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

MEMORANDUM FOR: Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

FROM: William J. Olmstead
Assistant General Counsel for Hearings

SUBJECT: SHOREHAM LICENSING BOARD RULING DIRECTING PROCEEDINGS ON LILCO'S 25% POWER REQUEST TO GO FORWARD

On January 7, 1988, the Shoreham Licensing Board issued a Memorandum and Order ("Order") ruling that LILCO's Motion for Authorization to Increase Power to Operate at 25% of Full Power, dated July 14, 1987, was properly filed, and that LILCO may seek to establish its entitlement to a 25% power license (under 10 C.F.R. Section 50.57(c)) based on a showing that, at 25% power operation, pending emergency planning contentions are "not significant for the plant in question" under 10 C.F.R. Section 50.47(c)(1). The Board found that the rules require the Board to determine first whether any of the pending emergency planning contentions is relevant to the 25% power application, noting that the showing required to establish whether a deficiency is relevant to 25% operation is much less than the showing required to show such deficiency is not significant for the plant in question.

The Board ruled, first, that the determination of relevance will be considered in a separate forum -- either a new board, a special master, alternate board member or technical interrogator, under the Board's supervision. (If a separate Board were appointed, that Board would also be empowered to grant or delay LILCO's motion on the merits.) Second, the Board directed the parties to give their views on which of these possible forums should be designated to address this matter. Third, the Board directed the Staff to resume its evaluation of LILCO's application. Fourth, Intervenors will be given a further opportunity to specify the ways in which their contentions are relevant to the 25% power operation after the Staff's Safety Evaluation is published.

The Board rejected LILCO's arguments that economic considerations could serve as a basis for its Motion, or that, in the instant application based on lower risks, "interim compensating actions" could form the basis for the authorization sought.

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William J. Olmstead
Assistant General Counsel
for Hearings

cc: Victor Stello
William T. Russell, Reg. Adm.

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June 23, 1988

APPEAL OF INITIAL FOIA DECISION
88-A-34 (FOIA-88-63)
Rec'd 6-28-88

HAND DELIVERED

Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Appeal from Initial FOIA Decision
Freedom of Information Act Appeal, Case No. 88-68

Gentlemen:

This is an appeal pursuant to the Freedom of Information Act, as amended ("FOIA"), 5 U.S.C. § 552, and the Nuclear Regulatory Commission's (the "NRC") regulations thereunder, 10 C.F.R. Part 9.11, et seq., made on behalf of our client, Suffolk County, Long Island, New York.

Background of Appeal

On January 27, 1988, Suffolk County filed the attached FOIA request with the NRC ("FOIA Request"), seeking copies of all records, including preparatory materials, contemporaneous notes, post-meeting discussions or analyses, and information submitted by the Long Island Lighting Company ("LILCO"), relating in any way to a January 14, 1988, meeting involving NRC employees, officials, agents or representatives (including Messrs. Reis, Johnson, Scoto, and Olmstead) and representatives of LILCO (Messrs. Earley, Frielicher, Reveley, and Irwin) concerning matters relating to the Shoreham Nuclear Power Station. Suffolk County also sought copies of all records, not served via the service list in 50-322-OL-03, 05, or 06 dockets, relating in any way to any other communications during the period March 1987 to the present between LILCO, including any person acting for or on behalf of LILCO, and NRC employees, officials agents or representatives, which concerned LILCO's request to operate Shoreham at 25 percent power, any Federal Emergency Management Agency review of revisions to LILCO's emergency plan, and any proposed procedures of LILCO's emergency plan.

After a request for a clarification of our request, the NRC, by a letter dated April 8, 1988, under the signature of the

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Director of Division of Rules and Records, provided us with a response releasing three documents in their entirety and completely denying one record. We filed our first appeal on May 3, 1988 stating specifically that the NRC had not responded to the first part of our request seeking any materials, contemporaneous notes, post-meeting discussions or analyses, and information submitted by LILCO relating in any way to a January 14, 1988 meeting between LILCO representatives and NRC employees, officials, agents or representatives. On May 13, 1988 the NRC responded with a 1 page document and on May 26, 1988 we received a final response consisting of another one page document and a complete denial of a 19 page attachment. Specifically, in that response we were advised that: (i) a 19 page document relating to Shoreham was completely exempt from disclosure pursuant to "Exemption 5"; and (ii) NRC would neither confirm or deny the existence of any responsive documents.

