



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)
FOIA — 89-166

RESPONSE TYPE
 FINAL PARTIAL

DATE
JUN 28 1989

DOCKET NUMBER(S) (if applicable)

REQUESTER
Robert R. Belair

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 on Appendix(es) A are already available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC 20555.
- Agency records subject to the request that are identified on Appendix(es) B* 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.
- 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.
- 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.
- 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.
- Agency records subject to the request are enclosed. App. B documents and the releasable portion of doc. C/6.
- Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
- You will be billed by the NRC for fees totaling \$204.71 (7 hours, 50 minutes professional search @24.88 per hr., 15 minutes SES search @.67 per minute.)
- 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, 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

In view of the broad scope of Item 2 of your request, we have identified at Appendix A Items 12 through 34, NUREG documents which address generic decommissioning issues which may be of interest to you and are already available in the PDR. Additionally, we are aware that Oak Ridge National Laboratory publishes a bibliography entitled, "Nuclear Facility Decommissioning and Site Remedial Actions -- A Selected Bibliography," (ORNL/EIS-154). The most recent volume is number 9, and is available through the National Technical Information Service, U. S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia, 22161. Please submit another request if you wish any additional records following your inspection of these records.

No records were identified that are subject to Item 3 of your request.

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

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PART II. B - APPLICABLE EXEMPTIONS

Records subject to the request that are described on the enclosed Appendixes) C 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 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. C/1 - C/10	XX	
Joseph Scinto	Deputy General Counsel for Hearings and Enforcement	App. C/11	XX	

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 A
Documents Already Available in the PDR

1. 10/3/87 Letter from J. Leonard to NRC. Accession No. 8710080174
2. 11/28/87 Letter from J. Leonard to NRC. Accession No. 8711300136
3. 2/16/88 Letter from L. Britt to R. Diggs. Accession No. 8802230055.
4. 6/2/88 Note from L. Rubenstein to D. Crutchfield.
Accession No. 8808240209
5. 5/12/88 FRN - Shoreham Nuclear Power Station - Environmental Assessment
Finding of No Significant Impact. Acc. No. 8805180274A
6. 5/12/88 Letter from W. Butler to J. Leonard. Acc. No. 8805230082
7. 5/31/88 Letter from C. Peterson to V. Stello. Acc. No. 8806080096
8. 6/1/88 Letter from V. Stello to W. Catacosinos. Acc. No. 8806080091
9. 9/27/88 Letter from S. Brown to J. Leonard. Acc. No. 8810030065
10. 10/3/88 FRN - Shoreham Nuclear Power Station; Environmental Assessment
Finding and No Significant Impact. Acc. No. 8810030067
11. 10/7/88 FRN - Shoreham Nuclear Power Station - Grant of Exemption.
Acc. No. 8806080273
12. 10/7/88 Letter from S. Brown to J. Leonard. Acc. No. 8810130077.
13. NUREG/CR-0672: Technology, Safety and Costs of Decommissioning a Reference
Boiling Water Reactor Power Station.
14. NUREG/CP-0008: State Workshops for Review of the NRC's Decommissioning
Policy.
15. NUREG/CP-0003: Conference Proceedings for State Workshops For Review of
the NRC's Decommissioning Policy.
16. NUREG/CP-0068: International Nuclear Reactor Decommissioning Planning
Conference.
17. NUREG-0586: Final Generic Environmental Impact Statement on Decommissioning
of Nuclear Facilities.
18. NUREG/CR-2370: Design, Costs and Acceptability of an Electric Utility Self-
Insurance Pool for Assuring the Adequacy of Funds for Nuclear Power Plant
Decommissioning Expense.
19. NUREG/CR-3899: Utility Financial Stability and the Availability of Funds
for Decommissioning.

20. NUREG/CR-1755, Addendum 1: Technology Safety and Costs of Decommissioning Nuclear Reactors at Multiple-Reactor Stations.
21. NUREG/CR-2522: Evaluation of Nuclear Facility Decommissioning Projects.
22. NUREG/CR-0672, Addendum 2: Technology Safety and Costs of Decommissioning a Reference Boiling Water Reactor Power Station.
23. NUREG/CR-0134: Potential Radiation Dose to Man From Recycle of Metals Reclaimed From a Decommissioned Nuclear Power Plant.
24. NUREG/CR-4289: Residual Radionuclide Contamination Within and Around Commercial Nuclear Power Plants.
25. NUREG/CR-3550: Evaluation of Nuclear Facility Decommissioning Projects.
26. NUREG/CR-4090: Evaluation of Nuclear Facility Decommissioning Projects.
27. NUREG/CR-2241: Technology and Cost of Termination Surveys Associated With Decommissioning of Nuclear Facilities.
28. NUREG/CR-1755: Technology Safety and Costs of Decommissioning Nuclear Reactors at Multiple-Reactor Stations.
29. NUREG/CR-2082: Monitoring for Compliance With Decommissioning Termination Survey Criteria.
30. NUREG/CR-0569: Facilitation of Decommissioning Light Water Reactors.
31. NUREG/CR-3474: Long-Lived Activation Products in Reactor Materials.
32. NUREG-1307: Report on Waste Burial Charges.
33. NUREG/CR-4555: Generic Cost Estimates for the Disposal of Radioactive Wastes.
34. NUREG/CR-3587: Identification and Evaluation of Facilitation Techniques for Decommissioning Light Water Power Reactors.

Appendix B
Document Being Placed in the PDR

1. 5/26/88 Letter from Richard Smith to Carl Feldman. (2 pages)
2. 6/8/88 Memorandum for the Record from Samuel J. Chilk. (1 page)

Appendix C
Documents Being Withheld in Whole or in Part
Pursuant to Exemption 5

1. 4/18/89 Points for April 20, 1989--Shoreham. (2 pages). Withheld in entirety.
2. Undated Points for April 20, 1989--Shoreham. (2 pages). Withheld in entirety.
3. 4/17/89 "Questions the news media will likely ask after the Shoreham Meeting." (1 page). Withheld in entirety.
4. Undated "Questions for use following Shoreham affirmation." (2 pages). Withheld in entirety.
5. 2/4/88 Tom Elsasser's thoughts on decommissioning. (1 page). Withheld in entirety.
6. 5/27/88 SECY-88-150, "Shoreham Plant Shutdown and Possible Decommissioning," (3 pages). Cover memo released in part, and enclosure, draft letter, withheld in entirety.
7. 5/27/88 Chairman Zech's vote sheet for SECY-88-150. (1 page). Withheld in entirety.
8. 5/31/88 Commissioner Roberts' vote sheet for SECY-88-150. (1 page). Withheld in entirety.
9. 5/31/88 Commissioner Carr's vote sheet for SECY-88-150. (2 pages). Withheld in entirety.
10. 5/31/88 Commissioner Rogers' vote sheet for SECY-88-150. (2 pages). Withheld in entirety.
11. Updated Updated handwritten notes of Edwin Reis to Mitzi Young on Legal Questions Concerning Decommissioning. (3 pages). Withheld in entirety.