



7/20/05

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA -- 90-568

RESPONSE TYPE

☒ FINAL

☐ PARTIAL

DATE

MAY 25 1991

DOCKET NUMBER(S) (if applicable)

REQUESTER

James P. McGranery, Jr.

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) J 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) G 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 [App. G, and releasable portions of App. H documents are enclosed]

☒ Records subject to the request have been referred to an _____ federal agency(ies) for review and direct response to you. [DOE]

Fees WAIVED

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

9106210112 910523
PDR FOIA
MCGRANE90-568 PDR

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION ACT, APPLICATIONS SERVICES

James P. McGranery

FREEDOM OF INFORMATION ACT RESPONSE

FOIA NUMBER(S):

FOIA — 90-568

DATE May 4 1991

PART II B — APPLICABLE EXEMPTIONS

Records subject to the request that are described on the enclosed Appendixes H & I 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 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 an enforcement effort, 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 (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 all denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			SECRETARY	EDO
John B. Martin	Regional Administrator, Reg. 5	H/1		X
Thomas E. Murley	Director, NRR	H/2-H/13, I/1-I/8		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 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."

APPENDIX G
DOCUMENTS BEING PLACED IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	6/27/89	Letter from A. David Ross to Lando Zech. (1 page)
2.	12/11/89	Memo from F. Gillespie to J. Montgomery, subject: Inspection Guidelines for Nuclear Power Reactors Undergoing Decommissioning. (2 pages)
3.	3/6/90	Outline - Decommissioning, from T. E. Murley. (2 pages)
4.	3/7/90	NRC Approval for Decommissioning Actions, with attached "Examples of 'Reversible' Actions", from T. E. Murley. (2 pages)
5.	Undated	Memo from George Kalman to various addressees, subject: Forthcoming Bi-Weekly Meeting to Discuss Decommissioning of Shoreham, Rancho Seco, and Fort St. Vrain. (1 page)
6.	5/11/90	Slides from ACRS Full-Committee Briefing on Shoreham Status. (17 pages)
7.	5/24/90	Transcript of NRC Staff Briefing on the Decommissioning of Shoreham, with attached view-graphs. (105 pages)
8.	7/13/90	Letter from S. David Freeman to Chairman Carr, subject: Rancho Seco Nuclear Generating Station. (2 pages)
9.	9/17/90	Letter from A. David Rossin to Chairman Carr, regarding Rancho Seco. (3 pages)
10.	10/29/90	Follow-up to October 25, 1990 Decommissioning Meeting with Commissioner Curtiss. (2 pages)

APPENDIX H
DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	Undated	Slide - Action Items, with handwritten notes. (1 page) Portions being withheld pursuant to Exemption 5.
2.	Undated	Slides - Proposed Decommissioning Approach, 3/6/90. (7 pages total, 2 pages released.) Portions withheld pursuant to Exemption 5.
3.	Undated	Memo from G. Kalman to various addressees, subject: Forthcoming Biweekly Meeting (4/13/90) to Discuss Decommissioning of Shoreham, Rancho Seco, and Fort. St. Vrain, with attached slide. (2 pages total, 1 page released.) Portions withheld pursuant to Exemption 5
4.	5/14/90	Memo from George Kalman to various addressees, subject: Change 2 to Forthcoming Biweekly Meeting to Discuss Decommissioning of Shoreham, Rancho Seco and Fort St. Vrain, with attached slides. (10 pages total, 2 pages released.) Portions withheld pursuant to Exemption 5.
5.	Undated	Slides for 5/31/90 Meeting to Discuss Proposed Decommissioning of Shoreham, Rancho Seco, and Fort St. Vrain. (2 pages total, 1 page released.) Portions withheld pursuant to Exemption 5.
6.	Undated	Slides for 7/9/90 Meeting to Discuss Proposed Decommissioning of Shoreham, Rancho Seco, and Fort St. Vrain. (6 pages total, 2 pages released) Portions withheld pursuant to Exemption 5.
7.	Undated	Slides for Meeting (7/23/90) to Discuss Proposed Decommissioning of Shoreham, Rancho Seco, and Fort St. Vrain. (5 pages total, 3 pages released) Portions withheld pursuant to Exemption 5.

