



PDR (A-37)
RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)	
FOIA - 90-333	
RESPONSE TYPE	
<input checked="" type="checkbox"/> FINAL	<input type="checkbox"/> PARTIAL
DATE	
AUG 11 1990	
DOCKET NUMBER(S) (if applicable)	

REQUESTER
Bradley W. Jones

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 on Appendixes: _____ are already available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC 20555.
- Agency records subject to the request that are identified on Appendixes: E 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 and requester name.
- 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 and requester name.
- Agency records subject to the request that are identified on Appendixes: _____ 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 placed in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
- Agency records subject to the request are enclosed [Appendix E documents are enclosed]
- Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
- You will be billed by the NRC for fees totaling \$ 85.60 [duplication of 428 pages @ 2.00 per page]
- In view of NRC's response to this request, no further action is being taken on appeal letter dated _____ No _____

PART II - 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 sections 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 and requester name.

COMMENTS

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

Dennis A. Brindley

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PDR FOIA
JONES90-333 PDR

APPENDIX E
DOCUMENTS BEING PLACED IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	5/1/89	Exhibit 1 to OI Rpt. 1-89-006: Memo from William Russell to C. White, subject: Request For Investigation. (15 pages)
2.	3/4/89	Exhibit 15 to OI Rpt. 1-89-006: Letter from J. Russen to M. Knapp. (4 pages)
3.	6/19/89	Exhibit 38 to OI Rpt. 1-89-006: Letter from J. Russen to J. White. (1 page)
4.	4/26/89	Exhibit 43 to OI Rpt. 1-89-006: Handwritten note of Enforcement Conference taken by Joyner. (8 pages)
5.	Various	Exhibit 46 to OI Rpt. 1-89-006: Telephone Conversation Record between John Russen and E. Wilson, OI. (1 page)
6.	1/31/90	Exhibit 1 to OI Rpt. 1-89-006S: Memo from W. Russell to C. White. (2 pages)

AKIN, GUMP, STRAUSS, HAUER & FELD

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WRITERS DIRECT DIAL NUMBER (202) 887-4558

July 17, 1990

By Hand Delivery

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

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-90-333

Rec'd 7-17-90

Re: Freedom of Information Act Request

Dear Mr. Grimsley:

The following is filed under the Freedom of Information Act, 5 U.S.C. Sec. 552. Please provide complete copies of the following documents.

Any and all exhibits or other attachments to two Office of Investigations Reports concerning issues involved in the April 1989 enforcement conference held with Progress Technology and/or its parent company, RTI, Inc. This request includes transcripts, summaries of interviews, NRC, RTI, or Progress Technology documents included as exhibits to the referenced reports in whatever form the documentation may appear.

We request expedited response to this request. We are aware that all the documents requested are in the possession of either OI headquarters or the Office of Enforcement. These documents are needed in order for RTI to determine appropriate response and corrective actions for an enforcement conference that, although not yet scheduled, is expected to take place in the near future. Consistent with the NRC Enforcement Manual, Sec. 5.3.4 (h), the FOIA process has been designated as the appropriate method for obtaining exhibits to OI reports. We request response to this request sooner than the required 10 day response time provided in the FOIA. To our knowledge, none of the individuals interviewed by OI during the course of this investigation has requested confidentiality and the OI reports have already been issued in final form. For this reason, we believe none of the exhibits

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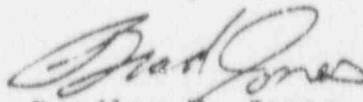
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Donnie H. Grimsley
July 17, 1990
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should be withholdable and a prompt response to this request should be possible.

We are willing to pay all fees associated with this request, you do not need to contact me again for permission to proceed once you have established the applicable fee. I will have a courier pick up the response as soon as it is available. If any portion of this request is denied, please provide an explanation of the reasons for the denial, including the specific statutory exemption relied on, as required by 5 U.S.C. Sec. 552(a)(6)(A)(i) and NRC regulations in 10 CFR Sec. 9.27(b)(2).

Sincerely,


Bradley W. Jones

cc: SECY