

FOIA - 93-105

RESPONSE TYPE

FINAL PARTIAL

DATE
MAY 18 1993

DOCKET NUMBER(S) (if applicable)



774005

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

REQUESTER
Dino E. Viera

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) C 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/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.
- 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
 - You will be billed by the NRC for fees totaling \$ _____.
 - You will receive a refund from the NRC in the amount of \$ 93.60.
- 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, E, C, and D. Any releasable 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 Appendices C and D. Copies of Appendix C records and the releasable portions of Appendix D records are enclosed. You will be receiving a refund from the NRC's Division of Accounting and Finance in the amount of \$93.60 as the actual fees for the processing of your request were less than the estimated fees that you paid. For your information, the actual processing fees are noted below:

Professional Review	- 45 hrs. @ \$30.19 per hr.	= \$1,358.55
Duplication	- 1,669 pgs. @ \$0.20 pg.	= 333.80
Total		\$1,692.35

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

Gene H. Cheney

9402100248 930518
 PDR FOIA
 VIERA93-105 PDR

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

FOIA NUMBER(S)

FOIA — 93-105

DATE

MAY 18 1993

PART I. B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) D 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 intra-agency 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
Ben B. Hayes	Director, Office of Investigations	App. D	<input checked="" type="checkbox"/>		

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

FOIA- 93-105

RECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

WITHHOLDING
DETERMINATIONS

1.	Undated	Exhibit 47 to ROI 4-90-012 Report of Interview with Individual	(1 p)	Release
2.	Undated	Exhibit 48 to ROI 4-90-012 Report of Interview with Individual	(1 p)	Release
3.	Undated	Exhibit 50 to ROI 4-90-012 Report of Interview with Individual	(2 pp)	Release
4.	Undated	Exhibit 51 to ROI 4-90-012 Report of Interview with Individual	(1 p)	Release
5.	Undated	Exhibit 52 to ROI 4-90-012 Report of Interview with Individual	(1 p)	Release
6.	Undated	Exhibit 53 to ROI 4-90-012 Report of Interview with Individual	(2 pp)	Release
7.	Undated	Exhibit 54 to ROI 4-90-012 Report of Interview with Individual	(1 p)	Release
8.	Undated	Exhibit 55 to ROI 4-90-012 Report of Interview with Individual	(2 pp)	Release
9.	Undated	Exhibit 56 to ROI 4-90-012 Report of Interview with Individual	(1 p)	Release

WITHHOLDING
DETERMINATIONS

- | | | | | |
|-----|---------|---|--------|---------|
| 10. | Undated | Exhibit 57 to ROI-4-90-012
Report of Interview with
Individual | (2 pp) | Release |
| 11. | Undated | Exhibit 58 to ROI-4-90--012
Report of Interview with
Individual | (1 p) | Release |
| 12. | Undated | Exhibit 59 to ROI-4-90-012
Report of Interview with
Individual | (1 p) | Release |
| 13. | Undated | Exhibit 60 to ROI-4-90-012
Report of Interview with
Individual | (2 pp) | Release |
| 14. | Undated | Exhibit 61 to ROI-4-90-012
Report of Interview with
Individual | (2 pp) | Release |
| 15. | Undated | Exhibit 62 to ROI-4-90-012
Report of Interview with
Individual | (1 p) | Release |
| 16. | Undated | Exhibit 64 to ROI-4-90-012
Report of Interview with
Individual | (1 p) | Release |
| 17. | Undated | Exhibit 65 to ROI-4-90-012
Report of Interview with
Individual | (1 p) | Release |
| 18. | Undated | Exhibit 66 to ROI-4-90-012
Report of Interview with
Individual | (1 p) | Release |
| 19. | Undated | Exhibit 67 to ROI-4-90-012
Report of Interview with
Individual | (1 p) | Release |
| 20. | Undated | Exhibit 68 to ROI-4-90-012
Report of Interview with
Individual | (1 p) | Release |

WITHHOLDING
DETERMINATIONS

21.	Undated	Exhibit 69 to ROI-4-90-012 Report of Interview with Individual	(1 p)	Release
22.	Undated	Exhibit 70 to ROI-4-90-012 Report of Interview with Individual	(1 p)	Release
23.	Undated	Exhibit 71 to ROI-4-90-012 Report of Interview with Individual	(1 p)	Release
24.	Undated	Exhibit 72 to ROI-4-90-012 Report of Interview with Individual	(1 p)	Release
25.	Undated	Exhibit 73 to ROI-4-90-012 Report of Interview with Individual	(1 p)	Release
26.	Undated	Exhibit 74 to ROI-4-90-012 Report of Interview with Individual	(1 p)	Release
27.	Undated	Exhibit 75 to ROI-4-90-012 Report of Interview with Individual	(1 p)	Release
28.	Undated	Exhibit 76 to ROI-4-90-012 Report of Interview with Individual	(1 p)	Release
29.	Undated	Exhibit 78 to ROI-4-90-012 Report of Interview with Individual	(1 p)	Release

