSE TYPE

FINAL

XX

PARTIAL

DATE

JUN - 4 1987

DOCKET NUMBER(S) (if applicable)

PDR-016
RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

REQUESTER

Mr. Gregory A. Holmes

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 S 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 I 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

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

*Donna H. Hendry*8706100088 870604
PDR FOIA
HOLMES86-197 PDR

PART II B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices U & 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).

X 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
James A. Fitzgerald	Assistant General Counsel for Adjudications & Opinions	U-1 - U-2	X	
John C. Hoyle	Assistant Secretary of the Commission	V-1 - V-2	X	

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 S

1. 9/1/84 Ltr to Zech from Parks re: Diablo Canyon (2 pages) PDR
Accession No. 8409110402
2. 10/11/84 Ltr to Parks from Zech re: Diablo Canyon (1 page) PDR
Accession No. 8502190372

APPENDIX T

1. 2/2/84 Memo to Ben Hayes from Myers, re: Ebersole's January 24 memo regarding Diablo Canyon. (2 pages)
2. 2/7/84 Memo for Eisenhut from Partlow, subject: Hearing Board Notifications. (1 page)
3. 2/24/84 For Affirmation/Discussion Session Friday 2/24/84, subj: SECY-84-70 Consideration of the Complicating Effects of Earthquakes on Emergency Planning at Diablo Canyon. (1 page)
4. 5/31/84 Memo for Canter, Scarano, Crews, Johnson, Schuster, Fish, Garcia, Hernandez, Mendonca, Wenslawski, Morrill, Burdoin, Schaefer, Schierling from Kirsch, subject: Diablo Canyon Unit 1, Full Power Licensee Review Panel. (2 pages)
5. 6/1/84 Memo for Eisenhut from Hayes, subject: Proposed Board Notification. (1 page)
6. 7/2/84 Memo for Dircks from Chilk, subject: Diablo Canyon. (1 page)
7. 7/6/84 Memo for Eisenhut from Bishop, subject: Diablo Canyon Allegations Assigned for Nuclear Reactor Regulation. (1 page)
8. 6/21/84 Memo for Denton from Martin, subject: Special Inspection of the Performance of the Operating Crews - Diablo Canyon, Unit 1. (27 pages)
9. 7/23/84 Memo for Denton from Martin, subj: Full Power Operation - Diablo Canyon Unit 1 Pacific Gas and Electric Compay. (2 pages)
10. 7/31/84 Memo for Droggitis from Rehm, subject: Status of Offsite Emergency Preparedness For Diablo Canyon. (3 pages)
11. 7/31/84 Memo for Chairman and Commissioners from Dircks, subject: Diablo Canyon Unit 1 - Information For Full Power Briefing. (22 pages)
12. 8/20/84 Memo for Chairman and Commissioners from Plaine, subj: Telegram from Governor of California Re Diablo Canyon. (2 pages)
13. 9/20/84 Memo for Dircks from Martin, subject: Mr. Devine's Letter of September 4, 1984. (3 pages)

APPENDIX T
(Continued)

14. 10/2/84 Memo for Eisenhut from Bishop, subject: Diablo Canyon Unit 1 High-Range Noble Gas Effluent Monitor Re-29 (NUREG-0737, Item II.F.1, Attachment 1) Seismic Design Criteria - Request for Transfer of Lead Responsibility - Docket No. 50-275. (3 pages)
15. 10/3/84 Ltr to Ottinger from Palladino. (2 pages)
16. 10/11/84 Memo for Chilk from Zech, subj: COMJA-84-11 - Richard Parks Letter on Diablo Canyon. (1 page)
17. 10/15/84 Memo for Eisenhut from Grace, subject: Near Term Licensing Activities. (2 pages)
18. 10/31/84 Memo for Denton from Martin, subject: Region V Review of Diablo Canyon Unit 1 Allegations: Docket No. 50-275. (1 page)
19. 11/5/84 Memo for record from Shollenberger, subject: Telephone Contact with Tom Devine, GAP. (1 page)
20. 11/26/84 Memo for Diablo Canyon Miscellaneous File (FAC 1) from Meeks, subject: GAP Petition dated June 21, 1984 Containing Approximately 300 Allegations on Diablo Canyon, (1 page)
21. 11/29/84 Routing slip to Eisenhut from Sinclair (1 page) w/attachment:
 - a. 11/29/84 memo for Eisenhut from Hayes, subject: Transmittal of Government Accountability Project Documents. (1 page)
22. 12/5/84 Memo for Denton from Martin, subject: Diablo Canyon Unit 2 Operations Readiness Report. (49 pages)
23. 1/28/85 Memo for Eisenhut from Kirsch, subject: Diablo Canyon Allegations Assigned to Nuclear Reactor Regulation for Resolution (1 page)
24. 3/1/85 Memo for Miraglia from Kirsch, subject: Licensing Action Review Schedules for Generic Letter 83-28 (Salem ATWS Events) (2 pages)
25. 2/25/85 Note to Meeks from Ley, subject: References for Diablo Canyon Allegation Resolution (10 pages)

