

FOIA-87-531

RESPONSE TYPE

FINAL

☒ PARTIAL

DATE

NOV 3 1987

DOCKET NUMBER(S) (if applicable)

REQUESTER

MR. JACK TAYLOR

PART I. -- 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.

☒ Agency records subject to the request that are identified in Appendix B are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.

☒ Agency records subject to the request that are identified in Appendix C are being made available for public inspection and copying in the NRC Public Document Room, 1717 H 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, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.

Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.

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

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____.

PART II.A -- INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA 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, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Comments

8711110056 871103
PDR FOIA
TAYLOR87-531 PDR

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

Donnie H. Kinsley

PART II.B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices D+E are being withheld in their entirety or in part under FOIA Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.5(a) of NRC Regulations.

1. The withheld information is properly classified pursuant to Executive Order 12356 (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)

Section 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 from a foreign source pursuant to 10 CFR 2.790(d)(2).

X 5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. 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. (EXEMPTION 5)

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 investigatory records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (EXEMPTION 7)

Disclosure would 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))

X 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 would reveal identities of confidential sources. (EXEMPTION 7(D))

PART II.C - DENYING OFFICIALS

Pursuant to 10 CFR 9.9 and/or 9.15 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 Rules and Records, 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	
			SECRETARY	EDO
BEN B. HAYES	DIRECTOR, OI	D-1, D-2, E-1 THREE-11	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 B

DOCUMENTS ALREADY IN PDR

1. 3/7/86 Ltr to Hon. Edward Markey from James Asselstine. (1 page). PDR 8603190078.
2. 3/18/86 Preliminary Notification of Event or Unusual Occurrence. (3 pages) PDR 8603200269.
3. 4/15/86 Ltr to Nunzio Palladino from Mike Synar. (4 pages) PDR 8707200473.
4. 9/10/86 Ltr to Sequoyah Fuels Corporation from James M. Taylor. (2 pages) PDR 8609160135.
5. 9/25/86 Ltr to Lando W. Zech from David L. Boren. (1 page) PDR 8610220269.
6. 10/02/86 Notification of Significant Enforcement Action. (1 page) PDR 8610090450.
7. 10/02/86 Ltr to Sequoyah Fuels Corporation from James M. Taylor, subject: Order Modifying License. (18 pages) PDR 8610100263.
8. 10/03/86 Affidavit, Docket No. 40-8027-MLA, re: Sequoyah Fuels Corporation. (10 pages) PDR 8610060414.
9. 10/09/86 Memo for Chrm. Zech and Commissioners Roberts, Asselstine, Bernthal and Carr from Victor Stello, subject: Sequoyah Fuels Issue. (2 pages) PDR 8610170130.
10. 10/14/86 Notification of Significant Enforcement Action. (1 page) PDR 8610160199.
11. 10/14/86 Ltr to Sequoyah Fuels Corporation from James M. Taylor, subject: Notice of Violation and Proposed Imposition of Civil Penalties. (14 pages) PDR 8610200279.

APPENDIX C

RELEASED DOCUMENTS

1. Undated Investigative Status Record, subject: Kerr-McGee Corp./Sequoyah Fuels Corp.: Suspected Material False Statement to NRC. (1 page)
2. 1/9/86 Newspaper Article. (1 page)
3. 1/27/86 Handwritten note w/attached newspaper articles. (10 pages)
4. 3/5/86 Newspaper article. (1 page)
5. 3/6/86 Data Entry Form. (1 page)
6. 3/7/86 Memorandum of call note to Mr. Hayes from Mr. Maushardt's Sec., w/attached list of attendees. (2 pages)
7. 3/11/86 Memo for Victor Stello from Ben Hayes, subject: NUREG 1179. (1 page)
8. 3/17/86 Request for Investigation to Ben Hayes from Victor Stello. (4 pages)
9. 3/25/86 Investigative Plan, case number 4-86-005. (1 page)
10. 4/86 Talings Review publication. (21 pages)
11. 4/25/86 OI Response/Status to Request for Investigation. (1 page)
12. 7/9/86 Affidavit, Docket No. 40-8027-HLA-2, re: Sequoyah Fuels Corporation. (9 pages)
13. 7/17/86 Memo for Victor Stello from John G. Davis, subject: Staff Responses to the Recommendations made by the Sequoyah Accident Lessons Learned Group. (NUREG-1198) (64 pages)
14. 7/23/86 Memo for Ben Hayes from James Taylor, subject: OI Information re Sequoyah Fuels Facility. (1 page)
15. 7/31/86 Memo for William T. Crow, thru Charles MacDonald from William H. Lake, subject: Preparation of UF₆ Cylinders for Transport. (2 pages)
16. 8/1/86 Memo for Carol Ann Reed from Christine W. Cater, subject: FOIA-86-080, 86-082, 86-126, 86-127, 86-131, 86-166, 86-209, 86-201 and 86-263. (1 page)

