



PDR (PI-37)

U.S. NUCLEAR REGULATORY COMMISSION
RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

| | |
|---|----------------------------------|
| NRC FOIA REQUEST NUMBER IS | |
| FOIA -- 90-340 | |
| RESPONSE TYPE | |
| <input checked="" type="checkbox"/> FINAL | <input type="checkbox"/> PARTIAL |
| DATE OCT 18 1990 | |
| DOCKET NUMBER(S) (if applicable) | |

REQUESTER
Ophelia Williams

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

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | No agency records subject to the request have been located. |
| <input type="checkbox"/> | No additional agency records subject to the request have been located. |
| <input type="checkbox"/> | Requested records are available through another public distribution program. See Comments Section. |
| <input type="checkbox"/> | Agency records subject to the request that are identified on Appendix(es) _____ are already available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC 20555. |
| <input checked="" type="checkbox"/> | Agency records subject to the request that are identified on Appendix(es) <u>E</u> 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 and requester name. |
| <input type="checkbox"/> | 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 and requester name. |
| <input type="checkbox"/> | Agency records subject to the request that are identified on Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments Section. |
| <input type="checkbox"/> | Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC. |
| <input checked="" type="checkbox"/> | Agency records subject to the request are enclosed. [App. E, and releasable portions of App. F documents are enclosed] |
| <input type="checkbox"/> | Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you. |
| <input type="checkbox"/> | You will be billed by the NRC for fees totaling \$ _____. |
| <input type="checkbox"/> | 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

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | 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, sections 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 and requester name. |
|-------------------------------------|---|

COMMENTS

The actual fees for processing your request are as follows:

SEARCH

Professional: 3 hrs, 45 mins. = \$ 93.09
SES: 1 hr = 39.97
Clerical: 1 hr = 11.78

REVIEW:

Professional: 1 hr, 5 mins. = 26.93
SES: 2 hrs = 79.94

Duplication - 77 pgs = 15.40
\$267.11

You will receive a refund in the amount of \$^F39, in view of the fact that you made an advance payment of \$272.50.

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLIC AFFAIRS SERVICES
Dennis H. Cheney

9101280266 901018
PDR FOIA
WILLIAM90-340 PDR

PART B - APPLICABLE EXEMPTIONS

Records subject to the request that are described on the enclosed Appendixes F & G are being withheld in their entirety or in part under the Exemptions and for the reasons set forth 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 reasons 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) |
| X | 5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (EXEMPTION 5) Applicable Privilege |
| X | 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 reasons 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 them 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 |

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 and Resources Management, for any denials that may be appealed to the Executive Director for Operations (EDO).

| DENYING OFFICIAL | TITLE OFFICE | RECORDS DENIED | APPELLATE OFFICIAL | |
|------------------|---------------------------------------|----------------|--------------------|-----|
| | | | SECRETARY | EDO |
| John C. Hoyle | Assistant Secretary of the Commission | App. F & G | X | |
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PART II. D - APPEAL RIGHTS

The denial by each denying official identified in Part II. C may be appealed to the Appellate Official identified in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or 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 from an Initial FOIA Decision."

Re: FOIA-90-340

APPENDIX E
DOCUMENTS BEING PLACED IN THE PDR

| NUMBER | DATE | DESCRIPTION |
|--------|---------|--|
| 1. | 5/16/90 | Letter from Richard M. Kessel, Long Island Power Authority, to Chairman Kenneth Carr, regarding enclosed NEPA Memorandum. (28 pages) |

APPENDIX F
DOCUMENTS BEING RELEASED IN PART

| NUMBER | DATE | DESCRIPTION |
|--------|---------|---|
| 1. | 8/25/89 | Memo from Samuel J. Chilk to James M. Taylor, subject: Staff Requirements - SECY-89-247 - Shoreham Status and Developments, (3 pages released) (portions withheld pursuant to Exemption 5), attaching vote sheets and comments of Chairman Carr, and Commissioners Roberts and Curtiss, (withheld in entirety pursuant to Exemption 5.) |

Re: FOIA-90-340

APPENDIX G
DOCUMENTS BEING WITHHELD IN THEIR ENTIRETY

| NUMBER | DATE | DESCRIPTION |
|--------|---------|--|
| 1. | Undated | Draft memo from Samuel J. Chilk to James Taylor and William Parler, subject: SECY-90-194 - Resumption of Operation As a NEPA Alternative For Prematurely Shutdown Power Reactors. (1 page) Exemption 5 |

JIRIA ASSOCIATES
Regulatory Information & Support Systems
1407 Marco Drive
Mitchellville, MD 20716
301/249-9672

July 19, 1990
OGW-90-090

Mr. Donnie H. Grimsley, Director
Division of Freedom of Information and
Publication Services
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-90-340
Rec'd 7-23-90

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Grimsley:

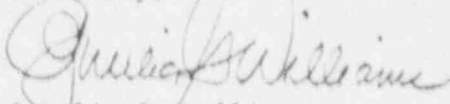
Pursuant to the Freedom of Information Act (5 U.S.C. § 552) and to the Nuclear Regulatory Commission's (NRC) policies and regulations (10 C.F.R. Part 9, Subpart A), I request any Staff or Commission papers regarding the requirements of the National Environmental Policy Act (NEPA) as it relates to the decommissioning of nuclear energy facilities that did not operate for the full term of their operating licenses. Specifically, I request any papers that relate to the extent to which NEPA requirements would be applied to the decommissioning of such facilities, or that discuss what analysis would be required by NEPA for such facilities.

I would appreciate your prompt response within ten (10) working days of the receipt of this request, as provided by 10 C.F.R. Part 9 and the NRC's policies. In addition, I request that the response to this request be sent to me only, rather than to the Public Document Room.

If there are questions, please feel free to contact me at 301/249-9672.

Thank you.

Sincerely,


Ophelia G. Williams

~~910128130~~