



7740005

NRC FOIA REQUEST NUMBER(S)	
FOIA — 93-65	
RESPONSE TYPE	
FINAL	<input checked="" type="checkbox"/> PARTIAL
DATE	
APR 26 1993	
DOCKET NUMBER(S) (if applicable)	

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

REQUESTER
Ms. Deborah Livornese

PART I.—AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

<input type="checkbox"/>	No agency records subject to the request have been located.
<input type="checkbox"/>	No additional agency records subject to the request have been located.
<input type="checkbox"/>	Requested records are available through another public distribution program. See Comments section.
<input checked="" type="checkbox"/>	Agency records subject to the request that are identified in Appendix(es) <u>A</u> are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
<input checked="" type="checkbox"/>	Agency records subject to the request that are identified in Appendix(es) <u>B</u> 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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	Agency records subject to the request are enclosed.
<input type="checkbox"/>	Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
Fees	
<input type="checkbox"/>	You will be billed by the NRC for fees totaling \$ _____.
<input type="checkbox"/>	You will receive a refund from the NRC in the amount of \$ _____.
<input type="checkbox"/>	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

<input checked="" type="checkbox"/>	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.
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COMMENTS

*The records identified on enclosed Appendices A, B, and C are in partial response to your request. Copies of Appendix A and B records are enclosed. The record identified on Appendix C is being withheld in its entirety. Several remaining records responsive to your request are undergoing review. Once this review is completed, you will be notified promptly.

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

James H. Brimley

9401120283 930426
PDR FOIA
LIVORNES93-65 PDR

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

FOIA NUMBER(S)

FOIA — 93-65

DATE

APR 26 1993

PART II B — APPLICABLE EXEMPTIONS

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

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
Robert M. Bernero	Director, NMSS	App. C	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

APPENDIX A

DOCUMENTS ALREADY IN PDR

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1	8/27/65	Ltr. to L. Dubinski from J. Davis re: Compliance Investigation Report - Suspected Violations (9 pgs.), Acc. Nos. 9007310177 & 9007310177

DOCUMENTS TO BE RELEASED IN THEIR ENTIRETY

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1	06/03/57	Ltr. to Mann from Kirkman re: Transmittal of License Compliance Inspection Report (1 Page)
2	06/06/57	Ltr. to Fields from Mann re: Wah Chang Smelting and Refining Company of America (6 Pages)
3	10/14/57	Ltr. to Wah Chang from L. Johnson, re: Inspection conducted on 6/5/57 (1 Page)
4	01/16/58	Ltr. to J. Dorsey from S. Yin re: License for Thorium Oxide (1 Page)
5	01/23/58	Ltr. to Wah Chang from J. Delaney re: License to possess Thorium Oxide (1 Page)
6	04/17/58	Ltr. to J. Delaney from R. Jones re: Advisement of Thorium Oxide purchases and inventory (1 Page)
7	04/23/58	Ltr. to Wah Chang from J. Delaney re: Transfer of materials between licenses (1 Page)
8	09/22/61	Compliance Inspection Report (8 Pages)
9	10/04/61	Ltr. to L. Dubinski from R. Cunningham re: Transmittal of License Compliance Inspection Report (3 Pages)
10	03/28/62	Ltr. to L. Dubinski from R. Cunningham re: Wah Chang Smelting and Refining Co. facilities located in Oregon and New Jersey (1 Page)
11	04/18/62	Ltr. to Wah Chang from E. Price re: Inspection conducted on 8/7/61 (2 Pages)
12	06/07/62	Ltr. to Wah Chang from E. Price re: notification that deficiencies will be corrected (3 Pages)
13	02/03/82	Ltr. to L. Higginbotham from J. Joyner, re: Wah Chang closeout survey of Glen Cove, NY facility (1 Page)

License 40-6398

DOCUMENTS TO BE RELEASED IN THEIR ENTIRETY

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION</u>
14	04/24/58	Ltr. to Dir. of Licensing from Asst. Dir for Compliance re: License inspection showed noncompliance with AEC regulations (9 Pages)
15	05/09/58	Ltr. to Wah Chang from L. Johnson re: Inspection conducted on 3/27/58 (2 Pages)
16	06/03/58	Ltr. to L. Johnson from S. Yih, re: Report of Compliance with 5/9/58 ltr. (1 Page)
17	06/18/58	Ltr. to Wah Chang from L. Johnson re: Correction of Deficiencies (1 Page)
18	11/18/58	Ltr. to C. Nelson from J. Travis re: Follow-up Inspection Report (4 Pages)
19	08/24/60	Ltr. to Wah Chang from L. Johnson re: Inspection conducted on 6/14/60 (6 Pages)
20	07/18/62	Ltr. to D. Nussbaumer from R. Jones re: Add'l info for application amendment (2 Pages)
21	07/25/62	Record of Telephone conversation between Wah Chang and R. Jones re: Clarification of contamination surveys (1 Page)
22	07/26/62	Telex to D. Nussbaumer from R. Jones re: Add'l info to application for amendment (2 Pages)
23	10/08/62	Ltr. to Wah Chang from E. Price re: Inspection conducted on 7/18/62 (2 Pages)
24	10/16/62	Ltr. to E. Price from R. Jones re: Inspection conducted on 7/18/62 (1 Page)
25	10/23/62	Ltr. to Wah Chang from E. Price re: Correction of deficiencies (1 Page)

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION</u>
26	02/03/82	Ltr. to Wah Chang from J. Kinneman re: Inspection No. 99990001/81-25 (5 Pages)
27	05/28/82	Note to Files from W. Crow re: Confirmation Survey by State of New York (3 Pages)
28	07/21/82	Note to Files from W. Crow re: Review of Wah Chang at Union, New York is closed (1 Page)
29	07/29/82	Note to Files from W. Crow re: Wah Chang Site at Union, New Jersey appropriately closed (1 Page)
30	08/20/82	Note to Files from W. Crow re: Wah Chang site at Albany, Oregon is free of contamination (1 Page)

APPENDIX C

DOCUMENT TO BE WITHHELD IN ITS ENTIRETY

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1	06/25/57	Draft ltr. to Wah Chang from L. Johnson re: Inspection conducted on 5/22/57 at your facility (2 Pages) <u>Exemption 5</u>

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January 27, 1993

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-93-65
Rec 422-93

DEBORAH LIVORNESE
DIRECT DIAL (415) 267-4113

Director
Division of Freedom of Information & Publication Services
Nuclear Regulatory Commission
Washington, D.C. 20555

Re: FOIA Request for Information

Dear Sir or Madam:

This is a request for agency records under the Freedom of Information Act (5 U.S.C. § 552). We request that copies of the following documents related to the Teledyne Wah Chan facility located at 1600 N.E. Old Salem Road, Albany, Oregon 97321 be supplied to us or made available to us for review and copying: all documents concerning NRC permits, corrective action, or decontamination or decommissioning, and notices of alleged violations and related enforcement proceedings.

The requestor agrees to pay all reasonable costs associated with the reproduction of the documents requested; provided however that we request that you contact us prior to incurring such costs if they will exceed \$250.00.

931180334

LAW OFFICES
MCKENNA & CUNEO

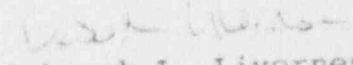
Director
January 27, 1993
Page Two

If you have any questions regarding this request,
please do not hesitate to contact Chris Volz or me at (415)
267-4000.

Very truly yours,

MCKENNA & CUNEO

By


Deborah L. Livornese

DLL:mk

cc: Chris Volz