APPENDIX C
(Continued)
RELEASED DOCUMENTS

17. 8/12/86 Memo for Victor Stello from Ben Hayes, subject: OI Investigation Involving Kerr-McGee/Sequoyah Fuels Corporation (4-86-005). (1 page)
18. 9/2/86 Memo for Thomas Rehm, Donald Mausshardt, William Parler, and Ben Hayes, from James M. Taylor, subject: Revised Page from Sequoyah Fuels' Response to September 10 Letter to Randolph. (3 pages)
19. 9/4/86 Memo for Ben Hayes from Victor Stello, subject: OI Investigation Involving Kerr-McGee/Sequoyah Fuels Corporation (4-86-005). (7 pages)
20. 9/8/86 Draft Ltr to Sequoyah Fuels Corporation from James M. Taylor. (5 pages)
21. 9/24/86 Facsimile Request to J. M. Taylor from S. D. Emerson, w/attachment. (14 pages)
22. 9/30/86 Memo for William Hutchison from Michael S. Kearney, subject: NMSS Technical Staff Review of Sequoyah Fuels Corporation (SFC) Investigation Transcripts. (1 page)
23. 10/03/86 Region IV Press Release. (2 pages)
24. 10/15/86 Region IV Press Release. (2 pages)
25. 10/17/86 Memo to File from A. B. Beach, subject: Regulatory Documents Concerning Sequoyah Fuels. (1 page)
26. 11/14/86 Region IV Press Release. (1 page)
27. 12/9/86 Memo for James Fitzgerald from Ben Hayes, subject: Referral to the Department of Justice. (1 page)
28. 12/9/86 Ltr to Ms. Delores Lewis from Paulette Wackerly, subject: Sequoyah Fuels Corporation, Gore, Oklahoma--Accident of January 4, 1986. (1 page)
29. 1/5/87 Region IV Press Release. (2 pages)
30. 1/14/87 Memo for Robert D. Martin from Ben Hayes, subject: Kerr-McGee Corporation/Sequoyah Fuels Corporation. (2 pages)
31. Undated Distribution 4-86-005, Sequoyah Fuels Corporation. (1 page)

APPENDIX C
(Continued)
RELEASED DOCUMENTS

32. 1/14/87 Ltr to Victoria Toensing from Ben Hayes. (3 pages)
33. 4/27/87 Memo for Carol Ann Reed from Jeanne Hunt, subject: FOI-87-26. (1 page)
34. 6/1/87 Routing and Transmittal Slip to Victor Stello from Ben Hayes. (1 page)
35. 6/19/87 Memo for Ben Hayes from James Lieberman, subject: Request for Releasable Version of OI Report No. 4-86-005 Concerning Sequoyah Fuels Facility. (1 page)
36. 7/17/87 Memo for James Lieberman from Ben Hayes, subject: Request for Releasable Version of OI Report No. 4-86-005 Concerning Sequoyah Fuels Facility. (1 page)
37. 3/7/86 Ltr to Nunzio Palladino from Edward J. Markey. (3 pages)
38. 3/21/86 Memo for Ben Hayes from Carlton Kammerer, subject: Transmittal of Kerr McGee OI Report and Related Documents to Rep. Markey. (1 page)
39. 10/17/86 Ltr to Lando Zech from Edward J. Markey. (1 page)
40. 10/17/86 Ltr to Edward J. Markey from Carlton Kammerer. (1 page)
41. 10/17/86 Ltr to Lando Zech from Carlos J. Moorhead. (1 page)
42. 11/24/86 Note to B. Hayes from Victor Stello, subject: Kerr McGee Investigation. (1 page)
43. 12/22/86 Rapifax cover page to Bill Hutchison from Steve Lewis, (1 page) with attached 12/22/86 note to R. A. Fortuna, et al., from J. Rutberg subject: Sequoyah Fuels Facility - Request for Documents. (5 pages)
44. 1/21/87 Memo for Harold Denton, James M. Taylor, James P. Murray from Victor Stello, subject: Transmittal Memo dated January 14, 1987 OI Report No. (4-86-005) Dated December 9, 1986. (1 page)
45. 2/6/87 Memo for Harold Denton, James M. Taylor and Robert Martin from James Lieberman, subject: OI Report No. 4-86-005, dated December 9, 1986 - Sequoyah Fuels Corporation. (1 page)