WITHHOLDING
DETERMINATIONS

- | | | | | |
|-----|----------|---|---------|---------|
| 30. | 02/26/91 | Exhibit 79 to ROI-4-90-012
Transcript of Investigative
Interview of Individual | (42 pp) | Release |
| 31. | 02/26/91 | Exhibit 80 to ROI-4-90-012
Transcript of Investigative
Interview of Individual | (19 pp) | |
| 32. | 02/28/91 | Exhibit 81 to ROI-4-90-012
Transcript of Investigative
Interview of Individual | (71 pp) | Release |
| 33. | 02/28/91 | Exhibit 82 to ROI-4-90-012
Transcript of Investigative
Interview of Individual | (23 pp) | Release |
| 34. | 03/01/91 | Exhibit 84 to ROI-4-90-012
Transcript of Investigative
Interview of Individual | (28 pp) | Release |
| 35. | 03/01/91 | Exhibit 85 of ROI 4-90-012
Transcript of Interview of
Individual | (90 pp) | Release |
| 36. | 04/05/91 | Exhibit 89 of ROI 4-90-012
Transcript of Investigative
Interview of Individual | (50 pp) | Release |
| 37. | 03/06/91 | Exhibit 91 of ROI-90-012
Transcript of Investigative
Interview of Individual
(Pages 109-199) | (90 pp) | Release |

WITHHOLDING
DETERMINATIONS

38. 03/07/91 Exhibit 93 of ROI 4-90-012 (101 pp) Release
Transcript of Investigative
Interview of Individual
39. Undated Exhibit 96 to ROI 4-90-012 (3 pp) Release
Report of Reinterview with
Individual
40. 10/11/90 Exhibit 114 to ROI 4-90-012 (35 pp) Release
Transcript of Investigative
Interview of Individual
41. 02/27/91 Exhibit 115 to ROI 4-90-012 (29 pp) Release
Transcript of Investigative
Interview of Individual
42. Undated Exhibit 127 to ROI 4-90-012 (2 pp) Release
Report of Interview with
Individual

APPENDIX D

DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	Undated	Exhibit 46 to ROI 4-90-012, Report of Interview with Individual, (2 pgs.) - EXEMPTIONS 6 & 7C.
2.	Undated	Exhibit 49 to ROI 4-90-012, Report of Interview with Individual, (1 pg.) - EXEMPTIONS 6 & 7C.
3.	Undated	Exhibit 63 to ROI-4-90-012, Report of Interview with Individual, (1 pg.) - EXEMPTIONS 6 & 7C.
4.	Undated	Exhibit 77 to ROI-4-90-012, Transcript of Investigative Interview with Individual, (50 pgs.) - EXEMPTIONS 6 & 7C.
5.	Undated	Exhibit 83 to ROI 4-90-012, Report of Interview with Individual, (1 pg.) - EXEMPTIONS 6 & 7C.
6.	Undated	Exhibit 86 to ROI-4-90-012, Report of Interview with Individual, (1 pg.) - EXEMPTIONS 6 & 7C.
7.	4/4/91	Exhibit 87 to ROI-4-90-012, Transcript of Investigative Interview of Individual, (37 pgs.) - EXEMPTIONS 6 & 7C.
8.	4/4/91	Exhibit 88 to ROI-4-90-012, Transcript of Investigative Interview of Individual, (81 pgs.) - EXEMPTIONS 6 & 7C.
9.	4/5/91	Exhibit 90 of ROI-4-90-012, Transcript of Investigative Interview of Individual, (108 pgs.) - EXEMPTIONS 6 & 7C.
10.	3/7/91	Exhibit 92 to ROI-4-90-012, Transcript of Investigative Interview of Individual, (31 pgs.) - EXEMPTIONS 6 & 7C.

APPENDIX C
DOCUMENTS BEING RELEASED IN PART
(Continued)

NUMBER	DATE	DESCRIPTION
11.	3/7/91	Exhibit 94 to ROI-4-90-012, Transcript of Investigative Interview of Individual, (76 pgs.) - EXEMPTIONS 6 & 7C.
12.	3/1/91	Exhibit 116 to ROI-4-90-012, Transcript of Investigative Interview of Individual, (30 pgs.) - EXEMPTIONS 6 & 7C.

FELLERS, SNIDER, BLANKENSHIP, BAILEY & TIPPENS, P.C.