NRC's May 26, 1988 response is procedurally and substantively inadequate to meet NRC's burden under FOIA. Accordingly, Suffolk County files this appeal, seeking the following relief:

1. That the NRC conduct a new search for responsive materials and fully document its search and its procedures for maintaining materials responsive to Suffolk County's request;

2. That the NRC provide Suffolk County with a Vaughn Index covering all responsive, withheld materials; and

3. That the NRC release all responsive material.

The NRC Must Conduct a New Search and Provide
Affidavits Describing the Search and its Result

The NRC, like all federal agencies, is required to conduct a conscientious, comprehensive and complete search of all of its files in response to a FOIA request, such as that made by Suffolk County, which, "reasonably describes", the materials that are sought. 5 U.S.C. § 552(a)(3). The courts have repeatedly emphasized that federal agencies have a "firm statutory duty" to make good faith and reasonable efforts to locate all reasonably described materials. Founding Church of Scientology v. National Security Agency, 610 F.2d 824, 837 (D.C. Cir. 1979). See also, Cerveny v. Central Intelligence Agency, 445 F. Supp. 772, 775 (D. Colo. 1978), and Goland v. Central Intelligence Agency, 607 F.2d 339, 353 (D.C. Cir. 1978), cert. denied, 445 U.S. 927 (1980).

In the instant case it is not conceivable that there are no materials in the NRC's possession or control that relate to the January 14, 1988 meeting between LILCO and NRC representatives and that the only materials since March 1987 relating to any communication between the NRC and LILCO including LILCO's request to operate Shoreham at 25 percent power would consist of a total of six documents. It is our experience that a decision by the NRC as to whether or not Shoreham should operate at 25 percent power would generate substantial amounts of correspondence, records and other materials well in excess of the amount of material reflected in the partial release or, presumptively, encompassed within the withheld material. Accordingly, we request that the NRC staff conduct a second search of their records during the appeal period and notify us of the results of that search.

Suffolk County also requests that the NRC provide Suffolk County with sworn affidavits signed by all NRC officials who have had substantive involvement with the January 14, 1988 meeting between NRC and LILCO representatives and, as well, sworn affidavits from NRC officials who have had substantive involvement in the NRC's response to the FOIA Request or to this appeal. These affidavits should attest to the following:

1. The nature of the officials' duties and responsibilities regarding the response to Suffolk County's FOIA request or appeal;

2. A description of the officials' understanding of the NRC's system for collecting, retaining and retrieving materials related to matters which are the subject of the FOIA Request;

3. A description of the nature and result of their search for responsive materials.

Recently, the D.C. Court of Appeals has emphasized that an agency bears the burden of establishing that it has conducted a reasonable search.

> The agency bears the burden of establishing that any limitations on the search they undertake on a particular case comport with its obligation to conduct a reasonably thorough investigation. It seems to us clear that the burden of persuasion on this matter is properly imposed on the agency.

McGehen v. Central Intelligence Agency, Slip Op. pp. 10-11 (D.C. Cir. 1983). See also, Weisberg v. Department of Justice, 543 F.2d 308, 311 (D.C. Cir. 1976); and Ott v. Levi, 419 F. Supp. 750, 752 (E.D. Mo. 1976).

NRC Must Provide Suffolk County with an Adequate Vaughn Index

The NRC must provide to Suffolk County an adequate Vaughn Index for all responsive material which is partially or fully withheld. A proper Vaughn Index must: identify the number of pages comprising the record and identify the type of record (e.g., letter, memorandum, issue paper, etc.); state the full names and job titles or positions of all authors, to the extent indicated in the record; state the date of the record, to the extent indicated in the record; state the full names and job titles or positions of all addressees, to the extent indicated in the record; state the full names and job titles or positions of any additional persons to whom the record was circulated or made available, to the extent indicated in the record; provide a detailed description, set forth in manageable segments, of the entire content of each withheld record or portion thereof; and provide an explanation of the NRC's determination that all or a particular part of a record is covered by the claimed exemption. Vaughn v. Rosen, 484 F.2d 820, 827 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). See also, Dellums v. Powell, 642 F.2d 1351, 1359 (D.C. Cir. 1980).

The Court of Appeals for the D.C. Circuit has indicated that a Vaughn Index should be prepared not only for judicial appeals but, as well, for administrative appeals.

