



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

PDR
OLB

Mr. Christopher J. Rillo
Thelen, Marrin, Johnson & Bridges
Two Embarcadero Center
San Francisco, CA 94111

IN RESPONSE REFER
TO FOIA-85-249

Dear Mr. Rillo:

This is in further response to your letter dated April 2, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), eight categories of records related to E. Earl Kent and his allegations regarding the Midland, Palisades and San Onofre nuclear power plants.

Copies of documents listed on the enclosed Appendix G are being placed in the NRC Public Document Room (PDR) in folder FOIA-85-249 under your name. Copies of documents listed on the enclosed Appendix H are already in the PDR. Additional documents related to this request are also available in the PDR in folders FOIA-82-616, FOIA-82-617, and 85-213.

Portions of the documents listed on the enclosed Appendix I, and all of the documents listed on the enclosed Appendix J, are investigatory records compiled for law enforcement purposes and are being withheld from public disclosure pursuant to Exemptions (6), (7)(A), (7)(C), (7)(D) and (7)(F) of the FOIA (5 U.S.C. 552(b)(6), (7)(A), (7)(C), (7)(D) and (7)(F)) and 10 CFR 9.5(a)(6), (7)(i), (7)(iii), (7)(iv), and (7)(vi) of the Commission's regulations. Disclosure of the information would constitute an unwarranted invasion of personal privacy, disclose the identity of a confidential source, interfere with an enforcement proceeding, or endanger the life or physical safety of law enforcement personnel. The released portions of the Appendix I documents are being placed in the NRC PDR in folder FOIA-85-249 under your name.

Pursuant to 10 CFR 9.9 of the Commission's 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 person responsible for this denial is Mr. James G. Keppler, Regional Administrator, NRC Region III.

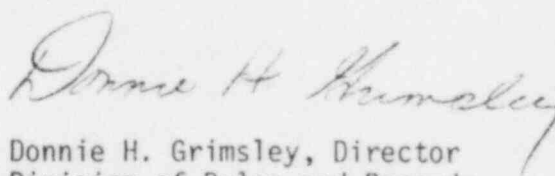
Mr. Christopher J. Rillo

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The denial may be appealed to the NRC's Executive Director for Operations within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Executive Director for Operations, 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."

The NRC has not completed its search for and review of documents subject to your request. We will respond as soon as those actions are completed.

Sincerely,

A handwritten signature in cursive script, reading "Donnie H. Grimsley".

Donnie H. Grimsley, Director
Division of Rules and Records
Office of Administration

Enclosures: As stated

APPENDIX G

1. 01/31/80 Welding and Pipe support chart. (2 pages)
2. 12/02/81 Letter to Bechtel from Davis on condition with battery rack.
(1 page)
3. 02/02/82 Quality Control Inspection Record, Bechtel. (3 pages)
4. 03/10/82 Handwritten notes on Kent. (1 page)
5. 03/11/82 Handwritten notes per Cook. (1 page)
6. 08/16/82 Handwritten note of call. (1 page)
7. 09/17/82 Letter to Curran from Patterson. (3 pages)
8. 10/07/82 Handwritten note on phone call with Odell. (2 pages)
9. 10/12/82 Handwritten note of phone call. (1 page)
10. 10/13/82 Copy of E. Kent's Interview with Steve Handelsman. (5 pages)
11. 10/18/82 Letter to Cranston from Cohen. (1 page)
12. 10/29/82 Letter to Kammerer from Cranston on L. A. Times article.
(1 page)
13. 11/05/82 Letter to Cranston from Dircks on San Onofre allegations.
(1 page)
14. 11/12/82 Memorandum to Foster from Hernandez. (6 pages)
15. 04/04/85 Memo for Connelly from Keppler on allegation that the NRC staff
may have acted improperly during inspections. (1 page)
16. 04/19/85 Letter to Keppler from Cook on Welding Allegations. (2 pages)
17. 05/08/84 Letter to Czajkowski from Harrison on OIA report. (1 page)
18. Undated Drawing of socket profile. (1 page)
19. Undated Handwritten note on Allegations. (1 page)
20. Undated Example of approximate slopes discovered 10/25/82 at Songs.
(1 page)
21. Undated Drawing of a Socket weld. (1 page)

APPENDIX G

(CONTINUED)