APPENDIX H
DOCUMENTS BEING RELEASED IN PART
(Continued)

NUMBER	DATE	DESCRIPTION
8.	Undated	Memo from G. Kalman to various addressees, subject: Forthcoming Biweekly (8/14/90) Meeting to Discuss Decommissioning of Shoreham, Rancho Seco and Fort St. Vrain, with attached slides. (7 pages total, 3 pages released.) Portions withheld pursuant to Exemption 5.
9.	8/21/90	Memo from George Kalman to various addressees, subject: Forthcoming Biweekly Meeting to Discuss Decommissioning of Shoreham, Rancho Seco and Fort St. Vrain, with attached slides. (5 pages total, 4 pages released.) Portions withheld pursuant to Exemption 5.
10.	Undated	Slides for 10/18/90 Meeting to Discuss Proposed Decommissioning of Shoreham, Rancho Seco, Fort St. Vrain and TMI-2. (7 pages total, 4 pages released.) Portions withheld pursuant to Exemption 5.
11.	Undated	Slides for 11/6/90 Meeting to Discuss Proposed Decommissioning of Shoreham, Rancho Seco, Fort St. Vrain and TMI-2. (7 pages, portions of 4 pages released.) Portions withheld pursuant to Exemption 5.
12.	Undated	Slides for EDO Presentation on 11/20/90-- Decommissioning Status. (7 pages total, 3 pages released.) Portions withheld pursuant to Exemption 5.
13.	Undated	Slides for 1/17/91 Decommissioning Status Meeting. (12 pages total, 2 pages released) Portions withheld pursuant to Exemption 5.

APPENDIX I
DOCUMENTS BEING WITHHELD IN THEIR ENTIRETY

NUMBER	DATE	DESCRIPTION
1.	8/11/89	Unsigned draft Commission paper, subject: Shoreham Status and Developments. (9 pages) Exemption 5
2.	3/28/90	Memo from George Kalman to various addressees, subject: Decommissioning of Fort St. Vrain, Rancho Seco, and Shoreham: Summary of March 22, 1990 Meeting, with attached slides. (8 pages) Exemption 5
3.	Undated	Slides for April 13, 1990 Meeting to Discuss Proposed Decommissioning of Shoreham, Rancho Seco, and Fort St. Vrain. (10 pages) Exemption 5
4.	Undated	Slides for April 26 1990 Meeting to Discuss Proposed Decommissioning of Shoreham, Rancho Seco, and Fort St. Vrain. (9 pages) Exemption 5
5.	Undated	Unsigned draft Commission paper, subject: Rancho Seco Nuclear Generating Station - Status of Developments, with enclosures. (13 pages) Exemption 5
6.	Undated	Unsigned draft memo from J. Taylor to the Commission, subject: Proposed Regulatory Process for Decommissioning Shoreham, Rancho Seco, and Fort St. Vrain. (7 pages) Exemption 5
7.	Undated	Unsigned draft memo from J. Taylor to the Commission, subject: Proposed Regulatory Process for Decommissioning Shoreham, Rancho Seco, and Fort St. Vrain, with handwritten notes. (7 pages) Exemption 5
8.	Undated	Unsigned draft letter from George Knighton to Joe Firlit, subject: Order Modifying License Confirming Licensee Commitments - Rancho Seco Nuclear Generating Station, with handwritten notes. (6 pages) Exemption 5

Re: FOIA-90-568

APPENDIX J
DOCUMENTS ALREADY AVAILABLE IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	4/6/90	SECY-90-132 - Rancho Seco Nuclear Generating Station -Status and Developments. PDR Accession No. 9004170212
2.	11/26/90	SECY-90-386 - NRC Policy on the Accumulation Period for Decommissioning Funds for Prematurely Shut Down Reactors. PDR Accession No. 9011290226

DOW, LOHNES & ALBERTSON

A Partnership including a Professional Corporation

1255 TWENTY-THIRD STREET
WASHINGTON, D.C. 20037-1194

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TELEX 425548

WRITERS' DIRECT DIAL NO

(202) 857-2929

December 20, 1990

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-90-568

Rec'd 12-20-90

FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Grimsley:

Pursuant to 10 C.F.R. § 9.23(b) (1989), I hereby request one (1) copy of (a) COMKC-90-19 (dated November 8, 1990) consisting of or relating to guidance given to the NRC Staff regarding various issues in one or more stages of the proposal to decommission the Shoreham Nuclear Power Station, and (b) all other records consisting of requests for guidance and/or guidance to NRC personnel relating to the proposal to decommission Shoreham in particular and/or Shoreham and one or more of Rancho Seco and Fort St. Vrain which records () were generated after January 1, 1989 and (2) have not yet been placed in the Public Document Room or published in the Federal Register.

