



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

January 20, 1984

U.S. NRC

34 JAN 23 PM 4:39

MEMORANDUM FOR: Dick Brady
NRR

Edward Shomaker
OELD

Roger Goode
RII

Carol Ann Reed
OI

FROM: Donnie H. Grimsley, Acting Chief
Freedom of Information and Privacy Acts Branch

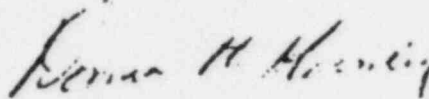
SUBJECT: FOIA REQUEST FROM BILLIE GARDE FOR DOCUMENTS REGARDING
REGION II AND/OR THE OFFICE OF INVESTIGATIONS INSPECTION/
INVESTIGATION OF THE ISSUES RAISED BY MR. LANGLEY AND THE
THREE IN CAMERA WITNESSES WHO TESTIFIED IN THE CATAWBA
LICENSING PROCEEDING (FOIA-84-48)

Please find enclosed a copy of the subject FOIA request. Please advise Frank Karas of my staff by January 26, 1984, of your response to the following:

- (1) Does your office have documents subject to this request?
If yes: How much search time will be required? NOTE:
If expected search time exceeds two hours, do not begin
search until first talking to FOIA Branch staff contact.
- (2) Approximately how many documents do you anticipate will be withheld from public disclosure? What is their nature?
- (3) When submitting documents responsive to the request, a careful review should be undertaken to identify to DRR (1) any material which should be withheld specifically as classified, safeguards, or proprietary information, and (2) all records received from, or transmitted to one, or more Commissioners, or which contain substantive excerpts from records received from, or transmitted to, the Commissioners.
- (4) Do you anticipate any problems in processing this request and responding in the allotted time?
- (5) Which other offices might have documents subject to this request?

Please provide DRR with all documents subject to this request no later than NOON, January 30, 1984.

Special Instructions regarding FOIA search requirements are attached. If you have any questions, please telephone immediately the FOIA Branch contact listed below.



Donnie H. Grimsley

Enclosure: As stated

CONTACT: Frank W. Karas
49-24610

SPECIAL INSTRUCTIONS: In conducting your search, you should search the official case files and also have those staff involved in the preparation, review and approval of actions taken to search for any documents they may not have in the official case file.

The following instructions are to be used in searching for records and processing FOIA requests:

Scope of Search

1. As a general rule, a search is adequate when all records are located which individuals familiar with the subject matter of the request can reasonably be expected to find in a reasonable amount of time.
2. The staff does not have to look into every conceivable file for records subject to a request, but the staff likely to be familiar with the subject matter must be consulted, and those files likely to contain records must be reviewed.

Agency Records

3. An FOIA request applies only to records in existence on the date the request is received by NRC. "In existence" includes records in a computer data file if the information is retrievable by use of an existing print program. No new programming is required. (Records created after a request is received by NRC may be made available as a matter of discretion with the staff, i.e., if the additional records are necessary to provide a complete picture of a situation or to avoid possible ambiguity).
4. If the requested information does not exist in record or computer format at the time a request is received, there is no obligation under the FOIA to create a record in order to be responsive to the request.
5. If records have been destroyed prior to the receipt of the request, there is no obligation under the FOIA to tell the requester what was destroyed, when it was destroyed, or why it was destroyed. Note, however, that no records may be destroyed after a request is received.
6. If a FOIA request also asks for all records created in connection with the processing of the request, it is not necessary to make these records available since the records were not in existence at the time the request was received. (There may be a separate, later request, however, for these records).
7. If a FOIA request asks for records maintained at a person's residence, and a staff member has any question as to whether the records are personal records or agency records, the staff member should contact the FOIA Branch. (Normally records maintained at a person's residence are not "agency records").
8. IF THE STAFF HAS ANY QUESTIONS ABOUT THE SCOPE OF A REQUEST, WHETHER PARTICULAR RECORDS SHOULD BE INCLUDED WITHIN THE SCOPE, WHETHER THE SCOPE OF THE REQUEST APPEARS TO BE UNREASONABLY BURDENSOME, OR SUGGESTIONS OF HOW THE SCOPE COULD BE LIMITED BY PROVIDING OTHER, MORE READILY AVAILABLE RECORDS, THEY SHOULD IMMEDIATELY CONTACT THEIR MANAGEMENT AND THE FOIA BRANCH IN DRR.

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

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

(202) 234-9382

January 18, 1984

FREEDOM OF INFORMATION ACT REQUEST

FOIA-84-48
RK 1-19-84

FREEDOM OF INFORMATION ACT REQUEST

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 generated in connection with Region II and/or the Office of Investigations inspection/investigation of the issues raised by Mr. Harry Langley and the three in camera witnesses who testified in the Catawba licensing proceeding.

This FOIA request is being served by Express Mail to Region II Administrator, Mr. James P. O'Reilly, on this date and hand-delivered to the Bethesda FOIA Office in anticipation of a January 20, 1984, closure date for Region II's inspection efforts.

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 actions.

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 several citizens groups, local governments, and intervenors in the South Carolina area concerning the Catawba Nuclear Power Plant.

We are requesting the above information as part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

January 18, 1984

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 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,

Billie Pirner Garde

Billie Pirner Garde
Citizens Clinic Director

BPG:me

cc: Mr. James P. O'Reilly - Express Mail
FOIA Office/Bethesda - Hand-Delivered

84 JAN 26 P3:47

MESSAGE TO: James Vorse, OI: X II

MESSAGE FROM: Carol Ann Reed
(Office of Investigations)
OI, USNRC

NUMBER OF PAGES INCLUDED IN THIS REQUEST (INCLUDING COVER PAGE):

6

DATE: 1/26/84

(Please call or handcarry this material to the addressee).

Sandy 492-4408

D-60 10f6

MEMORANDUM TO CASE FILE

TYPE ACTION

- () RECORD OF CONVERSATION
 () CASE REVIEW / STATUS
 () OTHER

PARTICIPANTS

Williamson, B Garde

FILE NO.

2-83-038

DATE

2-1-84

TIME

0930

CONFIDENTIALITY REQUESTED

YES NO

SUMMARY

B. Garde called and related that she had talked with some people (NFI) that OI had talked to and she wasn't sure we (OI) were addressing the issues involved in the Catambur investigation. She said she had placed a call to Ben Hayes and thought maybe a conference call could be arranged to discuss some issues.

I questioned MS Garde if she was implying that we, Vorse & myself were being remiss in our investigation. She indicated that this was not to be taken personally that she was not concerned with the investigation but the progression of the investigation.

I asked for specifics and names of individuals she had talked to - she said she would provide me with the names but she was late for an interview in Haffney, S.C.

I told her Vorse & I would be in the office all day 2-2-84 if she had more information to provide.

PAGE OF

PREPARED BY

E.W.

DATE

2-1-84

ACTION REQUIRED

Jim Vorse & John Sinclair OIHO was advised with Personal Contact by G.A.P.

REVIEWED BY

DATE