



## U.S. NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)

FOIA — 92-204

RESPONSE TYPE

FINAL

☒

PARTIAL

DATE

JUN 26 1992

DOCKET NUMBER(S) (if applicable)

REQUESTER

Diane Curran

## 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) E 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 E records)☐ 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

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

9301050291 920626  
PDR FOIA  
CURRAN92-204 PDR

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

FOIA NUMBER(S)

**FOIA — 92-204**

DATE

**JUN 26 1992**

**PART II B — APPLICABLE EXEMPTIONS**

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

<input type="checkbox"/>	1. The withheld information is properly classified pursuant to Executive Order. (Exemption 1)
<input type="checkbox"/>	2. The withheld information relates solely to the internal personnel rules and procedures of NRC. (Exemption 2)
<input type="checkbox"/>	3. The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3)
<input type="checkbox"/>	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).
<input type="checkbox"/>	Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
<input checked="" type="checkbox"/>	4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated. (Exemption 4)
<input type="checkbox"/>	The information is considered to be confidential business (proprietary) information.
<input checked="" type="checkbox"/>	The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).
<input type="checkbox"/>	The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).
<input checked="" type="checkbox"/>	5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (Exemption 5). Applicable Privilege:
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Attorney work product privilege. (Documents prepared by an attorney in contemplation of litigation.)
<input type="checkbox"/>	Attorney-client privilege. (Confidential communications between an attorney and his/her client.)
<input type="checkbox"/>	6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (Exemption 6)
<input type="checkbox"/>	7. The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)
<input type="checkbox"/>	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))
<input type="checkbox"/>	Disclosure would constitute an unwarranted invasion of personal privacy. (Exemption 7 (C))
<input type="checkbox"/>	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))
<input type="checkbox"/>	OTHER

**PART II. C — DENYING OFFICIAL**

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
Robert Bernero	Director, Office of Nuclear Material Safety & Safeguards	F-1, 2, 4	X		
James Lieberman	Director, Office of Enforcement	F-3, 6, 8, 9, 10	X		
Robert D. Martin	Regional Administrator Region IV	F-5, 7	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 E  
(RECORDS RELEASED)

1. 4/25/91 Letter to Kenneth Berlin, Winthrop, Stimson, Puttnam & Roberts from Robert D. Martin (1 page)
2. 4/26/91 Memorandum for Charles Haughney from William L. Brown, Subject: Incomplete and Inaccurate Information in Financial Statements Submitted by SFC (1 page)
3. 10/4/91 Memorandum for Michael Lesar from Edward Baker Subject: Order Modifying License (Effective Immediately) and Demand for Information (1 page)
4. 10/4/91 Letter to Paul Hess, Assistant U.S. Attorney from James Lieberman (1 page)
5. 10/31/91 In the Matter of Sequoyah Fuels Corporation, Docket No. 40-8027, License No. SUB-1010, EA 91-067, Notice of Representation (2 pages)
6. 11/1/91 Letter to James Lieberman from George Lyons, Snell & Wilmer (2 pages)
7. 11/20/91 Memorandum for G. Michael Vasquez from L.J. Callan, Subject: Inspection Team Charter (4 pages)
8. 11/20/91 Letter to George Lyons from Stephen Lewis (2 pages)
9. 11/27/91 Memorandum for Gary Konwinski et al., from G. Michael Vasquez, Subject: Team Inspection of Sequoyah Fuels Corporation (SFC) (5 pages)
10. 11/27/91 Letter to James Lieberman from George Lyons (3 pages)
11. 12/20/91 Memorandum for G. Michael Vasquez from L.J. Callan, Subject: Inspection Team Charter (4 pages)
12. 2/13/92 Routing and Transmittal Slip to Mike Vasquez from W. Brown (1 page)

13. 2/26/92 Memorandum for File from Dennis Rathbun, Subject: Telephone Call from Jack Newman, Attorney for Sequoyah Fuels (2 pages)
14. 3/6/92 Routing and Transmittal Slip to Jack Goldberg from W. Brown (1 page)
15. 3/10/92 Note to Bill Parler from Jack Goldberg, Subject: Commission Paper on Restart of Sequoyah Fuels Corporation (SECY-92-075) (3 pages)
16. 3/13/92 Note to Bill Parler from Steve Lewis, Subject: March 13, 1992 Order and Demand to Sequoyah Fuels (1 page)
17. 3/13/92 Sequoyah Fuels Corporation, 24 Hour Notification, 10 CFR 40.60 (b)(1) (1 page)
18. 4/1/92 Letter to James Lieberman from John Richardson (1 page)
19. 4/16/92 Note to D. Martin et al., from James Blaha Subject: Location of QA Manager in Sequoyah Fuels Organization (2 pages)
20. Undated Handwritten Chart (1 page)
21. Undated Notes to Joe Scinto regarding General Atomics ownership (1 page)
22. Undated Notes of G. Longo taken at 3/26/91 public meeting to discuss 3/13/92 order to Sequoyah Fuels (3 pages)
23. Undated Notes of G. Longo taken at 2/14/92 public presentation by SFC regarding readiness for restart (1 page)
24. Undated Notes of G. Longo taken at 4/1/92 public meeting for presentation of SFC proposed phased restart plans (3 pages)



APPENDIX F  
(RECORDS WITHHELD)

1. 4/1/91 Letter to Charles Haughney from Lee Lacey (2 pages) (In PDR, Accession No. 9104080046) enclosing Report and Consolidated Financial Statement, December 31, 1990 and 1989 (21 pages) (Withheld, Exemption 4)
2. 12/18/91 Note to S. Lewis, OGC et al., from J. Greeves, NMSS, Subject: Emergency Petition to Revoke SFC Operating License, with enclosures (8 pages) (Withheld, Exemption 5)
3. 12/26/91 Memorandum for Robert Martin et al., from James Lieberman, Subject: Order to Sequoyah Fuels Responding to SFC's Response to October 3, 1991 Order and Demand, enclosing draft Order Modifying License (7 pages) (Withheld, Exemption 5)
4. 1/16/92 Note for J. Callan, RIV et al., from M. Horn, NMSS, Subject: Draft 2.206 Decision on Sequoyah Fuels Corporation (18 pages) (Withheld, Exemption 5)
5. 4/10/92 Memorandum for Robert Bernero from Robert Martin, Subject: Restart of the Sequoyah Fuels Corporation (SFC) Facility (9 pages) (Withheld, Exemption 5)
6. Undated Draft letter to Sequoyah Fuels Corporation from Hugh Thompson enclosing draft Order Modifying License re: EA 92-063 (8 pages) (Withheld, Exemption 5)
7. Undated Draft Inspection Report 40-8027/91-17 (100 pages) (Withheld, Exemption 5)
8. Undated Draft letter to Sequoyah Fuels Corporation from Robert Martin enclosing draft Notice of Violation re: EA 91-153 (10 pages) (Withheld, Exemption 5)
9. Undated Draft letter to Sequoyah Fuels Corporation from Hugh Thompson enclosing draft Order Modifying License re: EA 92-063 (9 pages) (Withheld, Exemption 5)
10. Undated Draft Confirmatory Order Modifying License re: EA 92-196 (6 pages) (Withheld, Exemption 5)