INTENT TO PAY FEES

I do not believe that the search for the requested records should exceed two hours or that the records are in excess of 100 pages and, therefore, I do not believe that there will be any charge for the requested search and records, pursuant to 10 C.F.R. § 9.39(b)&(c) (1989). However, if there are fees to be charged, I hereby indicate my willingness to pay such fees in

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ATLANTA, GEORGIA 30348-2103
TELEPHONE (404) 395-8800
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NEW YORK, NEW YORK 10017-1380
TELEPHONE (212) 326-1300
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IRVINE, CALIFORNIA 92714
TELEPHONE (714) 252-2000
FACSIMILE (714) 756-0149

CORRESPONDING FIRM
A. M. LARUETA & ASOCIADOS, S.A. DE C.V.
CALLE 10 AVANITA, 10
28004 MADRID, SPAIN

9104180263

Mr. Donnie H. Grimsley
May 3, 1990
Page 2

charged, I hereby indicate my willingness to pay such fees in accord with 10 C.F.R. § 9.40(a) (1989) so that the search for the records and their release may proceed as expeditiously as possible.

REQUEST FOR FEE WAIVER

If fees would otherwise be charged, I also request waiver or reduction of the fees, pursuant to 10 C.F.R. § 9.41 (1989), on the basis that the records will be used to further the public understanding of the Commission's actions in connection with Shoreham and to aid the participation of the Shoreham-Wading River Central School District ("School District") (which is a state created entity) and Scientists and Engineers for Secure Energy, Inc. ("SE₂") (which is a 501(c)(3) tax exempt organization) in participation in proceedings related to the Shoreham Plant.

It is difficult to describe precisely the likely impact on the public understanding of the subject without seeing the records themselves; however, their availability will surely improve public understanding of the Commission's processes and position on the Shoreham issues.

The public affected here, in addition to the School District, its Board, employees and students and SE₂, and its members, are all of the people of Long Island who would benefit from the supply electricity from Shoreham and whose electric supply and reliability may be damaged by the absence of the Shoreham Plant.

The intended means for dissemination to the general public includes the furnishing of the records to NRC Licensing Boards and the Federal Courts considering various proceedings on the question of whether Shoreham should be decommissioned. Public access to the information would be provided free of charge. There is no commercial or private interest which I, the School District, or SE₂ have in those records.

RECORDS NOT EXEMPT

I do not believe that the requested records are exempt from public disclosure pursuant to 10 C.F.R. § 9.17(a) (1989). I also suggest that these records should be made available to the public in accordance with 10 C.F.R. § 9.21(c)(2) and (4) as (i) statements of policy and interpretations which have been adopted by the NRC and have not been published in the Federal Register and/or (ii) instructions to NRC personnel that affect a member of the public. See Memorandum for the Commissioners from James M.

Mr. Donnie H. Grimsley
May 3, 1990
Page 3

Taylor, Subject: Plant Closure Activities (November 9, 1990)
(identifying COMKC-90-19 as part of the "previous staff
guidance").

NEED FOR EXPEDITION

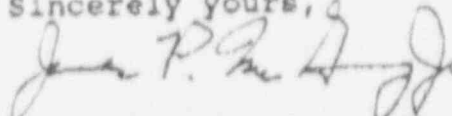
Given the press of matters before the NRC and ongoing
litigation in Federal Court, it is respectfully requested that
the release of the requested records be expedited by telecopy to
me at (202) 857-2757.

COMMUNICATIONS

If any clarification or additional information is
required, please call me at (202) 857-2929.

With many thanks for your attention to this matter, I
am,

Sincerely yours,



James P. McGranery, Jr.

JPM:jmb

cc: Joseph F. Scinto, Esq.
Charles E. Mullins, Esq.
Lawrence J. Chandler, Esq.



