



PDR-016

U.S. NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER IS FOIA-87-869	
RESPONSE TYPE	
<input checked="" type="checkbox"/> FINAL	<input type="checkbox"/> PARTIAL
DATE FEB 29 1989	
DOCKET NUMBER(S) (if applicable)	

REQUESTER
Robert R. Belair, Esq.

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 C 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 B 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 this request, no further action is being taken on appeal letter dated January 26, 1988 (88-A-6).

PART II.A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions described in and for the reasons set forth 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 this FOIA number and requester name.

Comments

1. Records that are subject to Category 1 of your request are already available in the docket for Shoreham 50-322-0L-03 in the NRC PDR. (see Appendix C)
2. The records that are identified on enclosed Appendix B are subject to category 3 of your request.

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BELAIR87-869 PDR

SIGNATURE, DIRECTOR, DIVISION OF PLANS AND RECORDS
Donna H. Hensley

APPENDIX B

DOCUMENTS BEING PLACED IN THE PDR

	<u>DATE</u>	<u>TO</u>	<u>FROM</u>	<u>SUBJECT</u>	<u># PAGES</u>
1.	3/3/87	R. W. Krimm	E. L. Jordan	Proposed Minutes of the January 20, 1987 NRC/FEMA Steering Committee Meeting	4
2.	7/6/87	R. W. Krimm	F. J. Congel	Proposed Minutes for May 27, 1987 NRC/FEMA Steering Committee Meeting	3
3.	12/8/87	Handwritten Notes	E. Podolak	Steering Committee Meeting	5

APPENDIX C

RECORDS MAINTAINED AMONG PDR FILES

NUMBER

DATE

DESCRIPTION

The following documents are maintained in the docket file for Shoreham, 50-322-0L-03, which is located in the NRC Public Document Room and the LPDR:

1. 11/9/87 Letter from Margulies to Judge Cotter.
2. 11/12/87 Letter from Herbert Brown to Cotter.
3. 11/13/87 Letter from Cotter to Brown.
4. 11/13/87 Notice of Reconstitution of Board: 50-322-0L-03, 06.
5. Various Public comments regarding resignation.

KIRKPATRICK & LOCKHART

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ROBERT R. BELAIR
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December 24, 1987

Director, Office of Administration
Nuclear Regulatory Commission
Room 4210, Maryland National Bank Building
7735 Old Georgetown Road
Bethesda, Maryland 20814

**FREEDOM OF INFORMATION
ACT REQUEST**

FOIA-87-869

Rec'd 12-28-87

RE: Freedom of Information Act Request

Gentlemen:

On behalf of our client, Suffolk County, Long Island, New York, we request, pursuant to the Freedom of Information Act, as amended, 5 U.S.C. § 552 ("FOIA"), and the rules of the Nuclear Regulatory Commission ("NRC") issued thereunder, 10 C.F.R. Part 9, copies of the following agency records in the possession or control of the NRC.

1. All documents relating to the November, 1987 resignation of Judge Morton B. Margulies from the Shoreham 50-322-OL-03 and -06 Licensing Board and/or the appointment of Judge James P. Gleason as Judge Margulies' replacement.

2. All documents relating to a request by the Long Island Lighting Company ("LILCO") to the members of the Nuclear Regulatory Commission dated December 18, 1987 that an off-site emergency preparedness exercise meeting the NRC's licensing requirements be scheduled as soon as possible for the Shoreham Nuclear Power Station (excepting the December 18, 1987 request itself and the cover letter from Hunton & Williams).

3. All documents relating to meetings of the Federal Radiological Preparedness Coordinating Committee ("FRPCC") held during the period September 1, 1986 to the present, including the special meeting of the FRPCC held on December 11, 1987; and any meetings of the FEMA/NRC Steering Committee held in the period September 1, 1986 to the present, including a meeting held on December 8, 1987.

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KIRKPATRICK & LOCKHART

Director, Office of Administration
Nuclear Regulatory Commission
December 24, 1987
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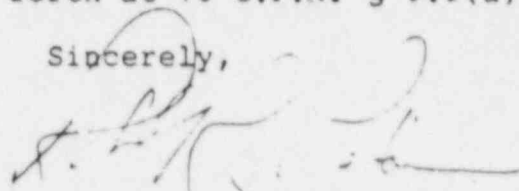
In the event that access is denied to any of the records responsive to this request, please supply the following information:

- a. Identify the record or withheld portion of the record and specify the statutory basis for the denial, as well as your reason for believing that an exemption applies, as required by 10 C.F.R. § 9.10(b).
- b. Segregate the nonexempt from the allegedly exempt portion of any withheld records and release the former, as required by 10 C.F.R. § 9.5(b).
- c. Supply a detailed statement of the content of the withheld document or portion thereof, along with the date on which that document or portion thereof was written; its section heading or title; and an identification of any persons or entities who have received copies of such records or portions thereof, as required by applicable case law. Vaughn v. Rosen, 484 F.2d 820, 826-827 (D.C. Cir. 1973).
- d. Separately state your reasons for not invoking your discretionary power to release the allegedly exempt records or portions thereof.

The undersigned will pay charges for search time and copying fees, as provided by NRC regulations, 10 C.F.R. § 9.14. If search and copying fees to be incurred by the undersigned will exceed \$300.00, please notify the undersigned before this sum is exceeded.

We expect to receive your response to this FOIA request within ten (10) working days of your receipt of this request, as required by the FOIA, and as set forth at 10 C.F.R. § 9.9(a).

Sincerely,



Robert R. Belair

RRB/rlm