



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

JUL 16 1982

MEMORANDUM FOR: John T. Collins, Regional Administrator, RIV

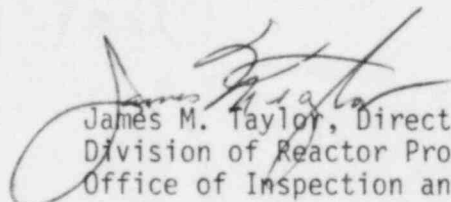
FROM: James M. Taylor, Director
Division of Reactor Programs
Office of Inspection and Enforcement

SUBJECT: EXXON REQUEST FOR PROPRIETARY INFORMATION
EXEMPTION

As requested in your June 29, 1982 memorandum, we have reviewed Exxon's request to withhold certain information in NRC Report. No. 99900081/81-01. Their concern was that documents referenced in the report would have to be made available to the public under the provisions of 10 CFR 9.4. In the view of ELD, such would not be the case.

Section 9.5(a) of 10 CFR Part 9 states: "The following types of records are exempt from public disclosure under Section 9.4..." Section 9.5(a)(4) then specifically exempts the records containing the type of information Exxon is concerned about if they are within the NRC's possession or direct control. Section 9.3 makes it clear that records that are not in the possession of or directly under the control of NRC are not subject to the requirements of being made available to the public.

Based on the above, it is our opinion that Exxon's request should be denied.


James M. Taylor, Director
Division of Reactor Programs
Office of Inspection and Enforcement

cc: A. Grosso, ELD
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