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

DEC 11 1989

69 DEC 18 P/2:44

MEMORANDUM FOR: John Montgomery, Deputy Regional Administrator
Region IV

FROM: Frank P. Gillespie, Director
Program Management, Policy Development
and Analysis Staff
Office of Nuclear Reactor Regulation

SUBJECT: INSPECTION GUIDELINES FOR NUCLEAR POWER REACTORS
UNDERGOING DECOMMISSIONING

This is in response to your October 17, 1989 memorandum on the above subject. You raised a valid question of whether the IMC 2515 Operating Reactor Core Inspection Program (CIP) procedures, especially in the area of emergency preparedness (EP), need to be continued for nuclear reactors undergoing decommissioning. Our review of this matter included a number of discussions with individuals, including technical staff, familiar with decommissioning activities to date, and with the features of the Fort St. Vrain plant. Our overview of the inspection requirements necessary during the interval between cessation of plant operations and the achievement of a decommissioning plan is outlined in the following paragraphs.

The two major safety and operational considerations driving the post shutdown inspection program, in the interval prior to the achievement of an approved decommissioning plan, are the possibility of inadvertent criticality and the release of the fission product inventory by any other means, including sabotage by fire if credible. Other matters such as control of contaminated areas, plant security, maintaining qualified staff and maintaining effective internal and external lines of communications as may be needed to address an unlikely event would also need to be considered.

As long as the reactor fuel remains within the configurations defined by the normal shutdown and refueling envelope, the usual portions of the plant technical specifications (TS) apply, and thus the same portions of a reduced core inspection program that applied during normal shutdown, including refueling, would generally apply. Therefore, TS requirements, as applicable and as possibly revised by plant status, should be considered in your inspection planning until the licensee has achieved an approved decommissioning plan.

At some future time, after the decommissioning plan is in force, the licensee would be relieved from the requirements of the operating license TS, although portions of these TS may actually exist as part of the decommissioning plan. At this point, the inspection program could be appropriately modified as approved by NMSS who has regulatory responsibility for decommissioning.

In regard to modifications, we recognize that there may be the need to draw the line between reasonable plant specific modifications worth doing prior to the

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DEC 11 1989

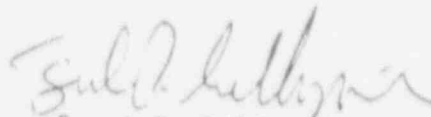
establishment of a decommissioning plan, and an attempt to accomplish decommissioning via a series of disjointed and irreversible plant modifications. The latter may prove to be incompatible with an appropriate decommissioning plan. However, considering our past experience with major modifications during the plant normal operations lifetime, problems in this area should be easy enough to recognize.

In regard to the inspection program, we believe that continued, but limited, implementation of the CIP is preferable to excluding one or more of the CIP procedures entirely. This option allows the inspection program to appropriately parallel licensee activities. Therefore, inspection resources should be optimized by performing only those portions of the CIP which apply to the status of the nuclear fuel on-site at any point in time. The resident inspection staff can be reduced to one resident. Subsequently, adjustments in resident and region support can be made as inspection activities dictate. Thus, consistent with circumstances, the FTE expenditure should be directly proportional to the licensee activities which pose a risk.

In regard to your specific question concerning the execution of the core EP inspection program, all three procedures would still be performed but with a depth and an emphasis reflecting the actual conditions on-site. Thus each exercise scenario should be reviewed using CIP IP 82302, "Review of Exercise Objectives and Scenarios for Power Reactors," but the focus of the inspection should be constrained to a coverage of the radiation risks posed by the actual geometrical configuration and source strength of the fuel, as well as the status and capabilities of any necessary reactivity control and cooling systems or features.

Finally, we believe the regions, based on their knowledge of the plant design and ongoing licensee activities, are best suited to decide the extent of implementation of each core inspection procedure. Therefore, we are not developing a new inspection procedure to deal with facilities undergoing decommissioning. However, decommissioning activities will receive close Headquarters scrutiny to ensure consistency in the process.

We appreciate your interest in ensuring the effectiveness of inspection resources. Our contact on this is Mark Perenich. He can be reached on 492-3078.



Frank P. Gillespie, Director
Program Management, Policy Development
and Analysis Staff
Office of Nuclear Reactor Regulation

cc: J. Sniezek	L. Cohen
F. Miraglia	L. Wheeler
J. Partlow	T. Martin, RI
G. Holahan	A. Gibson, RII
C. Weiss	C. Paperiello, RIII
C. Van Niel	B. Faulkenberry, RV