



## U.S. NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)

FOIA — 89-100

RESPONSE TYPE

FINAL

XX

PARTIAL

DATE

APR 6 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.

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☐ Agency records subject to the request that are identified on Appendix(es) C are already available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC 20555.

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☐ Agency records subject to the request that are identified on Appendix(es) D\* 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.

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☐ Agency records subject to the request are enclosed.☐ 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 \$ \_\_\_\_\_.☐ 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

8904070202 890406  
PDR FOIA  
BELAIR89-100 PDR

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

*Bonnie H. Hurley*

APPENDIX C  
DOCUMENTS ALREADY AVAILABLE IN THE PDR

1. 9/9/88 Letter from M. Young to J. Gleason. (1 page) Acc. No. 8809140073
2. 11/1/88 Letter from J. Leonard to NRC. (2 pages) Acc. No. 8811040279
3. 12/12/88 Letter from J. Wiggins to J. Leonard. (4 pages) Acc. No. 8811220010
4. 12/14/88 Letter from J. Reis to W. C'mming. (1 page) Acc. No. 8812280064
5. 12/20/88 Letter from R. Krimm to F. Congel. (246 pages) Acc No. 8902060415
6. 2/2/89 Letter from J. Leonard to NRC. (371 pages) Acc. No. 8902220036

APPENDIX D

DOCUMENTS BEING PLACED IN THE PDR

1. 9/12/88 Memo from S. Brown to various addressees, subject: Daily Highlight. (1 page)
2. 9/14/88 Memo from W. Travers to W. Butler, subject: Federal Emergency Management Agency Review of the Offsite Emergency Plan for Shoreham. (2 pages)
3. 9/22/88 Memo from E. Reis to T. Murley, subject: Appeal Board Remand of Proceeding on 1988 Shoreham Emergency Exercise to OL-5 Licensing Board (ALAB-901) (Enclosure was served on parties) (2 pages)
4. 9/27/88 Memo from J. Scinto to T. Murley, subject: Shoreham; Appeal Affirms Determination that the February 1986 Exercise of LILCC's Emergency Plan was Insufficient in Scope (ALAB-900) (Enclosure was served on parties) (2 pages)
5. 10/14/88 News article: "Deal to Keep Shoreham Plant Closed May Die." (1 page)
6. 10/23/88 News article: "Cuomo Ultimatum Over Shoreham." (1 page)
7. 11/7/88 Memo from F. Congel to R. Krimm, subject: FEMA Support for NRC Licensing of Shoreham Nuclear Power Station. (1 page)
8. 12/2/88 News release from Hicksville, New York. (2 pages)
9. 12/5/88 Memo from F. Congel to R. Krimm, subject: FEMA Support for NRC Licensing of Shoreham Nuclear Power Station. (1 page)
10. 2/2/89 Memo from W. Travers to W. Butler, subject: Forwarding of FEMA Correspondence. (2 pages)

# KIRKPATRICK & LOCKHART

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March 2, 1989

## HAND DELIVERED

Director, Office of Administration  
Nuclear Regulatory Commission  
Room P378  
7920 Norfolk Avenue  
Bethesda, Maryland 20814

FREEDOM OF INFORMATION  
ACT REQUEST  
**FOIA-89-100**  
**Rec'd 3-2-89**

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. Section 552 ("FOIA"), and the rules of the Nuclear Regulatory Commission ("NRC") issued thereunder, 10 C.F.R. Part 9, copies of correspondence, memoranda, notes, reports, or other recorded materials regardless of physical form or characteristic ("records") in the possession or control of the NRC dated September 1988 or thereafter relating to the Long Island Lighting Company's emergency plan for the Shoreham Nuclear Power Station, including any review of that plan by the Federal Emergency Management Agency ("FEMA") or its Regional Assistance Committee or any members thereof.

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 of 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. Section 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. Section 9.5(b).

~~89-100-271~~ (pp)

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b. Segregate the nonexempt from the allegedly exempt portion of any withheld records and release the former, as required by 10 C.F.R. Section 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. Section 9.14. If search and copying fees to be incurred by the undersigned will exceed \$1000.00, please contact Rose Hlaing at (202) 778-9245 before this sum is exceeded. Any questions or comments concerning this request may also be directed to Ms. Hlaing.

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. Section 9.9(a).

Sincerely,



Robert R. Belair