



FOIA-84-744

RESPONSE TYPE

FINAL

☒ PARTIAL 4TH

DATE

JUN 11 1987

DOCKET NUMBER(S) (if applicable)

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

PDR-016

REQUESTER

Miss Dixon and Mr. Devine

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 D 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 & E 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

Additional records have been referred to the Department of Labor for review and direct response to you.

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

Dennis H. Hendley

8706230228 870611

PDR FOIA

DIXON87-744

PDR

PART II B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices D 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)

X 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))

X Disclosure would constitute an unwarranted invasion of personal privacy (EXEMPTION 7(C))

X 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 |
| BEN B. HAYES | DIRECTOR, OFFICE OF INVESTIGATIONS | APPENDIX D AS NOTED BY ASTERISKS | 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."

(Fourth Partial)

APPENDIX D

| ITEM NO. | DATE | NO. PAGES | DESCRIPTION |
|----------|----------|-----------|--|
| 81 | - | 5 | Allegation Nos. 92 & 93 Problem Statement, (Exhibit A) |
| 99 | - | 3 | Allegation No. 96 Stokes Affidavit of 11/16/83 Page 2 of 01 Excerpt |
| 100 | 1984 | 3 | Motion to re-open |
| 102 | 1983 | 2 | Discrepancy Report-C. Cranston Project Engineer |
| 176 | 2/10/84 | 1 | Problem Statement page 2 of 2 |
| 180 | 12/9/83 | 1 | Letter from Lockert |
| 181 | 12/13/83 | 2 | Pullman Power Products Deficient Condition Notice (S. Lockert) |
| X 184 | 12/23/83 | 4 | Memo from Padovan to K. Kirsch Re: Pullman OC Insp. Allegations Ex. 7C |
| X 186 | 12/23/83 | 18 | Memo from Padovan to Kirsch Ex. 7C |

X DENOTES PORTIONS WITHHELD

APPENDIX D
(Continued)

Re: FOIA-84-744
(Fourth Partial)

| ITEM NO. | DATE | NO. PAGES | DESCRIPTION |
|----------|----------|-----------|---|
| 188 | 12/15/83 | 33 | Termination Notice to Payroll Dept. - Steve Lockert |
| 190 | 12/13/83 | 5 | Pipe Support Daily Worksheet |
| 193 | 3/13/83 | 14 | DCN's |
| 195 | 9/2/83 | 7 | Pullman's Discrepancy Report |
| 197 | 8/15/83 | 3 | DCN |
| 199 | 9/16/83 | 1 | DCN |
| 200 | 9/16/83 | 7 | DCN |
| 201 | 9/22/83 | 5 | DCN |
| 202 | 10/3/83 | 17 | DCN |
| 204 | 1983 | 210 | Daily Inspection Log |
| 211 | 1/12/84 | 10 | Affidavit |
| 216 | 2/15/83 | 2 | Termination Notice/Steve Lockert |
| XX 219 | 12/15/83 | 3 | Pullman - Field Personnel Record Ex. 6 & 7C |
| XX 221 | 9/28/83 | 1 | Employee's Withholding Allowance Certificate Ex. 6 & 7C |
| 310 | 11/3/83 | 2 | Form F-129 |
| 312 | 7/27/83 | 2 | DCN |
| 315 | 7/27/83 | 5 | DCN's |
| 317 | - | 3 | Letter from T. O'Neill re: Addition to DCN 1604-005 |
| 319 | 8/11/83 | 9 | DCN's |

XX DENOTES DENIED IN ENTIRETY

APPENDIX D
(Continued)

| ITEM NO. | DATE | NO. PAGES | DESCRIPTION |
|----------|----------|-----------|--|
| 321 | 8/15/83 | 1 | DCN |
| 323 | 9/6/83 | 3 | Explanation of Discrepancy |
| 325 | 8/24/83 | 3 | DCN |
| 327 | 9/22/83 | 2 | DCN |
| 329 | 9/22/83 | 3 | DCN |
| 331 | 9/20/83 | 2 | DCN |
| 333 | 9/22/83 | 3 | DCN |
| 334 | 9/22/83 | 2 | DCN |
| 335 | 9/22/83 | 3 | DCN |
| 337 | 10/12/83 | 4 | DCN |
| 339 | 10/12/83 | 7 | DCN |
| 341 | 10/20/83 | 3 | DCN's |
| 343 | 11/3/83 | 4 | DCN |
| 345 | 11/10/83 | 2 | DCN |
| 347 | 11/15/83 | 2 | DCN |
| 349 | 11/29/83 | 1 | DCN |
| 351 | 12/15/83 | 4 | DCN |
| 353 | 10/23/83 | 2 | DCN |
| 354 | 11/19/83 | 1 | DCN |
| X 360 | - | 1 | Allegation No. 170 (RV84A022) Exemption 7D |

