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National Archives & Records Administration

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to: Brett Kavanaugh
fax #: 202-456-1647
re: Nixon Tape Opening Notice
date: 12/17/2001
pages: 4 Pages (including cover sheet).

From the desk of...

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National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

December 17, 2001

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, DC 20500

By Facsimile

Dear Judge Gonzales:

Under the provisions governing public access to the Nixon Presidential historical materials, 44 U.S.C. § 2111 note; 36 C.F.R. § 1275.42(b), we hereby notify President Bush of our intention to open, on February 28, 2002, approximately 426 hours, comprising of 4125 conversations, of White House tapes among the Nixon materials. On that date we also propose to open approximately 69 hours of previously withheld security classified portions of the Cabinet Room tapes that were reviewed and declassified under Executive Order 12958. The materials proposed for release are further described in the enclosed *Federal Register* notice.

If you have any questions, please contact Karl Weissenbach, Director, Nixon Presidential Materials Staff, 301-713-6950, or me at 301-713-6025.

Sincerely,

GARY M. STERN
General Counsel

Enclosure

Cc: Brett Kavanaugh, Associate Counsel to the President

5. Canyon Fuel Company, LLC

(Docket No. M-2001-102-C)

Canyon Fuel Company, LLC, P.O. Box 1029, Wellington, Utah 84542 has filed a petition to modify the application of 30 CFR 75.1001-1(a) (location of other electric equipment; requirements for permissibility) to its Dugout Canyon Mine (I.D. No. 42-01890) located in Carbon County, Utah. The petitioner proposes to use the following non-permissible low-voltage or battery powered electronic testing and diagnostic equipment in by the last open crosscut: Lap top computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices and recorders, pressure and flow measurement devices, signal analyzer devices, ultrasonic thickness gauges, electronic component testers, and electronic tachometers, and may use other testing and diagnostic equipment if approved by the District Office. The petitioner states that all other test and diagnostic equipment use in or in by the last open crosscut will be permissible. The petitioner has listed in this petition for modification specific procedures that would be followed when using this equipment. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

6. Consol Pennsylvania Coal Company

(Docket No. M-2001-103-C)

Consol Pennsylvania Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.312 (c) and (d) (main mine fan examinations and records) to its Enlow Fork Mine (I.D. No. 36-07416) located in Greene County, Pennsylvania. The petitioner requests a modification of the standard to permit testing of the automatic closing door(s) and the automatic fan signal device at least every 31 days without shutting down the fan and without removing miners from the mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

7. Oxbow Mining, Inc.

(Docket No. M-2001-104-C)

Oxbow Mining, Inc., 3737 Hwy 133, P.O. Box 535, Somerset, Colorado 81434 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Elk Creek Mine (I.D. No. 05-04674)

located in Gunnison County, Colorado. The petitioner proposes to use a 2,400-volt longwall power circuit in the active pillar workings. The petitioner has listed in this petition specific procedures for implementing its proposed alternative method. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard and has listed specific procedures in this petition for modification for implementing the alternative method.

8. Oxbow Mining, Inc.

(Docket No. M-2001-105-C)

Oxbow Mining, Inc., 3737 Hwy 133, P.O. Box 535, Somerset, Colorado 81434 has filed a petition to modify the application of 30 CFR 75.804(a) (underground high-voltage cables) to its Elk Creek Mine (I.D. No. 05-04674) located in Gunnison County, Colorado. The petitioner requests a modification of the standard to allow the use of a No. 16 A.W.G. ground check conductor in a high-voltage cable. The petitioner proposes to use the following flame-resistant cables on the high-voltage longwall system(s): Anaconda Type SHD+GC, Pirelli Type SHD-Center-GC, Tiger Brand Type SHD-CGC, and other brands of cable of identical construction. The petitioner asserts that these brands of cable utilize a flexible No. 16 A.W.G. ground check conductor for the ground continuity check circuit and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

9. FMC Westvaco

(Docket No. M-2001-005-M)

FMC Westvaco, FMC Corporation, Box 872, Green River, Wyoming 82935 has filed a petition to modify the application of 30 CFR 57.22305 (approved equipment (III mines)) to its FMC Trona Mine (I.D. No. 48-00152) located in Sweetwater County, Wyoming. The petitioner requests a modification of the standard to permit the use of portable low power 0.5-2.0 watt radios for communication in face areas. The petitioner proposes to use (Audiovox, or equivalent) radios in by the last open break or face areas of the time to improve communications, conduct examinations to test for methane in the mine atmosphere at least every ten minutes before using the radios in the face area, and instruct all mine employees in the petition requirements and complete training forms before using the radios. The petitioner states that these radios would

not be used where methane is 1.0 percent or more, or in the same mining section where blasting is taking place. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to "comments@msha.gov," or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4014 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 16, 2002. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 10th day of December 2001.

David L. Meyer,

Director, Office of Standards, Regulations, and Variances,

(FR Doc. 01-30940 Filed 12-14-01; 8:45 am)

BILLING CODE 4510-43-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**Nixon Presidential Historical Materials; Opening of Materials**

AGENCY: National Archives and Records Administration.

ACTION: Notice of opening of materials.

SUMMARY: This notice announces the opening of additional Nixon presidential historical materials. Notice is hereby given that, in accordance with section 104 of Title I of the Presidential Recordings and Materials Preservation Act (PRMPA, 44 U.S.C. 2111 note) and section 1275.42(b) of the PRMPA Regulations implementing the Act (36 CFR Part 1275), the agency has identified, inventoried, and prepared for public access approximately 494 hours of Nixon White House tape recordings among the Nixon Presidential historical materials.

