

Mutuals

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA — 96-493

RESPONSE TYPE

FINAL

☒ PARTIAL 1st

DATE

FEB 06 1997

DOCKET NUMBER(S) (if applicable)

REQUESTER

Kathleen Hart

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 in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request that are identified in Appendix(es) A 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.

☐ 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.

☐ 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.

☐ 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.

☐ 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.

☐ Fees

☐ You will be billed by the NRC for fees totaling \$ _____.

☐ You will receive a refund from the NRC in the amount of \$ _____.

☐ 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, 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.

COMMENTS

The search for and review of documents subject to your request is continuing. We will contact you upon completion of the search and review.

o/i

FOIA

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

[Signature]

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PDR FOIA

HART96-493 PDR

NRC FORM 464 (Part I) (1-91)

9702110294

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

FOIA NUMBER(S)

FOIA — 96-493

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PART II.B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) B 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).

X 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).

XX The information was submitted and received in confidence 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. (Exemption 5). Applicable Privilege:

XX 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
Sandy Joosten	Executive Assistant Office of the Secretary	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 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."

APPENDIX A
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	7/7/95	Letter from Chairman Jackson to Dr. Tara O'Toole. (1 page)
2.	7/13/95	Letter from Chairman Jackson to Dr. A. Gopalakrishnan. (1 page)
3.	7/26/95	Letter from Chairman Jackson to John Conway. (1 page)
4.	7/27/95	Letter from Chairman Jackson to Secretary O'Leary. (1 page)
5.	8/7/95	Letter from Chairman Jackson to Prof. Dr. Dr. -Ing. E. H. Adolf Birkhofer. (1 page)
6.	8/7/95	Note from Chairman's office to Distribution, attaching Chairman Jackson's Trip Report of the fifth Gore-Chernomyrdin Meeting. (6 pages)
7.	8/9/95	Letter from Chairman Jackson to Ms. Alison Arnstein. (1 page)
8.	8/9/95	Letter from Chairman Jackson to The President. (1 page)
9.	8/14/95	Memo from Chairman Jackson to Commissioner Rogers, subject: International Travel. (1 page)
10.	8/14/95	Memo from Chairman Jackson to addressees, subject: International Travel. (1 page)
11.	8/15/95	Letter from Chairman Jackson to Dr. T. O'Toole. (1 page)
12.	8/17/95	Memo from Chairman Jackson to J. Taylor, subject: Radkowsky Thorium Power Corporation. (1 page)
13.	8/18/95	Letter from Chairman Jackson to The President. (1 page)

14. 8/23/95 Letter from Chairman Jackson to Miguel Medina Vaillard. (1 page)
15. 8/28/95 Letter from Chairman Jackson to The President. (1 page)
16. 10/12/95 Letter from Chairman Jackson to Andre-Claude Lacoste. (1 page)
17. 10/12/95 Letter from Chairman Jackson to Oleksandr Smyshlyayev. (1 page)
18. 10/12/95 Letter from Chairman Jackson to Franticek Pazdera. (1 page)
19. 10/12/95 Letter from Chairman Jackson to Ambassador Jenonne Walker. (1 page)
20. 10/12/95 Letter from Chairman Jackson to Vladimir Udovechenko. (1 page)
21. 10/12/95 Letter from Chairman Jackson to Sergei Parashin. (1 page)
22. 10/12/95 Letter from Chairman Jackson to Nur Nigmatullin. (1 page)
23. 10/12/95 Letter from Chairman Jackson to Michail Pavlovsky. (1 page)
24. 10/13/95 Letter from Chairman Jackson to Constantin Rudy. (1 page)
25. 10/13/95 Letter from Chairman Jackson to Dr. Yong Kyu Lim. (1 page)
26. 10/27/95 Letter from Chairman Jackson to Dr. Kyo-Sun Lee. (1 page)
27. 11/9/95 Letter from Chairman Jackson to Dr. Angela Merkel. (1 page)
28. 11/15/95 Letter from Chairman Jackson to Claude Frantzen. (1 page)
29. 11/16/95 Letter from Chairman Jackson to Ambassador John Ritch, III. (1 page)
30. 11/22/95 Memo from Chairman Jackson to C. Stoiber, subject: International Travel. (1 page)

31. 11/22/95 Letter from Chairman Jackson to Dr. Kyo-Sun Lee. (1 page)
32. 11/29/95 Letter from Chairman Jackson to Dr. Frantizek Pazdera. (1 page)
33. 11/30/95 Letter from Chairman Jackson to Mr. James Covey, attaching 11/9/95 letter from S. Jackson to A. Merkel. (2 pages)
34. 12/7/95 Letter from Chairman Jackson to Secretary O'Leary. (6 pages)
35. 12/20/95 Note from the Chairman's office to distribution, subject: Chairman's Trip Report on Visit to France, Austria, The Czech Republic, and Ukraine. (1 page)
36. 12/28/95 Letter from Chairman Jackson to Dr. Kyo-Sun Lee, w/attachment. (3 pages)
37. 12/28/95 Letter from Chairman Jackson to Dr. Yong-Kyu Lim, with attachments. (3 pages)
38. 1/4/96 Letter from Chairman Jackson to Professor Takashi Mukaibo. (1 page)
39. 1/18/96 Letter from Chairman Jackson to The Honorable Joan Spero. (2 pages)
40. 1/30/96 Letter from Chairman Jackson to Dr. Kyo-Sun Lee. (1 page)
41. 2/1/96 Memo from Chairman Jackson to C. Stoiber, subject: SECY-96-002 - Continuation of the NRC-Funded Position at the U.S. Mission to the International Organizations, Vienna, Austria. (1 page)
42. 2/6/96 Memo from Chairman Jackson to Commissioner Rogers, subject: Report on GCC-6 Meetings, with attachment. (4 pages)
43. 2/7/96 Letter from Chairman Jackson to Dr. Juan Manuel Kindelan. (1 page)
44. 2/15/96 Memo from Chairman Jackson to C. Stoiber, subject: G-24 Nuclear Safety Coordination Committee and Nuclear Safety Account. (1 page)
45. 2/21/96 Letter from Chairman Jackson to Kozo Iida and Dr. Shunsuke Kondo. (1 page)

