



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

PDR-016

FEB 06 1985

Docket No. 50-275/323

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

IN RESPONSE REFER
TO FOIA-84-740

Dear Mr. Devine and Ms. Dixon:

This is the final response to your letter dated September 13, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), all documents connected with the June 12, 1984, congressional briefing on the Diablo Canyon nuclear power plant.

Copies of the 4 documents listed on the enclosed Appendix A are being placed in the NRC Public Document Room (PDR). They will be filed in PDR folder FOIA-84-740 under your name.

Portions of the 2 documents listed on the enclosed Appendix B and the entire document listed on Appendix C contain predecisional advice, opinions, and recommendations of the staff and are being withheld from public disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. There are no reasonably segregable factual portions of the Appendix C document, and it is being withheld in its entirety. The released portions of the Appendix B documents are being filed in PDR folder FOIA-84-740 under your name.

Pursuant to 10 CFR 9.15 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. John C. Hoyle, Assistant Secretary of the Commission.

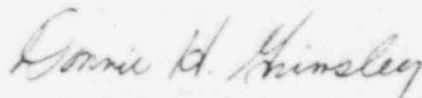
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Mr. Thomas Devine
Ms. Crystal Dixon

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This denial may be appealed to the Secretary of the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed 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 to the Initial FOIA Decision."

Sincerely,



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

Enclosures: As stated

APPENDIX A

1. 03/26/84 Memo to the Commissioners from C. Kammerer re: Revised Questions from Udall Subcommittee Staff. (14 pages)
2. 03/26/84 Diablo Canyon Design Verification Program 13 Issues Requiring Resolution. (3 pages)
3. 04/10/84 Telefax to T. Rehm from OCA; Notes re: Basis for Findings on NSC Audit Etc. (5 pages)
4. Undated Draft background paper re: Diablo Canyon. (10 pages)

APPENDIX B

1. 03/23/84 SECY 84-130, Policy Issue to the Commissioners from W. Dircks; Diablo Canyon Allegations Review. (2 pages)
2. 04/26/84 Memo to Chairman Palladino from W. Dircks re: Invitation to Dr. Naymark, Quadrex, to Address the Commission. released (6 pages)

(enclosure 4 withheld) - undated draft letter to Dr. S. Naymark from N. Palladino. (1 page)

APPENDIX C

1. Undated Draft letter to Congressman M. Udall from NRC Chairman Palladino; responds to Questions Raised Regarding Diablo Canyon. (26 pages)

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

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September 13, 1984

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-740

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 June 12, 1984 Congressional briefing on Diablo Canyon including but not limited to any practice sessions, rehearsals or previews of possible questions that could be raised at the hearing, as well as any communication concerning the June 12 briefing after the June 12 briefing was concluded.

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 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 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

85-022899-25