* DENOTES PORTIONS WITHHELD

APPENDIX D
(Continued)

| ITEM NO. | DATE | NO. PAGES | DESCRIPTION |
|----------|---------|-----------|--|
| 361 | - | 1 | Allegations Nos. 168-170 Allegation or Concern No. 170 |
| 400 | 3/16/84 | 1 | Allegation Nos. 103-125 Problem Statement |
| 407 | - | 93 | Miscellaneous - Page 76 |
| 408 | - | 271 | Miscellaneous - Procedure 10.1 Attachment A - 6 pages |
| 425 | 1/6/84 | 78 | Interview - Harold Hodson |
| 430 | - | 4 | Allegation No. 121 |
| ** 431 | 1/2/84 | 91 | Technical Support Material List Ltr. from H. Hudson to Gillsky w/attachments Report #2 - QA Deficiencies PDR # 8402150329 |
| 432 | - | 133 | Miscellaneous |
| 433 | 3/7/84 | 15 | Conference Telecon |
| 434 | 3/8/84 | 22 | Memo fm. Coffey to Casella w/attachments |
| 435 | 3/20/84 | 16 | Letter from Mary Ann Krau to Casella w/attachments |
| X 436 | 1/9/84 | 33 | Meeting with Kirsch, Hudson, etc. EXEMPTION b |
| 441 | 1/12/84 | 16 | Meeting w/Hudson, Kirsch, Clewett, Wagner, etc. |
| 443 | - | 7 | Problem Statement - RV-83-074 |
| 444 | 3/29/79 | 29 | Miscellaneous |
| 446 | 7/16/82 | 2 | Discussion with Harold Hudson |
| 447 | 7/16/82 | 2 | Memo from A. Eck to _____ re: AAR's #1 and #2 of Audit Report #31 |
| 448 | - | 15 | Personnel Testing Record Inter Office Memos (last 4 pages) |
| 449 | 5/18/82 | 1 | Pullman - Written response to AAR #1, etc. |

*** Denotes in PDR
X Denotes PORTION WITHHELD

APPENDIX D
(Continued)

FOIA-84-744
(Fourth Partial)

| ITEM NO. | DATE | NO. PAGES | DESCRIPTION |
|----------|----------|-----------|---|
| 450 | 2/4/74 | 7 | PG&E Memo with attachment |
| 451 | 1/19/82 | 14 | Pullman Power Products QA Summary |
| 453 | 2/29/84 | 12 | Ltr. from Schuyler to Martin re: Board Notification No. 84-014 |
| 454 | 11/3/82 | 41 | Discrepancy Report |
| 463 | 2/3/84 | 31 | Affidavit - Harold Hudson |
| 468 | - | 5 | Allegation Nos. 123-126 Problem Statement - last three pages |
| 469 | - | 5 | Problem Statement - last three pages |
| 472 | 2/8/84 | 11 | Affidavit of Charles Stokes, w/exhibits |
| X 475 | - | 3 | EX. 7C & 7D Allegation No. 127 |
| X 481 | 3/12/84 | 3 | Telephone conversation 12/20/83 EX. 7C & 7D |
| 486 | 3/15/84 | 48 | Memo from Houston to Novak re: Diablo staff Affidavits in |
| X 217 | 12/17/83 | 12 | Allegation No. 128 & 129 Ltr fm S. Lockert to Paul Stieger, Pullman Pwr, re: Grievance re: the termination of S. Lockert on 12/15/83 filed |
| 222 | 12/15/83 | 2 | Employees Termination Notice |

X DENOTES PORTIONS WITHHELD

EXEMPTION 6

APPENDIX E

TAPES BEING PLACED IN PDR

1. 1/16/84 Steve Lockert Interview, Tape #3
2. 1/9/84 H. Hudson Interview, Tape #5
3. 1/6/84 H. Hudson Interview, Tape #8
4. 1/6/84 H. Hudson Interview, Tape #9
5. 1/6/84 H. Hudson Interview, Tape #10



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

FOIA-84-744

DCS,

Please include in the title field that there are
tapes included in released documentation.

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

September 13, 1984

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington DC 20555

FREEDOM OF INFORMATION
ACI REQUEST

FOIA-84-744
Rec'd 9-17-84

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Government Accountability Project (GAP) request 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, files, graphs, engineering analyses, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, any other data compilations, interim and/or final reports, status reports, and any 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, Unit 1 and 2, NUREG-0675, Supplement No. 22, which provided the NRC Staff's further findings on whistleblower charges. We request that each responsive document be identified by the allegation number(s) to which it may relate.

If any of the materials 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 request that fees be waived, because "findings information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(A). GAP 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. We are requesting the above information as part of an on-going monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

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

Yours truly,

Thomas Devine

Thomas Devine
Legal Director

Crystal Dixon
Crystal Dixon
Legal Intern

8506040557
1P.