

# SAFEGUARDS INFORMATION

4. Approval by the General Manager, Perry Nuclear Power Plant Department, or his designee.
5. Addition of the approved individual to the authorization list, detailing type of authorization (areas).

EX. 3

## SAFEGUARDS INFORMATION

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## 1.6.3 Termination of Access for Cause

In the event of an individuals involuntary termination for cause, the individual's access will be revoked and their photobadge and card key retrieved simultaneously or prior to notification to the individual of the termination.

EX. 3

Information is to be removed from the file

95-A-20-F (FOIA-95-364)



# SAFEGUARDS INFORMATION

4. Approval by the General Manager, Perry Nuclear Power Plant Department, or his designee.
5. Addition of the approved individual to the authorization list, detailing type of authorization (areas).



EX. 3

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EX. 3

95-A-20-F (FOIA-95-364)



# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

RESPONSE TYPE	
<input checked="" type="checkbox"/> FINAL	<input type="checkbox"/> PARTIAL
DATE SEP 26 1995	
DOCKET NUMBER(S) (if applicable)	

REQUESTER

Mr. Joseph A. Saggio

## PART I.—AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

<input type="checkbox"/>	No agency records subject to the request have been located.
<input type="checkbox"/>	No additional agency records subject to the request have been located.
<input type="checkbox"/>	Requested records are available through another public distribution program. See Comments section.
<input type="checkbox"/>	Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
<input type="checkbox"/>	Agency records subject to the request that are identified in Appendix(es) _____ 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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Agency records subject to the request are enclosed.
<input type="checkbox"/>	Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
<input checked="" type="checkbox"/>	Fees (NONE)
<input type="checkbox"/>	You will be billed by the NRC for fees totaling \$ _____.
<input type="checkbox"/>	You will receive a refund from the NRC in the amount of \$ _____.
<input type="checkbox"/>	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

<input checked="" type="checkbox"/>	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.
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COMMENTS

\*The records identified on enclosed Appendix A are responsive to your request. These records are being denied in their entirety.

You are not being assessed fees for the processing of your FOIA request since the minimal fee limit has not been exceeded. This completes NRC's action on your FOIA request.

~~9510120045~~ (3P)

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

*Stuart A. Sack*



**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST**  
(CONTINUATION)

**FOIA** — 95-364

**SEP 26 1995**

**PART II. B — APPLICABLE EXEMPTIONS**

Records subject to the request that are described in the enclosed Appendix(es) A are being withheld in their entirety or in part under the Exemption No.(s) and for the reason(s) given 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 recipients 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, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECRETARY	IG
William T. Russell	Director, Office of Nuclear Reactor Regulation	App. A	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 there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, 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-95-364

APPENDIX A

DOCUMENTS BEING WITHHELD IN THEIR ENTIRETY

NUMBER	DATE	DESCRIPTION/EXEMPTION/PAGES
1.	10/14/94	Physical Security Plan for Perry Nuclear Power Plant, (209 pgs.) - EX. 3.

Joseph A. Saggio  
Attorney and Counselor at Law

24500 Center Ridge Road  
Suite 175  
Westlake, Ohio 44145  
Telephone (216) 835-8200  
Fax (216) 835-8271

August 31, 1995

FREEDOM OF INFORMATION  
ACT REQUEST

Director  
Division of Freedom of Information and  
Publication Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

FOIA-95-364  
Rec'd. 9-5-95

Subject: Freedom of Information Act Request/Privacy Act Request  
Rex G. Brown, Social Security No. 269-84-4612

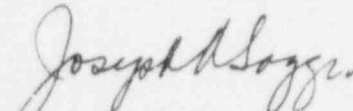
Dear Sir:

Please provide the following records:

1. The latest version of the Perry Nuclear Plant Security Plan
2. All versions of the Perry Nuclear Plant Security Plans in effect during 1995

If you determine that you cannot waive the fees for the requested documents and records, please indicate the cost for each category of records, the number of records contained in each category, and the basis for not waiving such fees, before transmitting the records and documents requested under either the Freedom of Information Act or the Privacy Act.

