



ny docs

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA — 92-436

RESPONSE TYPE

FINAL

PARTIAL

DATE

JUN - 8 1993

DOCKET NUMBER(S) (if applicable)

REQUESTER

Mr. Victor Gilinsky

PART I. -- AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

No agency records subject to the request have been located.

No additional agency records subject to the request have been located.

Requested records are available through another public distribution program. See Comments section.

Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

Agency records subject to the request that are identified in Appendix(es) _____ are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.

Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

Agency records subject to the request are enclosed.

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

Fees

You will be billed by the NRC for fees totaling \$ _____.

You will receive a refund from the NRC in the amount of \$ _____.

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____, No. _____.

PART II. A -- INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

GISA, Ex. 5 - Disclosure is likely to involve accusing any person of a crime or formally censuring any person.

GISA, Ex. 10 - Disclosure is likely to specifically concern the issuance of a subpoena, participation in a civil action or proceeding, matters involving formal agency adjudication, or other determinations on the record.

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Ronnie H. Gilinsky

9404010034 930608
PDR FOIA
GILINSK92-436 PDR

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST
(CONTINUATION)**

FOIA NUMBER(S)

FOIA — 92-436

DATE

JUN - 8 1993

PART II.B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) U & V are being withheld in their entirety or in part under the Exemption No.(s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC regulations.

- 1. The withheld information is properly classified pursuant to Executive Order. (Exemption 1)
- 2. The withheld information relates solely to the internal personnel rules and procedures of NRC. (Exemption 2)
- 3. The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3)
 - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
- 4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated. (Exemption 4)
 - The information is considered to be confidential business (proprietary) information
 - The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).
 - The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).
- 5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (Exemption 5). Applicable Privilege:
 - Deliberative Process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
 - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation.)
 - Attorney-client privilege. (Confidential communications between an attorney and his/her client.)
- 6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (Exemption 6)
- 7. The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)
 - Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (Exemption 7 (A))
 - Disclosure would constitute an unwarranted invasion of personal privacy. (Exemption 7(C))
 - The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D))

OTHER

Exemptions 5 & 10 of the Government in the Sunshine Act, 5 U.S.C. 552b

PART II. C — DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/or 9.25(c) of the U.S. Nuclear Regulatory Commission 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 persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Freedom of Information and Publications Services, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECRETARY	IG
John Hoyle	Assistant Secretary of the Commission	Appendices U & V		X	

PART II. D — APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, 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."

APPENDIX U

RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
1.	6/22/82	SECY-82-258, Review of Director's Decision on 2.206 Petition (Rochester Gas and Electric Corporation) (130 pages) EX. 5
2.	1/5/83	SECY-83-6, Review of ALAB-697 -- In the Matter of Metropolitan Edison Company (96 pages) EX. 5
3.	1/5/83	SECY-83-7, TMI-1 Immediate Effectiveness Decision in Light of ALAB-708 (4 pages) EX. 5
4.	1/7/83	SECY-83-11, Review of ALAB-706 (In the Matter of Cleveland Electric Illuminating Co., <u>et al.</u>) (12 pages) EX. 5
5.	1/26/83	SECY-83-35, UCS Objection to Ex Parte Communications in TMI-1 Proceeding (38 pages) EX. 5
6.	1/27/83	SECY-83-37, ALAB-708 (In the Matter of Metropolitan Edison Company, <u>et al.</u>) (53 pages) EX. 5
7.	1/27/83	SECY-83-40, Review of ALAB-710 (In the Matter of South Carolina Electric & Gas Co.) (18 pages) EX. 5
8.	2/2/83	SECY-83-49, Review of ALAB-705 -- In the Matter of Metropolitan Edison Company (98 pages) EX. 5
9.	2/3/83	SECY-83-50, Report on ALAB-712 (Puget Sound Power and Light Company, <u>et al.</u>) (4 pages) EX. 5
10.	2/4/83	SECY-83-53, Review of ALAB-709 (In the Matter of the Detroit Edison Company) (19 pages) EX. 5
11.	2/4/83	SECY-83-54, Review of ALAB-711 (In the Matter of Tennessee Valley Authority) (16 pages) EX. 5

