

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

FOIA NUMBER(S)

FOIA -- 92-436

DATE

MAY 25 1993

PART II. B -- APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) S 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

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	Appendix S		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 S

RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
1.	1/5/82	SECY-82-5, Review of ALAB-661--In the Matter of Florida Power & Light Co., OL (Denial of Antitrust Intervention) (15 pages) EX. 5
2.	1/18/82	SECY-82-19, Review of Director's Denial of 2.206 Petition (26 pages) EX. 5
3.	7/12/82	SECY-82-28B, Diablo Canyon Physical Security - Purging of Classified Material in ALAB-653 (5 pages) EX. 5
4.	7/12/82	SECY-82-28C, Request in Shoreham Operating License Proceeding for Access to ALAB-653 (Diablo Canyon Physical Security) (25 pages) EX. 5
5.	1/27/82	SECY-82-34, Florida Power & Light Company (Turkey Point Nuclear Generating Units Nos. 3 and 4) (55 pages) EX. 5
6.	2/4/82	SECY-82-47, Request for Directed Certification of ASLB Order in Diablo Canyon Proceeding (32 pages) EX. 5
7.	2/4/82	SECY-82-48, Draft Order Denying Request for Section 105a Antitrust Proceeding (Florida Power and Light Company) (3 pages) EX. 5
8.	2/16/82	SECY-82-62, Pacific Gas & Electric Co.'s Notice of Prematurity and Advice of Withdrawal in Stanislaus (Antitrust) (20 pages) EX. 5
9.	2/16/82	SECY-82-63, Director's Denials of 2.206 Relief (In the Matter of Southern California Edison Company): DD-81-19 and DD-81-20 (97 pages) EX. 5
10.	2/25/82	SECY-82-80, Review of ALAB-665--In the Matter of Florida Power & Light Co. (Denial of Late Antitrust Intervention) (29 pages) EX. 5
11.	3/16/82	SECY-82-114, Review of ALAB-666--Granting of Intervenors's Motion for Appeal on Written Briefs (10 pages) EX. 5
12.	4/2/82	SECY-82-138, Draft Memorandum on Indian Point Emergency Preparedness Exercise (2 pages) EX. 5

APPENDIX 5
(continued)RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
13.	4/2/82	SECY-82-139, Review of ALAB-663, In the Matter of South Carolina Electric and Gas Company (80 pages) EX. 5
14.	4/19/82	SECY-82-167, Review of ALAB-668 (In the Matter of Duke Power Co.) (6 pages) EX. 5
15.	4/26/82	SECY-82-174, Review of ALAB-671 (Matter of Houston Lighting & Power Co.) (15 pages) EX. 5
16.	4/26/82	SECY-82-177, Director's Denial of 2.206 Relief (In the Matter of Petition Requesting "Closedown (of) All Suspect Reactors" Pending Resolution of All Pressurized Thermal-Shock Non-Conservatism) (15 pages) EX. 5
17.	4/28/82	SECY-82-179, Review of ALAB-672 (In the Matter of Houston Lighting and Power Co., et al.) (67 pages) EX. 5
18.	5/4/82	SECY-82-183, Review of LBP-82-14 (In the Matter of General Electric Company) (70 pages) EX. 5
19.	5/11/82	SECY-82-192, LBP-82-35 (In the Matter of Consumers Power Company) (3 pages) EX. 5
20.	7/19/82	SECY-82-303, Petition of the Massachusetts Attorney General to Intervene in Proceeding for Modification of Pilgrim Station Operating License (73 pages) EX. 5
21.	7/23/82	SECY-82-312, Review of ALAB-678 (In the Matter of Commonwealth Edison Company) (6 pages) EX. 5
22.	7/26/82	SECY-82-314, Director's Second Partial Denial of 2.206 Relief (In the Matter of Commonwealth Edison Company) (20 pages) EX. 5
23.	8/2/82	SECY-82-325, Report on ALAB-683 (Matter of Puget Sound Power and Light Co., <u>et al.</u>) (4 pages) EX. 5
24.	8/13/82	SECY-82-338, Review of ALAB-664 (In the Matter of Tennessee Valley Authority) (24 pages) EX. 5