- 22. Undated Handwritten notes on Kent FOIAs. (1 page)
- 23. Undated Advertisement for diplomas and college degrees. (1 page)
- 24. Undated Field Change Request. (2 pages)
- 25. Various Newspaper clippings. (37 pages)
Dates
- 26. Undated Note of Weil. (1 page)
- 27. Various Kent Chronology. (5 pages)
Dates
- 28. Undated Consumers Power Co. statement. (1 page)
- 29. Undated Business Card of E. Earl Kent. (1 page)

APPENDIX H

1. 11/21/77 Letter to Keppler from Bechtel - Accession No. 8006180622
2. 05/31/78 Letter to Keppler from Consumers Power - Accession No. 8006120769
3. 08/04/78 Letter to Keppler from Consumers Power - Accession No. 8006170820
4. 10/21/81 Letter to Keppler from Dotson - Accession No. 8110270121
5. 09/06/82 Letter to Keppler from Garde - Accession No. 8311020170
6. 10/82 Interview transcript - Accession No. 8302070285
7. 10/16/82 Statement of Kent - Accession No. 8311020175
8. 10/21/82 Letter to RIII, Part 21 Report from Bechtel - Accession No. 8110270121
9. 10/22/82 Memo, Areas of Kent Tour - Accession No. 8212290042
10. 11/08/82 Memo: Recommendation for Licensing Board Notification - Accession No. 8211190352
11. 11/17/82 Memo to ASLAB, Information Item - Accession No. 8212030269
12. 11/30/82 Letter and Reports - Accession No. FPN 8212170369
13. 12/02/82 Letter to Kent from Kirsch - Accession No. 8311020251
14. INSPECTION REPORTS
 - DOCKET 50-329/82-12 - Accession No. 8107240480
 - 82-04 - Accession No. 8204090386
 - 82-06 - Accession No. 8205110406
 - 82-21 - Accession No. 8211190283
 - 83-03 - Accession No. 8304220552
 - 83-05 - Accession No. 8304290141
 - 83-10 - Accession No. 8307140344
 - 83-13 - Accession No. 8311090321

APPENDIX I

Documents Withheld in Part

1. 03/02/82 Handwritten notes on Kent allegations (1 page) withheld in part under Exemption 7f - to protect a FBI employee, and Exemption 6, invasion of personal privacy.
2. 03/02/82 Handwritten notes on E. E. Kent conference call with Stamaris, Warnick, Key, Danielson, Payton (5 pages) Withheld in part under Exemption 7d, to protect a confidential source.
3. 03/02/82 Handwritten note of phone call with Kent (3 pages) Withheld in part under Exemption 7d, to protect a confidential source
4. 03/03/82 Handwritten note of phone call with Cook, Ward (1 page) Withheld in part under Exemption 7d, to protect a confidential source
5. 03/03/82 Handwritten note of phone call with Cook and Ward (2 pages) Withheld in part under Exemption 7d, to protect a confidential source
6. 03/09/82 Handwritten note of phone call with Stamaris (1 page) Withheld in part under Exemption 6, invasion of personal privacy
7. 03/17/82 Handwritten note of phone call with Kent (4 pages) Withheld in part Exemption 7d, to protect a confidential source
8. 03/17/82 Handwritten note of phone call with a confidential source (2 pages) Withheld in part under Exemption 7d, to protect a confidential source
9. 03/17/82 Handwritten note of phone call with Stamaris (1 page) Withheld in part under Exemption 7d, to protect a confidential source
10. 08/10/82 Handwritten note of phone call with Kent (1 page) Withheld in part under Exemption 7d, to protect a confidential source
11. 09/13/82 Handwritten note of phone call with Kent (1 page) Withheld in part under Exemption 6, invasion of personal privacy
12. 09/20/82 Letter to Patterson from Curran on Audit Report BPCS-13-82 (49 pages) Withheld the phone number under Exemption 6, invasion of personal privacy
13. 10/06/82 Note of phone call with Odell by Weil (1 page) Withheld in part under Exemption 6, personal invasion of privacy
14. 11/02/82 Handwritten note of phone call with Garde (1 page) Withheld in part under Exemption 6, invasion of personal privacy

APPENDIX I

(CONTINUED)