APPENDIX U
(continued)RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
12.	2/4/83	SECY-83-56, NFS Erwin Hearing: Revised Order (SECY-82-491) (2 pages) EX. 5
13.	2, 10/83	SECY-83-61, UCS Objection to Commission Meeting Regarding TMI-1 Seismic Concerns as Violating Ex Parte Prohibition (38 pages) EX. 5
14.	2/18/83	SECY-83-71, Review of ALAB-713 (In the Matter of Arizona Public Service Company) (7 pages) EX. 5
15.	2/22/83	SECY-83-74, Review of ALAB-698 -- In the Matter of Metropolitan Edison Company (97 pages) EX. 5
16.	2/28/83	SECY-83-81, San Onofre Memorandum and Order on the Certified Issues Regarding Scope of Arrangements for Medical Services (2 pages) EX. 5
17.	3/3/83	SECY-83-88, Review of ALAB-715 (In the Matter of Metropolitan Edison Company, <u>et al.</u>) (81 pages) EX. 5
18.	3/4/83	SECY-83-89, Staff Request for Stay of ALAB-714 (In the Matter of Texas Utilities Generating Company) (27 pages) EX. 5
19.	3/10/83	SECY-83-96, SECY-83-56 -- Procedures for the NFS Erwin Hearing (6 pages) EX. 5
20.	3/11/83	SECY-83-99, Review of Transcript of Closed Commission Meeting of March 4, 1983 (4 pages) EX. 3, 5, & GISA EX. 10
21.	3/15/83	SECY-83-102, Review of ALAB-718 (In the Matter of Offshore Power Systems) (8 pages) EX. 5
22.	5/2/83	SECY-83-117A, Review of ALAB-701 - Radon Decision (SECY-83-117) (2 pages) EX. 5

APPENDIX U
(continued)RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
23.	4/12/83	SECY-83-132, Commission Order Providing Guidance with Regard to The Shoreham Offsite Emergency Planning Controversy (1 page) EX. 5
24.	4/13/83	SECY-83-132A, Commission Order Concerning Issues To Be Addressed By Shoreham Licensing Board (1 page) EX. 5
25.	4/15/83	SECY-83-142, February 28, 1983 ASLB Partial Initial Decision Related to the Clinch River Breeder Reactor Limited Work Authorization (6 pages) EX. 5
26.	4/19/83	SECY-83-142A, Review of ALAB-721 (United States Department of Energy, <u>et al.</u>) (11 pages) EX. 5
27.	4/22/83	SECY-83-145, Report on ALAB-723 (Public Service Co. of Oklahoma, <u>et al.</u>) (14 pages) EX. 5
28.	4/26/83	SECY-83-147, TMI-1 Immediate Effectiveness Decision (3 pages) EX. 5
29.	4/27/83	SECY-83-151, Indian Point Emergency Planning: Possible Courses of Action (2 pages) EX. 5
30.	4/29/83	SECY-83-155, Review of ALAB-714 (In the Matter of Texas Utilities Generating Company, <u>et al.</u>) (57 pages) EX. 5
31.	5/3/83	SECY-83-165, ASLB Partial Initial Decision on Callaway, Unit 1 (3 pages) EX. 5
32.	5/10/83	SECY-83-178, Review of ALAB-722 (Washington Public Power Supply System) (20 pages) EX. 5
33.	5/16/83	SECY-83-186, Review of Transcript of Closed Commission Meeting of May 10, 1983 (2 pages) EX. 3, 5, & GISA EX. 10

