



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

March 8, 1994

The Honorable Albert Gore, Jr.  
President of the United States Senate  
Washington, D. C. 20510

Dear Mr. President:

I am enclosing the Nuclear Regulatory Commission's report on the administration of the Freedom of Information Act for calendar year 1993. This report is submitted in accordance with Public Law 93-502 of November 21, 1974 (5 U.S.C. 551(d)).

Sincerely,

Ivan Selin

Enclosure:  
FOIA Report

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NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

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The Honorable Thomas S. Foley  
Speaker of the United States  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Speaker:

I am enclosing the Nuclear Regulatory Commission's report on the administration of the Freedom of Information Act for calendar year 1993. This report is submitted in accordance with Public Law 93-502 of November 21, 1974 (5 U.S.C. 551(d)).

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REPORT BY THE NUCLEAR REGULATORY COMMISSION ON  
THE ADMINISTRATION OF THE FREEDOM OF INFORMATION ACT FOR 1993

1. (a) Total number of initial determinations made by the agency not to comply with requests for records made under 5 U.S.C. 552 during calendar year 1993:

185 requests involved denial determinations during calendar year 1993.

- (b) Authority relied upon for each such determination:

(1)	<u>Exemptions in 5 U.S.C. 552(b)</u>	<u>Number of Times Invoked</u>
	1	3
	2	0
	3	2
	4	31
	5	59
	6	78
	7A	53
	7B	0
	7C	55
	7D	8
	7E	3
	7F	5
	8	0
	9	0

- (2) Statutes invoked pursuant to Exemption 3:

<u>Statutory Citation</u>	<u>Number of Times Invoked</u>
42 U.S.C. 2167	2

- (3) The number of requests for which the NRC cited the Government in the Sunshine Act to withhold transcripts and/or records of closed Commission meetings:

One

2. (a) Total number of appeals made by persons from adverse initial decisions pursuant to 5 U.S.C. 552(a)(6):

(1) Number of appeals in which, upon review, the request was granted in full:

One

(2) Number of appeals in which, upon review, the request was denied in full:

Thirteen

(3) Number of appeals in which, upon review, the request was denied in part:

Four

(4) Number of appeals in which, upon review, the request was neither denied or granted:

Three\*

\*This figure includes two appeals in which the requesters appealed the failure of the agency to respond within the 10-day response period. The files on these appeals were closed and considered "granted" upon NRC's response to the initial requests. This figure also includes one appeal challenging the completeness of NRC's response to an initial request. The NRC reaffirmed its initial determination.

(b) Authority relied upon for total or partial denials on appeal:

(1)	Exemptions in 5 U.S.C. 552(b) <u>Invoked</u>	<u>Number of Times Invoked</u>
	1	0
	2	1
	3	0
	4	5
	5	5
	6	5
	7A	6
	7B	0
	7C	3
	7D	1
	7E	0
	7F	0
	8	0
	9	0

3. (a) Name and title or position of each person who is responsible for the initial denial of records requested, and number of instances of participation of each:

	<u>NAME</u>	<u>NUMBER OF INSTANCES OF PARTICIPATION</u>
1.	Robert B. Bernero, Director Office of Nuclear Material Safety and Safeguards	16
2.	Paul E. Bird, Director Office of Personnel	9
3.	Raymond J. Brady, Director Division of Security Office of Administration	4
4.	Gerald F. Cranford, Director Office of Information Resources Management	2

	<u>NAME</u>	<u>NUMBER OF INSTANCES OF PARTICIPATION</u>
5.	Karen D. Cyr, Deputy General Counsel for Hearings, Enforcement, and Administration Office of the General Counsel	2
6.	A. Bert Davis, Regional Administrator, Region III	4
7.	Stewart D. Ebnetter, Regional Administrator, Region II	5
8.	Bobby Faulkenberry, Regional Administrator, Region V	2
9.	James A. Fitzgerald, Assistant General Counsel, Litigation and Special Projects Office of the General Counsel	3
10.	Donnie H. Grimsley, Director Division of Freedom of Information and Publications Services Office of Administration	132
11.	Edward L. Halman, Director Division of Contracts and Property Management Office of Administration	14
12.	Ben B. Hayes, Director Office of Investigations	35
13.	John C. Hoyle, Assistant Secretary of the Commission	1
14.	Edward Jordan, Director Office for Analysis and Evaluation of Operational Data	4
15.	James Lieberman, Director Office of Enforcement	16

	<u>NAME</u>	<u>NUMBER OF INSTANCES OF PARTICIPATION</u>
16.	John B. Martin, Regional Administrator, Region III	7
17.	John B. Martin, Regional Administrator, Region V	4
18.	Thomas T. Martin, Regional Administrator, Region I	1
19.	James L. Milhoan, Regional Administrator, Region IV	6
20.	Thomas E. Murley, Director Office of Nuclear Reactor Regulation	9
21.	Patricia G. Norry, Director Office of Administration	1
22.	Leo J. Norton, Assistant Inspector General for Investigations Office of the Inspector General	52
23.	Joseph Scinto, Deputy General Counsel for Hearings, Enforcement and Administration Office of the General Counsel	11
24.	Ronald M. Scroggins, Deputy Chief Financial Officer/Controller	1
25.	James H. Sniezek, Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations & Research	1
26.	James M. Taylor, Executive Director for Operations	1

- (b) Name and title or position of each person who, on appeal, is responsible for the denial of records requested, and the number of instances of participation of each:

	<u>NAME</u>	<u>NUMBER OF INSTANCES OF PARTICIPATION</u>
1.	David C. Williams, Inspector General	6
2.	Samuel J. Chilk, Secretary of the Commission	3
3.	Hugh L. Thompson, Jr., Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support	9

- (c) The results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(F), including a report of disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records, or an explanation of why disciplinary action was not taken.

There have been no proceedings conducted pursuant to 5 U.S.C. 552(a)(4)(F)

5. A copy of every rule made by the agency regarding 5 U.S.C. 552.

The NRC did not publish any new rules regarding 5 U.S.C. 552 in 1993.

6. A copy of the fee schedule and the total number of fees collected by the agency for making records available under 5 U.S.C. 552.

The NRC fee schedule is set forth in 10 CFR 9.33 through 9.43. The total amount of fees collected in CY-1993 by the NRC for making records available under 5 U.S.C. 552 was \$17,350.94, which includes \$12,036.91 in search and review fees and \$5,314.03 for the reproduction of records



7. Such other information as indicates effort to administer fully 5 U.S.C. 552.

During CY-1993, the NRC received 656 FOIA requests and 23 appeals. Copies of FOIA requests and the records disclosed as a result of such requests which relate to NRC's regulatory programs are normally placed in the NRC Public Document Room in Washington, D.C. In addition to providing general public access to material released under the Freedom of Information Act, the NRC routinely places an average of 280 new documents each day on virtually every aspect of NRC's regulatory program for public inspection and copying in the Public Document Room. This extensive voluntary document release program has resulted in more than 1.9 million documents being made available in the Public Document Room and serves about 1300 users per month. Additionally, the NRC maintains extensive document collections relating to individual nuclear facilities in 88 Local Public Document Rooms located throughout the country.