



50-20

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 3, 1996

Mr. Shing Lau
[REDACTED]

SUBJECT: REQUEST TO WITHHOLD DOCUMENTS

Dear Mr. Lau:

Thank you for your letter of September 11, 1996, which responded to our request for additional information dated August 2, 1996, concerning your performance of licensed and supervisory duties at the Massachusetts Institute of Technology (MIT) Nuclear Laboratory. Your response adequately addresses our concerns. You requested that your letter of September 11, 1996, be withheld from the Public Document Room (PDR), and that our letter of August 2, 1996, to you, which has been placed in the PDR with your address removed, be withheld. You also requested that our letter of August 2, 1996, to Dr. J. David Litster, which we placed in the PDR, be withheld. These requests were made pursuant to 10 CFR 2.790(7)(iii), which refers to withholding records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy.

The NRC does not consider these records to be related to law enforcement purposes. The NRC requested additional information from MIT and you because the responsibilities associated with a Senior Reactor Operator license issued pursuant to 10 CFR Part 55 and in supervisory duties related to licensed facility activities, are significant with respect to the protection of the public health and safety. The information provided gives us assurance that you meet the requirements of 10 CFR 55.33(a)(1).

Because of the press release dated June 20, 1996, from the Commonwealth of Massachusetts Office of the Attorney General, newspaper articles and media reports, and public court documents, your name, your employment at the MIT Nuclear Laboratory, and the fact that you were indicted, are publicly known. In deciding whether to withhold information about you, we balance the right of the public to know against your right of privacy. We have determined that the right of the public to be fully apprised as to the bases for finding that you meet the requirements of 10 CFR 55.33(a)(1) outweighs the need to withhold the information. Therefore, given the information that has been made public and the right of the public to be fully apprised of information upon which we based our decisions, we have determined that we cannot withhold from the PDR under 10 CFR 2.790 the documents you requested.

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Mr. Shing Lau

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October 3, 1996

In accordance with 10 CFR 2.790, a copy of this letter will be placed in the NRC PDR with your address removed. If you have any questions concerning this matter, please call Alexander Adams at (301) 415-1127 or me at (301) 415-2170.

Sincerely,

Original signed by:

Seymour H. Weiss, Director
Non-Power Reactors and Decommissioning
Project Directorate
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

Docket No. 55-60601
License No. SOP 10667-1

cc: Dr. John A. Bernard, MIT
Dr. Otto K. Harling, MIT
Dr. J. David Litster, MIT

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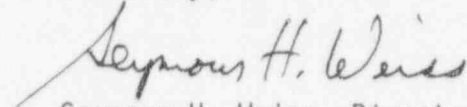
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Mr. Shing Lau

- 2 -

In accordance with 10 CFR 2.790, a copy of this letter will be placed in the NRC PDR with your address removed. If you have any questions concerning this matter, please call Alexander Adams at (301) 415-1127 or me at (301) 415-2170.

Sincerely,

A handwritten signature in cursive script, reading "Seymour H. Weiss".

Seymour H. Weiss, Director
Non-Power Reactors and Decommissioning
Project Directorate
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

Docket No. 55-60601
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cc: Dr. John A. Bernard, MIT
Dr. Otto K. Harling, MIT
Dr. J. David Litster, MIT