APPENDIX U
(continued)RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
34.	5/19/83	SECY-83-189, Review of ALAB-717 (Southern California Edison Co. <u>et al.</u>) (87 pages) EX. 5
35.	5/19/83	SECY-83-190, Commission Review of ALAB-687 (Catawba Nuclear Station, Units 1 & 2) (3 pages) EX. 5
36.	6/17/83	SECY-83-190A, Commission Review of ALAB-687 (Catawba Nuclear Station, Units 1 & 2) (3 pages) EX. 5
37.	6/1/83	SECY-83-213, Appeal Board Order Dismissing Appeal of Licensing Board Order Denying Late Intervention in Zimmer O.L. Proceeding (10 pages) EX. 5
38.	6/24/83	SECY-83-215A, Acceptance and Determination of Certified Question from LBP-83-21 on Low-Power Operation at Shoreham Nuclear Power Station (3 pages) EX. 5
39.	6/7/83	SECY-83-222, Review of ALAB-726 (Philadelphia Electric Company) (13 pages) EX. 5
40.	6/16/83	SECY-83-239, Review of ALAB-714 (In the Matter of Texas Utilities Generating Company, <u>et al.</u>) (2 pages) EX. 5
41.	6/22/83	SECY-83-246, Review of ALAB-724 -- In the Matter of Metropolitan Edison Company (28 pages) EX. 5
42.	6/23/83	SECY-83-250, Sunshine Act Review of Closed Commission Meeting Transcripts (Attached) of October 28, November 8 and 12 (Zimmer Show Cause Order Discussions) (241 pages) EX. 3, 5, & GISA EX. 5
43.	6/28/83	SECY-83-257, Review of ALAB-727 (Cincinnati Gas & Electric Company, <u>et al.</u> , Docket No. 50-358 OL) (32 pages) EX. 5

APPENDIX U
(continued)RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
44.	6/29/83	SECY-83-260, Diablo Canyon -- Interrelationship of Enforcement and Adjudicatory Proceedings (4 pages) EX. 5
45.	6/29/83	SECY-83-262, Review of ALAB-720 (In the Matter of General Electric Company) (18 pages) EX. 5
46.	6/30/83	SECY-83-263, Sunshine Act Review of Transcript of May 19, 1983 Closed Commission Meeting on Indian Point (37 pages) EX. 5
47.	7/12/83	SECY-83-279, Sunshine Act Review of Transcripts of May 4, June 9, and June 10, 1983 Closed Commission Meetings on Indian Point (2 pages) EX. 3, 5, & GISA EX. 10
48.	7/21/83	SECY-83-296, Transcript Review: Brunswick Enforcement Matter (2 pages) EX. 3, 5, & GISA EX. 5
49.	7/25/83	SECY-83-300, Yakima Petition for Rulemaking on Commission Concurrence in DOE Repository Siting Guidelines (4 pages) EX. 5
50.	7/25/83	SECY-83-301, Certification to the Commission from Byron Licensing Board (62 pages) EX. 5
51.	7/29/83	SECY-83-310, Review of ALAB-725 - <u>Consumers Power Company</u> (Big Rock Point Nuclear Power Plant) (70 pages) EX. 5
52.	8/2/83	SECY-83-312, Intervenors' Motion to Delay Ruling on <u>Zimmer</u> ALAB (3 pages) EX. 5
53.	8/3/83	SECY-83-316, Review of ALAB-733 (Dairyland Power Cooperative) (5 pages) EX. 5

APPENDIX U
(continued)RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
54.	8/8/83	SECY-83-325, Review of Transcript of Closed Commission Meeting Regarding Susquehanna OL (July 7, 1982) (2 pages) EX. 3, 5, & GISA EX. 10
55.	8/9/83	SECY-83-328, Review of ALAB-732 (Louisiana Power and Light Company, Docket No. 50-382 OL) (79 pages) EX. 5
56.	8/22/83	SECY-83-347, Review of ALAB-734 (In the Matter of Public Service Company of New Hampshire, <u>et al.</u>) (21 pages) EX. 5
57.	8/23/83	SECY-83-350, In the Matter of Commonwealth Edison Company (20 pages) EX. 5
58.	9/1/83	SECY-83-365, Washington Legal Foundation's Motion to Disqualify Commissioner Gilinsky (2 pages) EX. 5
59.	9/9/83	SECY-83-372, Review of ALAB-730 (Detroit Edison Company - <u>et al.</u>) (69 pages) EX. 5
60.	9/14/83	SECY-83-377, Review of ALAB-728 (Pacific Gas and Electric Company, Docket Nos. 50-275, 50-323 OL) (100 pages) EX. 5
61.	9/19/83	SECY-83-382, Review of Transcript of Closed Commission Meeting of July 7, 1983 (2 pages) EX. 3, 5, & GISA EX. 5 & 10
62.	9/22/83	SECY-83-390, Review of ALAB-736 (In the Matter of Cleveland Electric Illuminating Company, <u>et al.</u>) (5 pages) EX. 5
63.	9/27/83	SECY-83-395, Final Immediate Effectiveness Order for San Onofre 2 and 3 (16 pages) EX. 5