15. 09/07/83 Foster statement on Kent (1 page) Withheld in part under Exemption 6, invasion of personal privacy
16. 09/13/? Memorandum of Call for JGK by Kent (1 page) Withheld in part under Exemption 6, invasion of personal privacy
17. Resumé of E. Earl Kent. (11 pages)

APPENDIX J

Documents Withheld In Their Entirety

Exemptions 6, (Personal Privacy) and 7A (Ongoing Region III investigation)

1. 02/22/82 Bechtel QC Personnel File on Kent. (1 page)
2. 03/08/82 Bechtel QC Personnel File on Kent. (2 pages)
3. 03/08/82 Bechtel QC Personnel File on Kent. (4 pages)
4. 03/09/82 Bechtel Memorandum to Kent from QC Coordinator. (14 pages)
5. 03/12/82 Bechtel QC Personnel File on Kent. (7 pages)
6. 07/16/82 Affidavit by Kent. (12 pages)

Exemption 7A (Ongoing investigation in Region III)

7. 09/14/83 Report of Inquiry. (2 pages)
8. 08/12/82 Meeting record with Foster, Kent, Ward, and Key on 08/12/82.
(78 pages)

THELEN, MARRIN, JOHNSON & BRIDGES

ATTORNEYS AT LAW

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April 2, 1985

Director
Office of Administration
United States Nuclear
Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-85-249
Rec'd 4-9-85

Re: FOIA Request

Dear Sir:

Pursuant to the Freedom of Information Act ("FOIA") 5 U.S.C. § 552 and the regulations of the Nuclear Regulatory Commission ("NRC") 10 C.F.R. § 980 (1984), I hereby request copies of the following documents and records:

1. All documents or all records in possession of the NRC, including, but not limited to, Region V, Region III, the Office of Nuclear Reactor Regulation ("NRR"), the Office of Investigation ("OI") and the Office of Inspector and Auditor ("OIA") which refer or relate to Elmo Earl Kent, a/k/a E. Earl Kent, a/k/a Earl Kent ("Kent");

2. All documents or records in possession of the NRC, including, but not limited to, Region V, Region III, the NRR, the OI and the OIA which refer or relate to Kent's allegations, comments or complaints concerning the Midland Twin Nuclear Power Plant ("Midland") during the time period October 1, 1980 through the present;

3. All documents or records in possession of the NRC, including, but not limited to, Region V, Region III, the NRR, the OI and the OIA which refer or relate to Kent's allegations, comments or complaints concerning the Palisades Nuclear Plant ("Palisades") during the time period October 1, 1980 through the present;

4. All documents or records in possession of the NRC, including, but not limited to, Region V, Region III, the NRR, the OI and the OIA which refer or relate to Kent's

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allegations, comments or complaints concerning the San Onofre Nuclear Generating Station ("SONGS") during the time period October 1, 1980 through the present;

5. All documents which pertain or relate to communications concerning the Kent's allegations or comments regarding SONGS, Palisades and/or Midland, made by the Alliance for Survival, the Government Accountability Project, Miguel Pulido, Timothy Carpenter, Billie Pirner Garde or Louis Clark, with any division of the NRC, including, but not limited to, Region III, Region V, the NRR, the OI, the OIA, the Commissioners or staff;

6. All documents or records which pertain or relate to the NRC's, including, but not limited to, Region III's or Region V's, investigation of, findings regarding or disposition of, Kent's allegations or comments concerning SONGS, Palisades or Midland;

7. All documents which pertain or relate to any investigation by the NRC's OIA, OI or NRR concerning the NRC's investigation of, findings regarding or disposition of Kent's communications and allegations made to the NRC regarding Midland, Palisades or SONGS;

8. All documents which pertain or relate to investigation of Kent's allegations regarding the Midland Twin Nuclear Power Plant made by Region III and the Brookhaven National Laboratories.

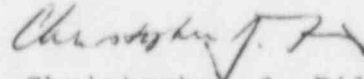
I hereby authorize the photocopying of those documents and the payment at the standard rate established by regulations. Prepayment will be furnished upon request.

If you have any questions regarding this request, please direct them to Steven L. Hock of this office or to the undersigned at (415) 392-6320.

Sincerely,

THELEN, MARRIN, JOHNSON & BRIDGES

By


Christopher J. Rillo

CJR:cf