> We agree with Mead Data that the objective of the Vaughn requirements, to permit the requesting party to present its case effectively, is equally applicable to proceedings within the agency.

Mead Data Central, Inc. v. United States Department of the Air Force, 566 F.2d 242, 251 (D.C. Cir. 1977). By this standard, the reference to the withheld and allegedly exempt responsive materials in the NRC's May 26, 1983 letter is grossly inadequate. The May 26 letter does not indicate the number of documents which have been withheld; does not identify the authors or addressees; does not describe the documents in any manner whatsoever; and does not identify or explain the specific exemption claimed for the withholding of each such document.

In the absence of even a remotely adequate Vaughn Index, Suffolk County cannot respond substantively to the merits of the NRC's exemption claims. Therefore, Suffolk County reserves the right to file a supplemental appeal with the NRC after Suffolk County's receipt of an adequate and legally proper Vaughn Index.

The Exemption Claim

The exemption in 5 U.S.C. § 552(b)(5) permits an agency to withhold material that contains information which reflects a pre-decisional, deliberative process. In order to invoke the (b)(5) exemption an agency must show that: (1) the withholding only covers records or parts of records which contain information that reflects a pre-decisional, deliberative process, (2) the records would not be available to a party in litigation with the agency; and (3) the withholding is necessary to protect a valid agency interest such as fostering creative debate and discussion, or avoiding publication of misleading or unadopted theories, or protecting the integrity of defendants' decision-making process. Tax Reform Research Group v. Internal Revenue Service, 419 F. Supp. 415, 422 (D.D.C. 1976); National Labor Relations Board v. Sears Roebuck & Co., 421 U.S. 132, 148-153, 95 S. Ct. 1504, 44 L.Ed.2d 29 (1975); Renegotiation Board v. Grumman Aircraft Engineering Corporation, 421 U.S. 168 185-190, 95 S.Ct. 1941, 44 L.Ed.2d 57 (1975); Sterling Drug Inc. v. Federal Trade Commission, 450 F.2d 698, 704-708 (D.C. Cir. 1971).

Without an adequate index we are handicapped in evaluating whether all parts of all of the documents that are responsive to our request can be sheltered by this exemption. However, the NRC has not met its burden of specifying, explaining and justifying the application of this exemption to each withheld document. Furthermore, we remind the NRC that the (b)(5) exemption is not available to protect final legal opinions, or documents that record or explain an agency's final decision. NLRB v. Sears Roebuck and Co., 421 U.S. at 153-54, 95 S. Ct. at 1518.

Segregable, Non-exempt Portions of the Withheld Documents Must be Released

We also request that the Department review each withheld document to segregate exempt and non-exempt material, and to release the latter. In the instant case, the Department has evidently made no effort whatsoever to distinguish the exempt from the non-exempt material within a record and release the

latter. Instead, the Department has denied many responsive documents in their entirety without explanation.

Conclusion

In summary, we find it difficult to believe that so many responsive records are exempt either partly or entirely and we further submit that the NRC has not met its burden under the claimed exemption at Section 552(b)(5) to justify this extraordinary withholding.

We expect to receive an answer to this appeal within 20 working days of the NRC's receipt of this appeal, as required by 10 C.F.R. § 9.29(b).

The undersigned will pay charges for search time and copying fees as provided by 10 C.F.R. §§ 9.33 and 9.35, respectively. If search and copying to be incurred by the undersigned will exceed $2,000, please notify Naima Said at telephone number 778-9149 before this sum is exceeded.

Finally, we request that the NRC's response be as detailed as possible in order to better enable our client to determine the need for further legal action.

Sincerely,

Robert R. Belair by fcs

Robert R. Belair

U S NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA-88-63

RESPONSE TYPE: FINAL X PARTIAL

DATE: APR 1 1988

DOCKET NUMBER(S) (If applicable)

REQUESTER: Frost L. Blair

PART I. – 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.
- [X] Agency records subject to the request that are identified in Appendix A are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.
- [ ] Agency records subject to the request that are identified in Appendix _____ are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC., in a folder under the FOIA number and requester name.
- [ ] The non-proprietary 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, 1717 H Street, N.W., Washington, DC., in a folder under the FOIA number and requester name.
- [ ] Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.
- [ ] Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.
- [ ] Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
- [ ] In view of NRC's response to this request, no further action is being taken on appeal letter dated _____.

PART II.A – INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

- [X] Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions described in and for the reasons stated in Part II, sections I, 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, 1717 H Street, N.W., Washington, DC., in a folder under the FOIA number and requester name.