APPENDIX T
(Continued)

26. 3/7/85 Memo for Thompson from Kirsch, subject: Request for Additional Information Generic Letter 83-28, TACS Nos. 52913, 53749, 53068 and 54059. (3 pages)
27. 3/19/85 Note to Meeks from Ley, subject: References for Diablo Canyon Allegation Resolution (1 page)
28. 3/20/85 Memo for Chairman and Commissioners from Zerbe, subject: Diablo Canyon Unit 2 Licensing Schedule - Need for Effectiveness Review. (1 page)
29. 3/22/85 Memo for Denton from Burns subject: Amended 2.206 Petition re: Diablo Canyon. (2 pages)
30. 3/28/85 Memo for Chairman and Commissioner's from Dircks, subject: Diablo Canyon Unit 2 Revised Fuel Load Date. (1 page)
31. 4/8/85 Memo for Chilk thru Norry from Brady, subject: Transfer of NRC Documents to the Hoover Institution by Former Commissioner Gilinsky. (1 page)
32. 4/15/85 Memo for Connelly from Denton, subject: Diablo Canyon Allegations Regarding Staff Conduct. (2 pages)
33. 4/18/85 Memo for Chairman and Commissioners from Dircks, subject: Consideration of Low Power License for Diablo Canyon Unit 2. (1 page)
34. 4/19/85 Memo for Chairman and Commissioners from Dircks, subject: Additional Information - Consideration of Low Power License for Diablo Canyon Unit 2. (1 page)
35. 4/22/85 Memo for Knighton from Matthews, subject: Diablo Canyon 2 SSER Input on Selected NUREG-0737 Items. (6 pages)
36. 4/22/85 Memo for Chairman and Commissioners, subject: Consideration of Low Power License for Diablo Canyon Unit 2 - Issuance of Supplement No. 28 to Safety Evaluation Report. (1 page)
37. 4/26/85 Memo for Thompson from Kirsch, subject: Diablo Canyon Unit 2 Proposed Technical Specifications DN - 50-323. (1 page)

APPENDIX T
(Continued)

- 38. 3/14/85 Memo for Diablo Canyon Allegation File from Allegation Review Board, subject: Diablo Canyon Allegation Review Board Meeting. (4 pages)
- 39. 9/5/84 Memo for Chairman and Commissioner's from Kammerer, subject: Diablo Canyon Congressional Field Hearings. (3 pages)

APPENDIX U

RECORDS PARTIALLY WITHHELD

1. 8/15/84 Memorandum from Kammerer to Chairman Palladino and Commissioners (1 page) with attached draft response re: Diablo hearing (4 pages). Draft response withheld-Exemption 5
NOTE: Deleted material in cover memorandum not within scope of request.
2. 8/20/84 Memorandum from Briggs to Chairman Palladino and Commissioners (1 page) with attached application to vacate the stay of the Diablo Canyon operating license (6 pages). Memorandum withheld in part - Exemption 5; attached application released

APPENDIX V

RECORDS TOTALLY WITHHELD

1. 4/11/84 Memorandum from Gilinsky to Dircks, subject: Diablo Canyon loss of ECCS. (1 page) Exemption 5.
2. 10/30/84 Memorandum from Bernthal to Chairman Palladino and Commissioners, subject: SECY-84-394. (2 pages) Exemption 5.



TECHNICAL ASSOCIATES

TECHNICAL CONSULTANTS ON ENERGY & THE ENVIRONMENT

Dale G. Bridenbaugh

Richard B. Hubbard

Gregory G. Minor

1723 Hamilton Avenue—Suite K

San Jose, California 95125

Phone (408) 266-2716

March 4, 1986

Mr. Donnie H. Grimsley, Director
Division of Rules and Records
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: FOIA REQUEST

Dear Mr. Grimsley:

Pursuant to the Freedom of Information Act, please make available at the Commission's Washington, D.C., Public Document Room single copies of records in the following categories:

- A. From the Chron Files of Mr. Hans Schierling from January 1, 1984, to the present, all records concerning in any way the Diablo Canyon Nuclear Power Plant, Units 1 and/or 2.
- B. From the Reading Files of Mr. Hans Schierling from January 1, 1984, to the present, all records concerning in any way the Diablo Canyon Nuclear Power Plant, Units 1 and/or 2.

Please provide partial responses as batches of documents become available.

If you have any questions concerning this request, please contact me at the telephone number given above. Your prompt attention to this request will be appreciated.

Very Truly Yours,

Gregory A. Holmes
Associate Consultant

FOIA REQUEST

FOIA-86-197

Rec'd 3-20-86

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