



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR-016

JUN 11 1985

Steve Kohn, Esquire
Mr. Richard Condit
Government Accountability Project
1555 Connecticut Avenue, NW, Suite 202
Washington, DC 20036

IN RESPONSE REFER TO:
FOIA-85-256, FOIA-85-258,
FOIA-85-259, FOIA-85-261

Dear Messrs. Kohn and Condit:

This is in further response to your letters of April 9, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), various categories of documents relating to Dow Chemical Company of Midland, Michigan.

Listed in the enclosed Appendix F are additional documents subject to these requests. These documents, like the ones covered in my letter of May 29, 1985, refer to Dow Chemical Company licenses which have expired. We are placing copies of the records identified in Appendix F in the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC 20555, for your inspection and copying. You may obtain access to these records by presenting a copy of this letter to the PDR staff or by requesting the PDR folder with the FOIA numbers listed above, under your name.

Portions of each of the documents listed in Appendix F are being withheld from disclosure pursuant to Exemption (6) of the FOIA (5 U.S.C. 552(b)(6)) and 10 CFR 9.5(a)(6) of the Commission's regulations. The information withheld consists of home telephone numbers and other personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Pursuant to 10 CFR 9.9 of the NRC's 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 of the information are the undersigned and Mr. John G. Davis, Director, Office of Nuclear Material Safety and Safeguards.

This denial may be appealed to the NRC's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, 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."

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PDR FOIA
KOHNB5-256 PDR

APPENDIX F

Documents of Which Portions are Withheld Under Exemption 6 of the FOIA

I. DOCUMENTS RE: MATERIALS LICENSE 21-00265-04

1. 03/10/77 Letter to Paul Guinn, NRC, from Ralph Langner, Dow, w/enclosure, information on members of Radiation Safety Committee (12 pages)
2. 06/25/75 Letter to Nathan Bassin, NPC, from G.W. Engdahl, Dow, with multiple enclosures concerning organization and management of radiography program, and manual on Multiple Source Gamma Calibrator (67 pages)
3. 02/18/75 Letter to NRC from L. G. Silverstein, Dow, re renewal of License #21-00265-4, enclosing Operating and Emergency Procedures for Gamma Ray Projector and Training Program (86 pages)
4. 05/05/72 Letter to Nathan Bassin, NRC, from L.G. Silverstein, w/enclosures, revision of Operation and Emergency Procedures (19 pages)
5. 04/13/72 Letter to Nathan Bassin from L.G. Silverstein, w/enclosures, revision of Operating and Emergency Procedures (17 pages)
6. 03/03/72 Letter to Nathan Bassin from L.G. Silverstein, requesting amendment of License #21-00265-04, w/enclosures, Operating and Emergency Procedures (16 pages)
7. 11/03/71 Letter to Nathan Bassin from H.R. Hoyle, Dow, w/enclosures, Emergency Procedures and Inspection and Maintenance Program (10 pages)
8. 09/09/66 Letter to W.O. Miller, NPC, from W.H. Beamer, w/enclosures, Operating and Emergency Procedures (10 pages)
9. 01/10/64 Letter to W.O. Miller from W.H. Beamer, w/enclosures, copies of attachments to Form AEC 313-R (42 pages)
10. 12/02/63 Letter to W.O. Miller from W.H. Beamer, w/enclosures, design of storage container, radiation profiles, emergency procedures (21 pages)
11. 07/19/63 Form AEC-313P, Application for Byproduct Material License (47 pages)


Re: FOIA-85-256, 258,
259, 261

11. DOCUMENTS RE: MATERIALS LICENSE 21-00265-07

12. 07/25/72 Letter to Isotopes Branch from J.R. Charm, Dow, w/enclosure,
AEC Form 313 (32 pages)
13. 09/16/70 Letter to Isotopes Branch from H.R. Hoyle, w/enclosure,
Form AEC-313 (7 pages)
14. 12/23/68 Letter to Isotopes Branch from W.H. Beamer, Dow, w/enclosure,
Form AEC-313 (8 pages)

As indicated in my letter of May 29, additional documents subject to your requests are still undergoing review in our regional office.

Sincerely,



J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: As stated

GOVERNMENT ACCOUNTABILITY PROJECT

1555 Connecticut Avenue, N.W., Suite 202
Washington, D.C. 20036

(202) 232-8550

April 9, 1985

Freedom of Information Officer
United States
Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-85-256
rec'd 4/11/85

Dear Freedom of Information Officer,

Under the provisions of the Freedom of Information Act, 5 U.S.C. 552, the Government Accountability Project (GAP) is requesting copies of all licenses, permits, and any amendments to said licenses and permits, issued by the NRC and/or AEC to the Dow Chemical Company of Midland, Michigan. Please include all background and/or justification information which supported the NRC and/or AEC license and/or permit.

GAP requests that any fees be waived. As you know, the Act (5 U.S.C. 552(a)(4)(a)) permits you to waive any fees when the release of the information is considered as "primarily benefiting the public." GAP believes that this request fits that category.

For any documents or portions of documents that you deny due to a specific exemption under the Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of document withheld.

GAP would appreciate your handling this request as quickly as possible, and we look forward to hearing from you within ten (10) days, as the Act stipulates.

Sincerely,

Steve Kohn
Staff Attorney

Richard Condit
Staff Associate

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GOVERNMENT ACCOUNTABILITY PROJECT

1555 Connecticut Avenue, N.W., Suite 202
Washington, D.C. 20036

(202) 232-8550

April 9, 1985

Freedom of Information Officer
United States
Nuclear Regulatory Commission
Washington, D.C. 20555

**FREEDOM OF INFORMATION
ACT REQUEST**

FOIA-85-258

rec'd 4/11/85

Dear Freedom of Information Officer,

Under the provisions of the Freedom of Information Act, 5 U.S.C. 552, the Government Accountability Project (GAP) is requesting copies of all reports, studies, and/or monitoring analyses done by and/or for the NRC and/or AEC on the incineration activities of the Dow Chemical Company of Midland, Michigan.

GAP requests that any fees be waived. As you know, the Act (5 U.S.C. 552(a)(4)(a)) permits you to waive any fees when the release of the information is considered as "primarily benefiting the public." GAP believes that this request fits that category.

For any documents or portions of documents that you deny due to a specific exemption under the Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of document withheld.

GAP would appreciate your handling this request as quickly as possible, and we look forward to hearing from you within ten (10) days, as the Act stipulates.

Sincerely,

Steve Kohn
Staff Attorney

Richard Condit
Staff Associate

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GOVERNMENT ACCOUNTABILITY PROJECT

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April 9, 1985

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Freedom of Information Officer
United States
Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA 85-259

rec'd 4/11/85

Dear Freedom of Information Officer,

Under the provisions of the Freedom of Information Act, 5 U.S.C. 552, the Government Accountability Project (GAP) is requesting copies of all information on record at the NRC and/or AEC which indicates, and/or has indicated, that the Dow Chemical Company of Midland, Michigan was not in compliance with any law and/or regulation and/or guideline(s) administered by the NRC/AEC and/or any other state or federal agency.

GAP requests that any fees be waived. As you know, the Act (5 U.S.C. 552(a)(4)(a)) permits you to waive any fees when the release of the information is considered as "primarily benefiting the public." GAP believes that this request fits that category.

For any documents or portions of documents that you deny due to a specific exemption under the Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of document withheld.

GAP would appreciate your handling this request as quickly as possible, and we look forward to hearing from you within ten (10) days, as the Act stipulates.

Sincerely,

Steve Kohn
Staff Attorney

Richard Condit
Staff Associate

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