Comments:

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

Donnie H. Grimsley

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NRC FORM 464

FREEDOM OF INFORMATION ACT RESPONSE FOIA NUMBER S FOIA-82-63 DATE APR 8 1983

PART II B – APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices B are being withheld in their entirety or in part under FOIA Exemptions and for the reasons set forth below pursuant to 5 U S C 552(b) and 10 CFR 9 5(a) of NRC Regulations

1 The withheld information is properly classified pursuant to Executive Order 12356 (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

Section 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(a)(4)

The information was submitted and received in confidence from a foreign source pursuant to 10 CFR 2 790(a)(2)

X 5 The withheld information consists of interagency or intraagency records that are not available through discovery during litigation 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 (EXEMPTION 5)

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 investigatory records compiled for law enforcement purposes and is being withheld for the reason(s) indicated (EXEMPTION 7)

Disclosure would 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 would reveal identities of confidential sources (EXEMPTION 7(D))

PART II C – DENYING OFFICIALS

Pursuant to 10 C F R 9 9 and or 9 15 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 Rules and Records, 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	
			SECRETARY	EDO
James P. Murray	Deputy General Counsel for Hearings & Enforcement	Appendix B	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"

Re: FOIA-88-63

APPENDIX H

RECORDS MAINTAINED AMONG PDR FILES

NUMBER	DATE	DESCRIPTION
1.	6/12/87	Letter from A. P. Malinowska to S. Singh Bajawa. Acc. No. 8706250399.
2.	6/12/87	Letter report from S. A. Hodge and L. M. Harrington. Acc. No. 8706240166.
3.	8/4/87	Letter from J. D. Leonard to NRC. Acc. No. 8708060181.

Re: FOIA-88-63

APPENDIX B

RECORDS TOTALLY WITHHELD

NUMBER	DATE	DESCRIPTION & EXEMPTION
1.	Undated	Memorandum from William D. Olmstead to Thomas E. Murley, subject: Shoreham Licensing Board Ruling Directing Proceedings on LILCO's 75% Power Request To Go Forward. (2 pages) Exemption 5

U S NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER
FOIA-88-63

RESPONSE TYPE
X FINAL | PARTIAL

DATE
MAY 26 1988

DOCKET NUMBER(S) (If applicable)

REQUESTER
Robert R. Belair

PART I. - 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
	Agency records subject to the request that are identified in Appendix _____ are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC
	Agency records subject to the request that are identified in Appendix _____ are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC., in a folder under this FOIA number and requester name
	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, 1717 H Street, N.W., Washington, DC., in a folder under this FOIA number and requester name
	Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC
	Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section
	Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you
	In view of NRC's response to the request, no further action is being taken on appeal letter dated May 3, 1988 (88-A-27)

PART II.A. - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

X	Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA 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, 1717 H Street, N.W., Washington, DC., in a folder under the FOIA number and requester name

Comments

SIGNATURE DIRECTOR, DIVISION OF RULES AND RECORDS
Donnie H. Grimsley

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NRC FORM 464

FREEDOM OF INFORMATION ACT RESPONSE FOIA NUMBER(S) FOIA-88-6 DATE MAY 26 1988

PART II B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices D are being withheld in their entirety or in part under FOIA Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.5(a) of NRC Regulations.

	1. The withheld information is properly classified pursuant to Executive Order 12356 (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)
	Section 141-145 of the Atomic Energy Act which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2166)
	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 from a foreign source 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. 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. (EXEMPTION 5)
	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 investigatory records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (EXEMPTION 7).
	Disclosure would 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 would reveal identities of confidential sources. (EXEMPTION 7(D)).

PART II C - DENYING OFFICIALS

Pursuant to 10 CFR 9.9 and 9.15 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 Rules and Records, 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	
			SECRETARY	EDO
Thomas E. Murley	Director, NRR	Appendix D		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, D.C. 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

Re: FOIA- 88-62

APPENDIX D

RECORDS PARTIALLY WITHHELD

NUMBER	DATE	DESCRIPTION & EXEMPTION
1.	4/29/87	Memo from Steven A. Varga to Thomas Murley, subject: Task Action Plan for Staff Evaluation of LILCO'S Request to Operate Shoreham at 25% Power, (1 page), released, with attachment: Task Action Plan (19 pages), withheld, Exemption 5.