46. 2/21/96 Letter from Chairman Jackson to Dr. Yih-Yun Hsu. (1 page)
47. 2/29/96 Letter from Chairman Jackson to Yuri Vishnevsky. (2 pages)
48. 3/4/96 Letter from Chairman Jackson to Dr. Tara O'Toole. (1 page)
49. 3/19/96 Letter from Chairman Jackson to Daniel Lapres. (1 page)
50. 3/19/96 Letter from Chairman Jackson to Hiroshi Ohishi. (1 page)
51. 3/27/96 Letter from Chairman Jackson to Samuel Thompson. (1 page)
52. 4/4/96 Letter from Chairman Jackson to Secretary O'Leary. (2 pages)
53. 5/7/96 Letter from Chairman Jackson to Secretary O'Leary. (2 pages)
54. 5/7/96 Letter from Chairman Jackson to The Honorable Lynn Davis. (2 pages)
55. 5/7/96 Letter from Chairman Jackson to The Honorable Lawrence Scheinman. (2 pages)
56. 5/15/96 Letter from Chairman Jackson to Dr. Rajagopala Chidambaram. (1 page)
57. 5/23/96 Memo from Chairman Jackson to C. Stoiber, subject: Proposed Agreement for Cooperation Between the U.S. and Brazil, SECY-96-97. (1 page)
58. 5/24/96 Letter from Chairman Jackson to Dr. Masaji Yoshikawa. (1 page)
59. 5/24/96 Letter from Chairman Jackson to Naoyuki Sakurai. (1 page)
60. 5/24/96 Letter from Chairman Jackson to Dr. Tsutomu Inoue. (1 page)
61. 5/24/96 Letter from Chairman Jackson to Atsuo Kohsaka. (1 page)
62. 5/28/96 Letter from Chairman Jackson to Dr. Fabio Morales. (1 page)

63. 5/24/96 Letter from Chairman Jackson to Dr. Gerry Whitman. (1 page)
64. 5/24/95 Letter from Chairman Jackson to Kyo-Sun Lee. (1 page)
65. 7/8/96 Note to File from Joel Lubenau. (1 page)
66. 7/8/96 Note from Greta Joy Dicus regarding International Nuclear Regulators Forum. (1 page)
67. 7/19/96 Memo from Commissioner Dicus to The Chairman and Commissioner Rogers, subject: Nuclear Safety Proposal. (8 pages)
68. 8/7/96 Memo from Chairman Jackson to Commissioners Rogers and Dicus, subject: COMGD-96-001. (2 pages)
69. 9/4/96 Memo from Commissioner Dicus to the Commission, subject: U.S.-russian Joint Coordinating Committee for Radiation Effects Research -Status Report and Plans. (18 pages)
70. 9/17/96 Chairman Jackson's Comments on COMGD-96-002. (1 page)
71. 9/17/96 Memo from Chairman Jackson to J. Taylor, subject: NRC FY 1997 Budget. (1 page)
72. Undated Memo from Chairman Jackson to Commissioners Rogers and Dicus, subject: COMGD-96-001. (2 pages)

APPENDIX B
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	11/16/95	Memo from Chairman Jackson to J. Taylor and C. Stoiber, subject: Proposal for International Program for Nuclear Safety Research (IPNSR). (3 pages) Portions withheld, EX. 5
2.	12/20/95	Memo to distribution list, attaching 12/20/95 memo from Chairman Jackson to The File, subject: Trip Report on Visit to France, Austria, The Czech Republic, and Ukraine, with attached Summary of Meetings. (15 pages) Portions withheld, EX. 4 and 5
3.	1/18/96	Letter from Chairman Jackson to Secretary O'Leary. (2 pages) Portions withheld, EX. 5
4.	5/31/96	Memo to distribution list attaching 5/31/96 memo from Chairman Jackson to The File, subject: Trip Report on Visit to the Republic of Korea and Japan, (4 pages), released, with attachments: Attachment 1: Summary of Meetings and Site Visits. (13 pages) Portions withheld, EX. 4 and EX. 5 Attachment 2: Speech, "Nuclear Regulation in the U.S.: Policy Directions and Future Prospects." (10 pages) Released Attachment 5: Speech, "Nuclear Regulation: The Challenges of Change. (11 pages) Released Attachment 6: Letter from Chairman Jackson to Dr. Rajagopala Chidambaram. (1 page) Released Attachment 3: Speech, "New Energy in the Pacific Rim." (8 pages) Released