DATES: The National Archives and Records Administration (NARA) intends to make the materials described in this notice available to the public beginning February 28, 2002. In accordance with 36 CFR 1275.44, any person who believes it necessary to file a claim of legal right or privilege concerning access to these materials should notify the Archivist of the United States in writing of the claimed right, privilege,

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or defense on or before January 16, 2002.

ADDRESSES: The materials will be made available to the public at the National Archives at College Park research room, located at 8601 Adelphi Road, College Park, Maryland, beginning at 8:45 a.m. on February 28, 2002.

In accordance with 36 CFR 1275.44, petitions asserting a legal or constitutional right or privilege which would prevent or limit access must be sent to the Archivist of the United States, National Archives at College Park, 8601 Adelphi Road, College Park, Maryland 20740-6001.

FOR FURTHER INFORMATION CONTACT: Karl Weissenbach, Director, Nixon Presidential Materials Staff, 301-713-6950.

SUPPLEMENTARY INFORMATION: NARA is proposing to open approximately 4,125 conversations which were recorded at the Nixon White House from January 1972 to June 1972. These tape segments total approximately 425 hours of listening time. In addition, the National Archives is proposing to open 360 declassified segments of conversations recorded in the Cabinet Room at the Nixon White House from February 1971-July 1973. These segments total approximately 69 hours of listening time. These previously restricted segments were reviewed for release and declassified in accordance with the mandatory review provisions of Executive Order 12958 and 36 CFR 1275.56 (Public Access Regulations).

This is the ninth opening of Nixon White House tapes since 1980. Previous releases included conversations constituting "abuses of governmental power" and conversations recorded in the Cabinet Room of the Nixon White House. The tapes now being proposed for opening consist of the third of five segments comprising the remaining hours of conversations, processed for release in chronological order starting with February 1971.

There are no transcripts for these tapes. Tape logs, prepared by NARA, are offered for public access as a finding aid to the tape segments and a guide for the listener. There is a separate tape log entry for each segment of conversation released. Self-service copying of the tapes will be permitted. Researchers must bring their own recording equipment and blank tapes. Each tape log entry includes the names of participants; date, time, and location of the conversation; and an outline of the content of the conversation.

The tape recordings will be made available to the general public in the research room at 8601 Adelphi Road,

College Park, Maryland, Monday through Friday between 8:45 a.m. and 4:30 p.m. Researchers must have a NARA researcher card, which they may obtain when they arrive at the facility. Listening stations will be available for public use on a first come, first served basis. NARA reserves the right to limit listening time in response to heavy demand. Copies of the tape log will be available for a fee in accordance with 36 CFR 1258.12.

Dated: December 11, 2001.

John W. Carlin,

Archivist of the United States.

[FR Doc. 01-30983 Filed 12-14-01; 8:45 am]
BILLING CODE 7515-01-U

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278]

**Exelon Generation Company, LLC,
PSEG Nuclear LLC, Peach Bottom
Atomic Power Station, Units 2 and 3;
Exemption**

1.0 Background

Exelon Generation Company, LLC (Exelon) and PSEG Nuclear LLC (the licensees) are the holders of Facility Operating Licenses Nos. DPR-44 and DPR-56, which authorize operation of the Peach Bottom Atomic Power Station, Units 2 and 3 (Peach Bottom or the facilities). The licenses provide, among other things, that the facilities are subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

The facilities consist of two boiling water reactors located at the licensees' site in York County, Pennsylvania.

2.0 Request/Action

Section III.F of Appendix R to Title 10 of the Code of Federal Regulations (10 CFR), part 50, requires that automatic fire detection systems (capable of operating with or without offsite power) be installed in all areas of the plant that contain or present an exposure fire hazard to safety-related or safe shutdown systems or components. By letter dated June 15, 2001, Exelon requested an exemption from Section III.F of Appendix R regarding the provisions for an automatic fire detection capability in room 222, a Unit 2 feedwater heater room in the turbine building, and room 429, the Unit 2 and Unit 3 turbine generator hall in the turbine building.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Under 10 CFR 50.12(a)(2)(ii), special circumstances are present when application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of the rule is to reasonably assure the capability to achieve and maintain safe shutdown in the event of a fire.

The NRC staff examined Exelon's rationale to support the exemption request and concluded that notwithstanding the absence of an automatic fire detection system in rooms 222 and 429, given the circumstances discussed below, the underlying purpose of 10 CFR 50, Appendix R, section III.F would still be met with respect to those rooms.

Room 222

Room 222 is a feedwater heater room located in the Unit 2 turbine building on elevation 135. Exelon has determined that the only safe shutdown or safety-related systems or components located in this room susceptible to fire damage are circuits associated with offsite power. This room has not been provided with automatic fire detection in accordance with the provisions specified in section III.F of Appendix R. The fire hazards in this room consist solely of electrical cables located in three cable trays that are, or will be provided with metal covers. There are no transient combustibles stored in this area during plant operation. When hot work is performed in this room, a continuous fire watch is stationed in the room. The cables located in the trays are either qualified in accordance with the flame test provisions specified in Institute of Electrical and Electronics Engineers (IEEE) Standard 383, "Standard for Type Test of Class 1E Electric Cables, Field Splices, and Connections for Nuclear Power Generating Stations," or qualified to a flame test equivalent to the one adopted by IEEE-383. There are no fire protection systems or features provided in this room. Due to the high radiation field present in this area during plant operation, this room is normally locked