APPENDIX U
(continued)RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
64.	9/28/83	SECY-83-397, Review of ALAB-737 (Matter of Public Service Company of New Hampshire, <u>et al.</u>) (18 pages) EX. 5
65.	10/3/83	SECY-83-406, Review of ALAB-729 -- In the Matter of Metropolitan Edison Company (9 pages) EX. 5
66.	10/27/83	SECY-83-406A, Review of ALAB-744 (Denying Request to Reconsider Whether Issue of Environmental Qualification of Electrical Equipment is Within Restart Proceeding) (14 pages) EX. 5
67.	10/3/83	SECY-83-407, FOIA Appeal on Hartman Correspondence (21 pages) EX. 5
68.	10/5/83	SECY-83-408, Review of ALAB-738 -- In the Matter of Metropolitan Edison Company (16 pages) EX. 5
69.	10/6/83	SECY-83-410, UCS Motion to Open October 6 TMI Meeting (8 pages) EX. 5
70.	11/1/83	SECY-83-432A, Diablo Canyon Hearing Requests (1 page) EX. 5
71.	10/24/83	SECY-83-433, Indian Point Special Proceeding -- Solicitation of Comment from the Parties on Licensing Board Findings and Recommendations (4 pages) EX. 5
72.	10/25/83	SECY-83-437, Review of ALAB-742 (In the Matter of Arizona Public Service Company, <u>et al.</u>) (14 pages) EX. 5
73.	11/1/83	SECY-83-446, Review of Transcript of Closed Commission Meeting of October 26, 1983 (2 pages) EX. 3, 5, & GISA EX. 5 & 10
74.	11/2/83	SECY-83-447, Commission Review of ALAB-714 (3 pages) EX. 5

APPENDIX U
(continued)RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
75.	11/2/83	SECY-83-448, Review of ALAB-743 (In the Matter of Long Island Lighting Company) (Emergency Planning) (61 pages) EX. 5
76.	11/3/83	SECY-83-451, Review of ALAB-745 (Duke Power Company) (5 pages) EX. 5
77.	12/5/83	SECY-83-474A, Comments on SECY-83-474 (2 pages) EX. 5
78.	11/30/83	SECY-83-488, Review of ALAB-739 -- Wisconsin Electric Power Company (81 pages) EX. 5
79.	12/13/83	SECY-83-509, Review of ALAB-747 (Washington Public Power Supply System) (39 pages) EX. 5
80.	12/23/83	SECY-83-519, Review of ALAB-752 (Tennessee Valley Authority) (6 pages) EX. 5
81.	12/28/83	SECY-83-521, Review of ALAB-755 (In the Matter of United States Department of Energy, Project Management Corporation, Tennessee Valley Authority) (7 pages) EX. 5

APPENDIX V

RECORDS TOTALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
1.	8/12/83	SECY-83-300A, Yakima Petition for Rulemaking on Commission Concurrence in DOE Repository Siting Guidelines (SECY-83-300) (10 pages) EX. 5
2.	8/15/83	SECY-83-300B, Yakima Petition for Rulemaking on Commission Concurrence in DOE Repository Siting Guidelines (10 pages) EX. 5

VICTOR GILINSKY

August 25, 1992

Samuel Chilk
Secretary
Nuclear Regulatory Commission
Washington, DC 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-92-436
Rec'd 8-27-92

Dear Sam:

I am writing to follow up, after long delay, on our discussions over my collection of NRC papers at the Hoover Library.

As you know the papers have been opened to the public with the exception of a set of about 700 or so whose public release gave concern to the General Counsel. It seems to me that the best way to resolve the question of public availability of these remaining papers, and to do it in an amicable and fair manner, is for the General Counsel to formally apply to them the strict standards of the Freedom of Information Act.

The papers are a well-defined category and there should be no problem in identifying them. No doubt the General Counsel has a list. I expect the papers are all neatly stacked in a corner somewhere. In order to trigger the formal review, I therefore request the papers in question be released under the Freedom of Information Act.

Sincerely,

Victor Gilinsky

/mi

~~9302250253~~