ATTORNEYS & COUNSELLORS AT LAW

FIRST NATIONAL CENTER
120 NORTH ROBINSON, SUITE 2400
OKLAHOMA CITY, OKLAHOMA 73102-7875
TELEPHONE (405) 232-0621

FAX (405) 232-0659

WRITER'S DIRECT NUMBER

JAMES D. FELLERS
JOHN JOSEPH SNIDER
JAP W. BLANKENSHIP
BURCK BAILEY
TERRY W. TIPPENS
PAUL W. DUDMAN**
K. NICHOLAS WILSON
HARRY M. SELPH II
WARREN T. BICKFORD IV
MARGARET MCMORROW-LOVE
JOHN B. HEATLY
ROBERT D. BARON
MICHAEL R. FORD

ERIC S. EISSENSTAT
STEPHEN R. STEPHENS
DORNEEN DOUGLAS JONES
REBECCA SHERWOOD
THOMAS J. ENIS*
BARBARA G. BOWERSOK
JOE C. LEWALLEN JR.
DAVID L. KEARNEY
DINO E. VIERA
GREG A. CASTRO
ELIZABETH RILEY CASTLEBERRY
KEVIN R. DONELSON
ANDREW L. WALDING

*ALSO ADMITTED IN MISSOURI
**ALSO ADMITTED IN ENGLAND (SOLICITOR)

February 22, 1993

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-93-105
Rec'd 2-23-93

VIA EXPRESS MAIL,
AND
CERTIFIED MAIL --
RETURN RECEIPT REQUESTED

Mr. Don Grimsley
Director, Division of Freedom of
Information and Publication
Services
Office of Administration
Nuclear Regulatory Commission
Washington, D.C. 20555

Re: FOIA Request for Information Regarding
"Sequoyah Fuels Corporation, Gore,
Oklahoma: Order Modifying License
(Effective Immediately) and Demand for
Information" 56 Fed.R. 51421

Dear Mr. Grimsley:

Pursuant to the Freedom of Information Act ("FOIA"), 5
U.S.C. § 552(a)(3) and 10 C.F.R. § 9.23, the law firm of Fellers,
Snider, Blankenship, Bailey & Tippens hereby requests copies of the
following:

disregard

1. Any documents, which are not of public record,
relating to, obtained pursuant to, or retained in
the inspection or investigation of the incidents
documented by the Nuclear Regulatory Commission
Order entitled: "Sequoyah Fuels Corporation, Gore,
Oklahoma: Order Modifying License (Effective
Immediately) and Demand for Information" 56 Fed.R.
51421 (the "Order").

2. Any transcripts of interviews or sworn testimony of
Sequoyah employees or other persons submitting
testimony pursuant to the investigation relating in

9309200138

Mr. Don Grimsley
Re: FOIA Request (Sequoyah Fuels
Corporation, Gore, Oklahoma)
February 22, 1993
Page 2

any manner to the Order. These include but are not limited to:

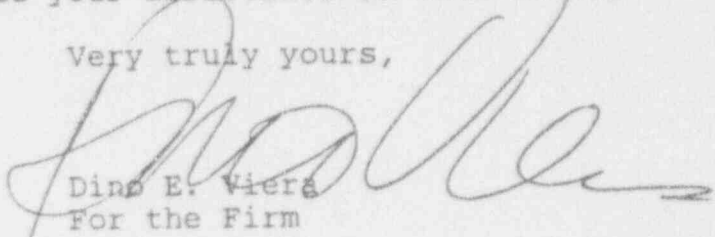
- a. Sequoyah Fuels Corporation employees: (1) Reau Graves; (2) James H. Mestepey; (3) Lee R. Lacey; (4) Michael M. Nichols; (5) Carolin Couch; (6) Kenneth G. Simeroth; (7) S. Freyer; (8) L. Tharp; (9) L. Reid; (10) Charles A. Grosclaude; and any other persons employed by Sequoyah Fuels Corporation.
- b. Other persons: Everett Baldwin, Louis W. Bland, Rex Lee, Steven Leroy Patterson, Jimmy Stonebarger, Austin Wicks, Curtis Wayne Ward, Freddie Lee Ross, and Toby Ross.

Please mail the copies and the bill for the copying fees to the undersigned at the letterhead address. The firm agrees to pay all fees in connection with this request.

This request was previously filed in July 1992 as FOIA Request No. 92-360. At that time, access to certain records, including the transcripts, was denied pursuant to Exemption 7A. It is my understanding from our telephone conversation of January 29 that the Department of Justice has declined to prosecute and that the documents in question will now be released by the NRC.

If you have any questions, please call the undersigned collect. We sincerely appreciate your assistance in this matter.

Very truly yours,


Dino E. Viera
For the Firm

DEV:CGA/cw