



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

PDR-016

MAY 09 1985

Mr. Thomas Devine
Ms. Crystal Dixon
Government Accountability Project
1555 Connecticut Avenue, NW, Suite 202
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-84-741

Dear Mr. Devine and Ms. Dixon:

This is in further response to your letter dated September 13, 1984, in which you requested, pursuant to the Freedom of Information Act, all documents associated with the August 20, 1984, Director's decision under 10 CFR 2.206 in response to petitions filed on behalf of the San Luis Obispo Mothers for Peace.

The documents listed on the enclosed appendix are being placed in the NRC Public Document Room. They will be filed in PDR folder FOIA 84-741 under your name.

Pages 56 through 58 of the March 26, 1984, transcript of open Commission meeting, "Discussion/Possible Vote on Diablo Canyon Criticality and Low Power Operation," have been identified as being subject to your request. This document is already available in the NRC PDR (Accession No. 8404110542).

The NRC has not completed its review of the remaining documents subject to your request. We will respond as soon as that review is completed.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", is written over the typed name.

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: As stated

Re: FOIA-84-741

APPENDIX

1. A. 03/19/84 transcript pages 84 and 85 of closed Commission meeting, "Status of Pending Investigation on Diable Canyon," and
- B. 08/01/84 memo from S.J. Chilk to W.J. Dircks, G. Messenger and H.H.E. Plaine, "Staff Requirements - Status of Pending Investigations on Diable Canyon, 10:00 A.M., Monday, July 30, 1984..."

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3
4 STATUS OF PENDING INVESTIGATION
5 ON
6 DIABLO CANYON

7 Closed Session

8
9 Nuclear Regulation Commission
10 1717 H Street, N.W., Room 1130
Washington, D.C.

11 Monday, March 19, 1984

12 The Commission met in closed session, pursuant
13 to the Chairman's direction and notice, at 12:15 p.m.

14 COMMISSIONERS PRESENT:

15 NUNZIO PALLADINO, Chairman of the Commission
16 VICTOR GILINSKY, Member
17 JAMES ASSELSTINE, Member
FREDERICK BERNTHAL, Member

18 STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

19 H.E. PLAINE
20 S. CHILK
21 R. DIRCKS
22 J. MARTIN
23 T. BISHOP

24 * * *

1 went that far.

2 (Laughter.)

3 I'm just trying to give you a shorthand version of his
4 thinking, as I understand it.

5 Do you have more?

6 MR. HAYES: No, sir, that's where we are on
7 Diablo Canyon.

8 COMMISSIONER GILINSKY: Thank you very much.

9 CHAIRMAN PALLADINO: Jack has a comment.

10 MR. MARTIN: The only comment I have is on the
11 intimidation question, which we have a couple of paragraphs
12 on that in the document coming down to you. This is one that
13 I got interested in sometime back because there is quite
14 a bit in the newspapers and the different groups make quite
15 an issue that there's a widespread paranoia at the site.

16 And during the course of the inspection, we've
17 asked each of the inspectors to go interview 10 or 12 workers
18 at random, private or on the site, and all in all, we've
19 had maybe 250 structured interviews of people together with
20 several hundred other contacts that weren't by any means
21 structured interviews but -- and as we said, having these
22 40 people in the lunch room and everywhere else, you can
23 imagine, all over the site, I think our perspective in the
24 aggregate is that we certainly don't see any widespread
25 paranoia or any policy written or otherwise on the part of

(4)

1 these contractors to intimidate their employees.

2 There certainly are eight or so people who feel
3 very strongly that they have been improperly leaned on, and
4 whether they have or haven't I don't know. We'll have to
5 wait and see what DOL and Mr. Hayes say. But I think our
6 perspective is there seem to be some people feeling very
7 strongly about it, but we do not see a widespread paranoia
8 at that site yet.

9 CHAIRMAN PALLADINO: Are you investigating these
10 intimidations?

11 MR. HAYES: We have open investigations but we
12 are standing down during the DOL investigations. We just
13 don't have the resources to look at them all.

14 COMMISSIONER ASSELSTINE: Is Labor pursuing it
15 aggressively?

16 MR. HAYES: Yes, they are.

17 MR. MARTIN: They have made preliminary
18 findings on four so far --

19 COMMISSIONER ASSELSTINE: Which substantiated
20 some of them at least.

21 MR. MARTIN: Two didn't, and I guess they have
22 to go to hearing, you know.

23 CHAIRMAN PALLADINO: Any other questions, comments?
24 Thank you very much.

25 (Whereupon, at 12:34 p.m., the meeting was
adjourned.)

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, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST
FOIA-84-741
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) 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, 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 August 20, 1984 directors' decision under 10 C.F.R. 2.206 in response to various petitions filed pursuant to 10 C.F.R. 2.206 by the Government Accountability Project (GAP) on behalf of the San Louis Obispo, Mothers for Peace. 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 have 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 "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 the 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.

Yours truly,
Thomas Devine
Thomas Devine
Legal Director

Crystal Dixon
Crystal Dixon
Legal Intern

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OFFICE OF THE
SECRETARY

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

August 1, 1984

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MEMORANDUM FOR: William J. Dircks, Executive Director
for Operations

George Messenger, Acting Director
Office of Inspector and Auditor

Herzel H.E. Plaine, General Counsel

FROM: Samuel J. Chilk, Secretary *JS*

SUBJECT: STAFF REQUIREMENTS - STATUS OF PENDING
INVESTIGATIONS ON DIABLO CANYON, 10:00 A.M.,
MONDAY, JULY 30, 1984, COMMISSIONERS'
CONFERENCE ROOM, D.C. OFFICE (CLOSED--EX.
5 AND 7)

The Commission* was briefed by the Office of Investigations
(OI) on the status of investigations concerning the Diablo
Canyon plant, and separately by the Office of Inspector
and Auditor (OIA) regarding allegations pending before it
that pertain to Diablo Canyon.

The Commission requested an outline indicating where technical
aspects of allegations are addressed in the documented reviews
and a summary of the conclusions reached in the investigations
in the form of quotations from the staff's documented reviews.
The Commission requested that these documents be available
no later than Wednesday morning, August 1.

(EDO)

(SECY Suspense: 8/1/84)

(Subsequently, the EDO provided the Commission with a cross
reference on Diablo Canyon allegations. Time did now allow
the inclusion of a summary of staff dispositions.)

The Commission requested the OIA report on allegations be
available prior to close of business on Wednesday, August 1.

(OIA)

(SECY Suspense: 8/1/84)

The Commission requested that the Office of the General
Counsel (OGC) respond to the 2.206 petition submitted by
the Government Accountability Project (GAP), subject to
review by the Commission.

(OGC)

(SECY Suspense: 8/17/84)

* Commissioner Roberts was not present.

Rec'd Off. EDO

Date: 8-2-84
Time: 1:30 p.m.

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The Commission requested that staff and OIA be available to brief the Commission on the disposition of the investigations concerning Diablo Canyon during the Commission meeting to consider the full power operating license for Diablo Canyon, currently scheduled for 10:00 a.m., Thursday, August 2, 1984. Specifically, the Commission requested that OIA summarize what its action has been in these investigations and what results it has.

(EDO/OIA)

(SECY Suspense: 8/2/84)

cc: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
Commission Staff Offices