



7/20/03

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA — 93-95

RESPONSE TYPE

FINAL PARTIAL

DATE

MAY 17 1993

DOCKET NUMBER(S) (if applicable)

REQUESTER

Mr. Lance Hughes

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) _____ 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. *

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

Fees (NONE)

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

*The remaining records subject to your request are identified on enclosed Appendix C. Copies of the releasable portions of these records are enclosed. You are not being assessed fees for the processing of your request since the minimal fee limit has not been exceeded.

This completes NRC's action on your request.

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

Ann H. Brinsley

9401250052 930517
PDR FOIA
HUGHES93-95 PDR

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

FOIA NUMBER(S)
FOIA — 93-95

DATE
MAY 17 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.

- | | |
|-------------------------------------|---|
| <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 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 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 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 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 checked="" 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 checked="" 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 checked="" 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)) |
| 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
James L. Milhoan	Regional Administrator, RIV	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 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 C

DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	11/17/92	Contact Report, (1 pg.) - EXEMPTIONS 6 & 7C.
2.	11/18/92	Contact Report, (1 pg.) - EXEMPTIONS 6 & 7C.
3.	11/19/92	Summary of Actions, with attachments, (14 pgs.), - EXEMPTIONS 6 & 7C.
4.	11/24/92	Contact Report, (2 pgs.) - EXEMPTIONS 6 & 7C.
5.	11/27/92	Memo, subject: "SFC," - EXEMPTIONS 6 & 7C.
6.	12/1/92	Conversation Record, subject: "Medical Review of Exposures to NO2 at the Sequoyah Facility," (1 pg.) - EXEMPTIONS 6 & 7C.
7.	12/3/92	Memo, subject: "SFC Offsite Effects," (1 pg.) - EXEMPTIONS 6 & 7C.
8.	12/11/92	Memo, subject: "Conversation with Certain Individual," (1 pg.) - EXEMPTIONS 6 & 7C.
9.	4/5/93	Letter enclosing Supplemental Report, (3 pgs.) - EXEMPTIONS 6 & 7C.



P.O. Box 1671 • Tahlequah, OK 74465 • (Office) 918-458-4322 • (FAX) 918-458-0322

February 2, 1993

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-93-95
Rec'd 2-17-93

Donnie H. Grimsley, Director
Division of Freedom of Information
and Publication Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: Freedom of Information Act Request

Greetings Mr. Grimsley,

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (b), et seq., I hereby request that you make available copies of the following documents related to a U.S.N.R.C. review of potential health effects following a November 17, 1992 release of nitrogen dioxide from the Sequoyah Fuels Gore, Ok facility:

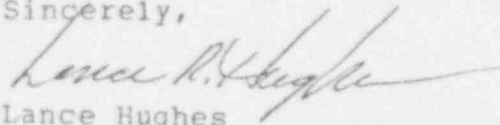
1. Any and all notes, correspondence, reviews, evaluations, telephone conversation records and consultant reports.
2. Any other documents which discuss in any way the potential health effects of the November 17 release.

Pursuant to NRC regulations at 10 C.F.R. § 9.85, I request that any searching and copying fees incurred as a result of this search be waived. Native Americans for a Clean Environment is a non-profit, tax-exempt organization that was formed for the purpose of educating the public about environmental issues, with emphasis on the nuclear industry.

In the alternative, I request that the NRC continue to grant NACE status as a "representative of the news media." See 10 C.F.R. § 9.39(a), National Securities Archives v. Department of Defense, 880 F.2d 1381 (D.C. Cir. 1989).

I look forward to receiving your response within ten working days of receipt of this request, as required by the Freedom of Information Act.

Sincerely,


Lance Hughes

Director

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