APPENDIX D

RECORDS PARTIALLY WITHHELD

1. 3/6/86 Case Chronology. (7 pages) (Exemptions 6 & 7C)
2. 3/12/86 Memo to File from R. K. Herr, subject: Sample of Boat Cover. (1 page) (Exemptions 6 & 7C)

APPENDIX E

RECORDS TOTALLY WITHHELD

1. 3/10/86 Correspondence Control Ticket. (3 pages) (Ex. 5)
2. 4/16/86 Draft, Memo for William Hutchison from D. D. Driskill
subject: Kerr-McKerr Corporation/Sequoyah Fuels Facility
Investigation (4-86-005). (4 pages) (Ex. 5)
3. 6/18/86 Handwritten notes. (1 page) (Ex. 5)
4. 8/14/86 Handwritten notes of W. Hutchison. (2 pages) (Ex. 5)
5. 8/15/86 Handwritten Conversation Record. (1 page) (Ex. 5)
6. 9/5/86 General typewritten notes. (9 pages) (Ex. 5)
7. 9/25/86 Briefing outling. (7 pages) (Ex. 5)
8. 9/29/86 Department of Justice Briefing - Sequoyah Fuel Facility.
(17 pages) (Ex. 5)
9. 9/29/86 Department of Justice Briefing - Sequoyah Fuel Facility.
(13 pages) (Ex. 5)
10. 12/24/86 Handwritten notes. (2 pages) (Ex. 5)
11. 9/9/87 Memo for James Lieberman thru Ben Hayes, from Jeanne
Hunt, subject: OI Report of Investigation 4-86-005.
(4 pages) (Ex. 5)

Dallas Times Herald

1101 Pacific Ave. Dallas, Texas 75202

214 720-6111

August 13, 1987

Lando W. Zech Jr.
Chairman
ATTN: Freedom of Information/Privacy Acts Office
Nuclear Regulatory Commission
1717 'H' Street N.W.
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-87-531
Rec 6/8-18-87

re FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Zech:

Your attention is invited to the Freedom of Information Act [5 USC 552], as amended, and to implementing Nuclear Regulatory Commission instructions and regulations.

Under provisions of the above cited authority, it is hereby requested that I be provided with copies of the following documents from Nuclear Regulatory Commission files and records:

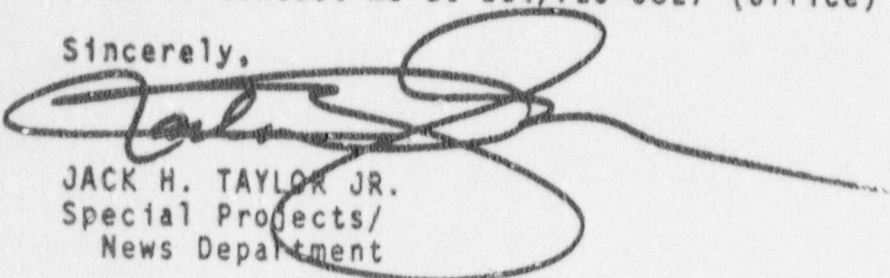
(1) The final summary report of investigation by the NRC's Office of Investigations concerning allegations involving the licensee of the Sequoyah nuclear facility in Oklahoma.

(2) All witness statements and related documents compiled in connection with the investigation indicated above.

I am willing to provide reimbursement for reasonable reproduction costs, but request waiver of all fees, under NRC guidelines, since the documents are requested in connection with research for articles for the Dallas Times Herald, a general circulation daily newspaper, and, as such, their release would primarily benefit the general public.

I would appreciate a response within the 10 days after receipt specified by law and regulation. If you have any questions, please feel free to contact me at 214/720-6827 (office) or 214/991-5045 (residence).

Sincerely,



JACK H. TAYLOR JR.
Special Projects/
News Department

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LP