



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

2006-0009

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Edward F. Malone

DATE

JUN 09 2006

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
Requested records are available through another public distribution program. See Comments section.
APPENDICES Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
APPENDICES E Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852-2738.
APPENDICES E Agency records subject to the request are enclosed.
Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
We are continuing to process your request.
See Comments.

PART I.A -- FEES

AMOUNT * \$

- You will be billed by NRC for the amount listed.
None. Minimum fee threshold not met.
You will receive a refund for the amount listed.
Fees waived.

* See comments for details

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

Russell A. Nichols

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
E & F

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
 - 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).
 - 41 U.S.C., Section 253b, subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
 - The information is considered to be confidential business (proprietary) information.
 - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
 - 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)
- Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
 - (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would 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).
 - (C) Disclosure would constitute an unwarranted invasion of personal privacy.
 - (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
 - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
 - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) 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 person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Jack Strosnider	Director, NMSS	Appendices E & F	<input checked="" type="checkbox"/>		

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

**APPENDIX E
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	01/28/71	Letter from A. Valentine, Kerr-McGee Corp. to L.D. Low, U.S. AEC, re: Exposure to concentrations of airborne radioactive material in excess of occupational concentration limits (3 pages) EX. 6
2.	2/21/90	Letter from S. Knight, Sequoyah Fuels Corporation (SFC), to R. Martin, NRC RIV, re: UF6 Reduction Plant Event of 1-22-90 (3 pages) EX. 6
3.	10/04/90	Health and Safety Report from M. Nichols, NRC, to Lee Lacey, SFC, re Incident 9-27-90 at SFC (2 pages) EX. 6
4.	11/9/90	Letter from L. Lacey, SFC, to R. Martin, NRC RIV, re: Solvent extraction contamination, Amended 10 CFR 20.405 report (2 pages) EX. 6
5.	12/14/90	Letter from L. Lacey, SFC, to R. Martin, NRC RIV, re: Yellowcake storage pad contamination incident on 11-14-90 (2 pages) EX. 6

**APPENDIX F
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	12/31/89	Sensitive report and financial statements for SFC (22 pages) EX. 4
2.	08/30/90	Analysis of SFC's Ability to Finance Decommissioning of Gore Facility (2 pages) EX. 4
3.	12/13/91	Report and consolidated financial statements for Sequoyah Fuels Intl Corp (SFI) & Sequoyah Holding Corp (SHC) for 12/31/1991 and 1990 (22 pages) EX. 4
4.	07/6/92	Analysis of SFC's ability to finance the decommissioning of its Gore facility (2 pages) EX. 4
5.	09/15/92	Joint Investigation Report into bases for termination of a former employee (22 pages) EX. 6
6.	09/30/92	Consolidated Balance Sheets and Statements of Operations and Retained Earnings for SFI Corporation for 1991 and 1992 (3 pages) EX. 4
7.	10/30/92	SFC's Partial response to NRC inquiry regarding Environmental Assessment - Proprietary questions (12 pages) EX. 4
8.	12/31/92	Report and Consolidated Financial Statement for SFI for 12/31/1992 and 1991 (10 pages) EX. 4
9.	12/31/93	Report and Consolidated Financial Statement for Sequoyah Fuels International Corporation for 12/31/1993 and 1992 (12 pages) EX. 4
10.	06/30/94	SFC's Financial Assurance Quarterly Report 2 nd Quarter 1994 (5 pages) EX. 4
11.	12/31/94	Report and consolidated financial statements for SHC for 12/31/1994 and 1993 (13 pages) EX. 4
12.	12/31/96	Report and Consolidated Financial Statements for SFI for 12/31/1996 and 1995 (12 pages) EX. 4
13.	11/30/97	Cash statement and asset list for SFC - for January - November 1997 (18 pages) EX. 4

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
14.	01/31/98	Cash Statement and Asset List for SFC - January 1-31, 1998 (5 pages) EX. 4
15.	02/28/98	Cash Statement and Asset List for SFC - February 1-28, 1998 (6 pages) EX. 4
16.	03/30/99	Letter from J. Hickey, NRC, to V. Whitaker, Sanwa Trust & Investment, re Cash Management Fund for SFC trust fund (2 pages) EX. 5