APPENDIX S
(continued)RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
25.	8/25/82	SECY-82-355, ALAB-677 (In the Matter of Tennessee Valley Authority) (3 pages) EX. 5
26.	8/25/82	SECY-82-356, Initial Decision Removing Show Cause Order and Approving Restart of the General Electric Test Reactor (Docket No. 50-70 SC (Show Cause)) (6 pages) EX. 5
27.	8/30/82	SECY-82-360, Review of ALAB-688 (In the Matter of Department of Energy, <u>et al.</u>) (12 pages) EX. 5
28.	9/2/82	SECY-82-364, ALAB-680, Denial of Stay Motion on San Onofre Initial Decision (67 pages) EX. 5
29.	9/3/82	SECY-82-367, Review of DD-82-6, Director's Decision on 2.206 Petition (In the Matter of Washington Public Power Supply System) (59 pages) EX. 5
30.	9/14/82	SECY-82-374, Review of DD-82-7 (Pacific Gas and Electric Co. - Guenther 2.206 Petition) (60 pages) EX. 5
31.	9/24/82	SECY-82-392, Review of ALAB-685 -- In the Matter of Metropolitan Edison Company (68 pages) EX. 5
32.	10/19/82	SECY-82-419, Petition of Sunflower Coalition Regarding Colorado Agreement (18 pages) EX. 5
33.	10/21/82	SECY-82-425, Offshore Power Systems (Manufacturing License for Floating Nuclear Power Plants) - ALAB-686 and ALAB-689 (5 pages) EX. 5
34.	10/21/82	SECY-82-428, San Onofre Licensing Board Certification Regarding Proceeding on Medical Arrangements Issue (18 pages) EX. 5
35.	10/22/82	SECY-82-431, Review of Director's Decision DD-82-11 (Matter of Rochester Gas and Electric Corp.) (38 pages) EX. 5

APPENDIX 5
(continued)RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
36.	10/25/82	SECY-82-437, Pending Commission Proceeding Concerning Renewal of Byproduct Materials License of Self-Powered Lighting, Inc. (3 pages) EX. 5
37.	10/26/82	SECY-82-440, Immediate Effectiveness Decision Regarding Licensing Board's Decisions in Summer Operating License Proceeding (10 pages) EX. 5
38.	11/8/82	SECY-82-449, MVPP's Petition to Commission to Disqualify Staff Attorney from Zimmer Proceeding (2 pages) EX. 5
39.	11/8/82	SECY-82-451, Review of Director's Decision DD-82-10 (In the Matter of Pacific Gas & Electric Company) (26 pages) EX. 5
40.	11/18/82	SECY-82-457, Review of ALAB-687 (In the Matter of Duke Power Company, <u>et al.</u>) (39 pages) EX. 5
41.	11/19/82	SECY-82-463, Review of ALAB-700 (In the Matter of Puget Sound Power and Light Company, <u>et al.</u>) (16 pages) EX. 5
42.	11/26/82	SECY-82-467, Review of ALAB-699 -- In the Matter of Metropolitan Edison Company (11 pages) EX. 5
43.	11/30/82	SECY-82-472, Draft Order to TMI-1 Restart Immediate Effectiveness Decision (6 pages) EX. 5
44.	12/6/82	SECY-82-472A, Redrafted Order to TMI-1 Restart Immediate Effectiveness Decision (1 page) EX. 5
45.	11/30/82	SECY-82-474, Zimmer Intervenors' Petition (Attachment 2) for Certain Rights Relative to the Independent Review Mandated by the Commission's November 12, 1982 Show Cause Order (15 pages) EX. 5
46.	12/7/82	SECY-82-480, Review of ALAB-691 (In the Matter of Consumers Power Company) (51 pages) EX. 5

Re: FOIA-92-436

APPENDIX 5
(continued)

RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
47.	12/8/82	SECY-82-482, San Onofre Memorandum and Order on the Certified Issues Regarding Scope of Arrangements for Medical Services (4 pages) EX. 5
48.	1/6/83	SECY-82-490A, Commission Review of Director's Decision (DD-82-12) Regarding Emergency Planning Deficiencies (2 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

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