



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

FOIA — 96-527

RESPONSE TYPE

☒ FINAL ☐ PARTIAL

DATE FEB 12 1997

DOCKET NUMBER(S) (if applicable)

REQUESTER

Susan G. Jordan

**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) A 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) B 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. Appendix B and the releasable portions of Appendix C documents

☒ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you. are enclosed.

Fees WAIVED

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

0/1  
FIA 1

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

9702140159 970212  
PDR FOIA  
JORDAN96-527 PDR

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

FOIA NUMBER(S)

**FOIA — 96-527**

DATE

**PART II. B — APPLICABLE EXEMPTIONS**

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

XX 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
Carl J. Paperiello	Director, NMSS	Appendix C	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 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 ALREADY AVAILABLE IN THE PDR

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	12/02/88	8812210282	Church Rock Project Hydrological Testing Report, 2-01-88, from M. Pelizza, HRI, to Tom Olson, NRC (referenced in NRC RAI #2, Feb 9, 1995, Item No. 9, p. 29) (2 pages)
2.	10/16/92	9509070123	Unit 1 Project, UIC Application and Technical Report (referenced in NRC RAI #2, 2/9/95, Item 6) (390 pages)
3.	03/12/93	9304130421	Section 9 Pilot Summary Report (ref: in NRC RAI #2, 2/9/95, Item No. 6) (10 pages)
*4.	11/29/93	9402280404	Letter to J. Grimm, US NRC, from M. Pelizza, HRI (referenced in NRC RAI #2 2/9/95, Item No. 7 (2 pages)
5.	01/06/95	9501120327	Environmental Assessment Allotted Lease Program Unit 1 (referenced in NRC RAI #2, 2/9/95, Item No. 11) (4 pages)
6.	04/24/96	9604260063	Response to Ques 92 of NRC RAI #2, concerning cost-benefit analysis (described as 3 5-inch binders) (1,200 pages)
7.	05/01/96	9605080097	Responses to Ques 22, 24 of NRC RAI #1 (72 pages)
8.	07/30/96	9608090021	NRC RAI #3 (referenced in NRC Staff's Status Report to presiding officer of the Atomic Safety and Licensing Board, 8/30/96 (5 pages)
*9.	1995/96	9505260235	Response of state of Texas to NRC's summary of allegations made by Mervyn Tilden about URI's (3 pages)

\*The dates for these two documents were incorrect in the requester's FOIA. The dates that appear on this listing are the correct ones.

\*\*We were unable to locate the document dated 10/9/95.

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	Undated	Status summary sheets (3 pages)
2.	Undated	Case Chronology (1 page)
3.	Undated	Hydro Resources, Inc. - List of Concerns. (1 page)
4.	Undated	Allegation against Uranium Resources, Inc. February 15, 1995, Facsimile from Zuni Mountain Coalition. (2 pages)
5.	02/15/95	First page of amended request for public hearings. (1 page)
6.	02/17/95	Allegation Review Board Summary (1 page)
7.	02/17/95	Handwritten note to MLayton and JHolonich from R. O'Connell re: Zuni Mountain Coalition. (1 page)
8.	02/22/95	Excerpt from Transcript of the evening session of the public hearing in Crownpoint, New Mexico. (6 pages)
9.	02/22/95	Excerpt from Transcript of morning session of the public hearing in Crownpoint, New Mexico. (5 pages)
10.	02/23/95	Excerpt from Transcript of public hearing in Church Rock, New Mexico. (9 pages)
11.	03/07/95	E-mail from R. O'Connell to J. Holonich re: Hydro Resources Allegation (1 page)
12.	03/07/95	E-mail to R. O'Connell from J. Holonich re: Hydro Resources Allegation (1 page)
13.	03/31/95	Allegation Review Board Summary (2 pages)
14.	05/01/95	E-mail phone message to R. O'Connell re: State responses from L. Lopez (1 page)
15.	05/01/95	E-mail to R. O'Connell re: BIA Address from M. Layton (1 page)

16. 05/03/95 Memo to R. Doda, RIV re: Allegations received by the NRC office of NMSS re: Hydro Resources, Inc. from P. Lohaus (13 pages)
17. 05/09/95 Handwritten note regarding Hydro Resources. (1 page)
18. 05/10/95 Letter to BIA re: Hydro Resources from R. O'Connell w/attachment (3 pages)
19. 05/16/95 Letter to M. Hibbs re: Allegation RIV-95-A-0073 from Robert Doda (1 page)
20. 09/28/95 Memo to M. Hibbs from V. Whadford re: URI, Inc. Allegations w/attachments (63 pages)
21. 09/29/95 Letter to R. Doda, RIV re: URI, Inc. Allegation; File RW3653 from A.H. Rogers (1 page)
22. 10/11/95 Memo to R. O'Connell from R. Wise re: Hydro Resources (1 page)
23. 10/11/95 Handwritten note to Russ re: Texas National Resource Council (1 page)
24. 11/21/95 Allegation Review Board Summary (3 pages)

Re: FOIA-96-527

APPENDIX C  
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	04/27/95	Ltr from NRC to individual re: Hydro Resources Inc (2 pages) Exemption 6
2.	04/27/95	Ltr from NRC to individual re: Hydro Resources, Inc. (1 Page) Exemption 6
3.	07/21/95	Ltr from NRC to individual re: Hydro Resources, Inc (1 page) Exemption 6