

PART II.B — APPLICABLE EXEMPTIONS

Records subject to the request that are described on the enclosed Appendixes: D & E are being withheld in their entirety or in part under the Exemptions and for the reasons set forth 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 checked="" 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 checked="" 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 them 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))
<input type="checkbox"/>	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 and Resources Management, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			SECRETARY	EDO
Robert Bernero	Director, NMSS	D/1 and D/2		X
Thomas T. Martin	Regional Administrator, Reg. I	D/3 - D/12, E/1 - E/8		X
John C. Hoyle	Assistant Secretary of the Commission	E/9	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 in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or to the Secretary of the Commission, 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 PLACED IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	Undated	Proposed Questions. (1 page) [Deleted portions are outside the scope of the request.]
2.	1/8/90	Memo from B. Hayes to W. Russell, subject: Radistion Technology, Inc. (RTI): Determining the Veracity of Statements Made by Licensee Management (Case No. 1-89-006), attaching letter from Hayes to Lawrence Lippe, DOJ. (3 pages)
3.	3/13/90	Memo from C. White to W. Russell, subject: Radiation Technology, Inc.: Determining the Veracity of Statements Made By Licensee Management/Additional Information: (Case No. 1-89-006S). (1 page)

APPENDIX D
DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	Undated	Resume of individual (faxed 7/19/90). (3 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
2.	Undated	Resume of individual. (2 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
3.	3/3/89	Letter from RTI to the NRC, enclosing organizational chart and resume of individual. (6 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
4.	5/1/89	Letter from Process Technology North Jersey to NRC, enclosing organizational charts and resumes of individuals. (14 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
5.	8/1/89	Letter from RTI, Inc. to NRC, enclosing resumes of individuals. (14 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
6.	8/7/89	Conversation Record. (2 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
7.	2/23/90	Internal NRC memo, subject: RTI, Incorporated, Other Matters. (2 pages) Portions withheld pursuant to Exemptions 5, 6 and 7(C).
8.	3/20/90	Telephone or Verbal Conversation Record. (1 page) Portions withheld pursuant to Exemptions 6 and 7(C).
9.	3/20/90	Letter from Process Technology North Jersey to NRC. (2 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
10.	3/28/90	Conversation Record. (3 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
11.	3/29/90	Letter from Process Technology North Jersey to NRC, with attachments. (4 pages) Portions withheld pursuant to Exemptions 6 and 7(C).

Re: FOIA-90-334

APPENDIX D
DOCUMENTS BEING RELEASED IN PART
(Continued)

NUMBER	DATE	DESCRIPTION
12.	3/12/90	Letter to NRC Region I from individual. (1 page) Portions withheld pursuant to Exemptions 6 and 7(C).

APPENDIX E
DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	Undated	Enforcement Conference documents. (1 page released) Portions withheld pursuant to Exemption 5.
2.	4/28/88	PTNJ organization chart, with annotations. (1 page) Portions withheld pursuant to Exemption 5.
3.	4/17/89	Memo from Lee Bettenhausen to William Russell, subject: Enforcement Conference With Radiation Technology, Inc., with attachments. (16 pages released) Portions withheld pursuant to Exemption 5.
4.	Undated	Miscellaneous Information of RTI, Incorporated. (4 pages released) Portions withheld pursuant to Exemption 5.
5.	Undated	RTI, Incorporated: North Jersey Process Technology Assessment of License Operations Based on Inspection Conducted February 12-13, 1990. (4 pages) Portions withheld pursuant to Exemption 5.
6.	5/11/90	Letter from John White to John Scandalios, subject: Reactive Inspection No. 030-07022/90-002, with annotations. (1 page) Portions withheld pursuant to Exemption 5.
7.	5/24/90	Memo from Malcolm Knapp to Richard Cunningham, subject: Background Information for Senior Management Meeting, June 12-13, 1990. (2 pages released) Portions withheld pursuant to Exemption 5.
8.	5/31/90	Letter from Malcolm Knapp to John Scandalios, subject: Enforcement Conference on June 14, 1990, with annotations. (2 pages) Portions withheld pursuant to Exemption 5.

APPENDIX E
DOCUMENTS BEING RELEASED IN PART
(Continued)

NUMBER	DATE	DESCRIPTION
9.	6/25/90	Memo from Leif Norrholm to Chairman Kenneth Carr and his assistants, subject: Periodic Briefing on Operating Reactors and Fuel Facilities. (1 page) Portions deleted pursuant to Exemption 5. (Some deleted portions are outside the scope of the request.)