

RESPONSE TO PREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA -	90-334
P.E.	SPC-85E TYPE
FIREAL	Y PARTIAL
DATE	NOV - 6 199

DOCKET NUMBER(S) (If applicable)

THE COLUMN TWO IS NOT

	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 Appendix(es) are already available for public inspection and copying in th NRC Public Document Room 2120 L Street, N.W., Washington, DC 20555
X	Agency records subject to the request that are identified on Appendix (es) 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 Appendix(es)may be inspected and copied at the NRC Local Public Document Room identifies 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.
	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 \$
	In view of NRC's response to this request, no further action is being taken on appeal letter dated
-	PART N. A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE
Χ	Certain information in the requested record: is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part 8, 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, OC, in a folder under this FOIA number and requester name.

COMMENTS

SIGNA TURE, DIRECTOR, DIVISION OF FREEDOM OF ORMATION AND PUBLICATIONS SERVICES

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FOIA NUMBERISE FOIA PART II B - APPLICABLE EXEMPTIONS

Records subject to the request that are described on the enclosed Appendixles Exemptions and for the reasons set forth below pursuant to 6 U.S.C. 552(b) and	D & E are being withheld in their entirety or in part under the 10 CFR 9.17(a) of NRC Regulations.
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- 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. IEXEMPTION 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. IEXEMPTION 41

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)

1 5. The withheld information consists of interagency or intragency records that are not available through discovery during Intigation. (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 I

X 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 1 w 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 them to take action to sheld potential wrongdoing or a violation of NRC requirements from investigators. EXEMPTION (2...A)

Disclosure would constitute an unwarranted invasion of personal privacy (EXEMPTION 7(CI)

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 7-10))

OTHER

X

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, if 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 denia 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	
Robert Bernero	Director, NMSS	D/1 and D/2	SECRETARY	£DQ X
Thomas T. Martin	Regional Administrator, Reg. I Assistant Secretary of the	D/3 - D/12, E/1 -E	/8	X
John C. Hoyle	Commission	E/9	X	

PART II. D - APPEAL RIGHTS

The denial by each deriving 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 20855, 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 Nayes 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)

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	Regume 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 Convergation 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 Exempta as 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).

DECUMENTS BEING RELEASED IN PART (Continued)

NUMBER DATE

DESCRIPTION

12. 2/12/90 Letter to NRC Region I from individual. (1 page) Portions withheld pursuant 10 Exemptions 6 and 7(C).

APPENDIX E DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	Undated	Enforcement Conference documents. (1 page roleased) Portions withheld pursuant to Exemption 5.
2.	4/26/88	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 a notations. (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 of Fuel Facilities. (1 page) Portion: deleted pursuant to Exempt.on 5. [Fome deleted portions are outside the scope of the request.]