Very truly yours,

  
Joseph A. Saggio

cc:  
Mr. Rex Brown  
Mr. Dick Lavins, U.S. NRC

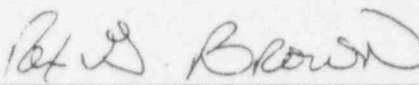
JAS:ems

9510126439 (pp)



CONSENT TO RELEASE  
DOCUMENTS AND/OR RECORDS

I, REX G. BROWN, the undersigned, do hereby consent to the release of any and all documents or records concerning me or which may not be released without my consent, now in the possession of the U.S. Nuclear Regulatory Commission, to my attorney, Joseph A. Saggio, 24500 Center Ridge Road, Suite 175, Westlake, Ohio 44145.

  
\_\_\_\_\_  
Rex G. Brown

MAY 11, 1995  
\_\_\_\_\_  
Date

March 15, 1995

Docket No. 50-440

Centerior Energy  
ATTN: Mr. Robert A. Stratman  
Vice President  
Nuclear - Perry  
P.O. Box 97  
Perry, OH 44081

SUBJECT: REVIEW OF PERRY NUCLEAR POWER PLANT SECURITY PLAN (REVISION 18)

Dear Mr. Stratman:

This letter acknowledges receipt of your letter dated April 14, 1994, which transmitted changes identified as Revision 18 to the Security Plan for the Perry Nuclear Power Plant, submitted under the provisions of 10 CFR 50.54(p).

We have reviewed the submitted changes and have determined that, except for Chapter 14, they are consistent with the provisions of 10 CFR 50.54(p), and are therefore acceptable. Chapter 14 is considered to contain policy issues and has been forwarded to NRC Headquarters (NRR/RSGB) for review. You will be notified of the results of their review by separate correspondence.

The enclosure to your letter contained Safeguards Information of a type specified in 10 CFR 73.21 and is being withheld from public disclosure.

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter will be placed in the NRC Public Document Room.

Sincerely,  
**Original Signed by Roy J. Caniano**

Roy J. Caniano, Chief  
Reactor Support Programs Branch

cc: See Attached List

bcc: NRR/DRIS/RSGB  
SG Case File: W70169 21WA  
SG Inspector File: Belanger  
SG Correspondence File: G. M. Christoffer  
NRR Docket File

DOCUMENT NAME: A:PER03155.DSS

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure  
"N" = No copy

OFFICE	RIII	C	RIII	C	RIII	✓	RIII
NAME	GChristoffer:jp		JBelanger		JEnoed		RCaniano
DATE	03/15/95		03/15/95		03/15/95		03/15/95

9503250075 1p.

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95-A-20-E (FOIA-95-364)

March 28, 1995

Centerior Energy  
ATTN: Mr. Robert A. Stratman  
Vice President  
Nuclear - Perry  
P. O. Box 97  
Perry, OH 44081

SUBJECT: REVIEW OF PERRY NUCLEAR POWER PLANT SECURITY PLAN (REVISION 19)

Dear Mr. Stratman:

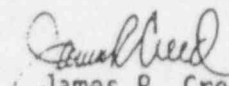
This letter acknowledges receipt of your letter dated October 11, 1994, which transmitted changes identified as Revision 19 to the Perry Nuclear Power Plant Security Plan, submitted under the provisions of 10 CFR 50.54(p).

We have reviewed the submitted changes and have determined that they are consistent with the provisions of 10 CFR 50.54(p) and are therefore acceptable.

The enclosure to your letter concerns a subject matter which is exempt from public disclosure in accordance with 10 CFR 73.21 and is therefore being withheld from public disclosure.

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter will be placed in the NRC Public Document Room.

Sincerely,

  
James R. Creed, Chief  
Safeguards and IR Section

~~950443019~~  
Docket No. 50-440

cc: See Attached List

bcc: NRR/DRIS/RSGB  
SG Case File No. W70199 22WA ✓  
SG Inspector File: Belanger  
SG Correspondence File: G. Christoffer  
NRR Docket File

DOCUMENT NAME: A:PER03285.DSS

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure  
"N" = No copy

OFFICE	RIII <i>Handwritten</i>	RIII <i>Handwritten</i>	RIII <i>Handwritten</i>	N
NAME	GChristoffer:jp	JBelanger	JCreed	
DATE	03/28/95	03/28/95	03/28/95	

OFFICIAL RECORD COPY

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95-A-20-F (FOIA-95-364)