



U.S. NUCLEAR REGULATORY COMMISSION

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST**

NRC FOIA REQUEST NUMBER(S)
FOIA - 97-111

RESPONSE TYPE

☒ FINAL ☐ PARTIAL

DATE **APR 25 1997**

DOCKET NUMBER(S) (if applicable)

REQUESTER

Ms. Tara Marshak

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 in Appendix(es) A are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request that are identified in Appendix(es) B are 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.

☐ 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.

☐ Agency records subject to the request that are identified in Appendix(es) _____ 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 located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request are enclosed. Appendices A, B & C

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

☒ Fees

☒ You will be billed by the NRC for fees totaling \$ 44.55

☐ You will receive a refund from the NRC in the amount of \$ _____

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

PART II. A - 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, 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.

COMMENTS

Search - 15 min clerical at \$ 15.96 per hr \$ 4.05
Review - 30 min. clerical at \$ 15.96 per hr 8.10
Repro - 162 pages at \$.20 per page 32.40
\$ 44.55

In a telephone conversation with Ms. Carol Ann Reed on April 18, 1997, you agreed to pay the above fees.

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

Carol Ann Reed

9705050034 970425
PDR FOIA
MARSHAK97-111 PDR



RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST
(CONTINUATION)

FOIA NUMBER(S)

FOIA - 97-111

DATE

APR 25 1998

PART II. B - APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) C are being withheld in their entirety or in part under the Exemption No.(s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC regulations.

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

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. (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 pursuant to 10 CFR 2.790(d)(2).

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

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 law 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 recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (Exemption 7 (A))

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 could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D))

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, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECRETARY	IG
H. J. Miller	Administrator, Region 1	Appendix C	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 there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, 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 A
RECORDS ALREADY AVAILABLE IN THE PDR

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	11/29/82	8212080391	Inspection Findings & Licensee Acknowledgement (1 page)
2.	01/05/86	8901100374	Letter to G. Jackson from R. Powell, Subject: Forwarding additional check (1 page)
3.	01/30/86	8602130047	Safety Inspection (1 page)
4.	12/09/86	8901100369	Letter to NRC from R. Powell, Subject: Forwards check for renewal (1 page)
5.	12/30/86	8901100371	Letter to R. Powell from G. Jackson, Subject: Requests additional payment (1 page)
6.	12/22/86	8612290442	Letter to J. Meeks from J. Kinneman, Subject: Inquiry No. 86-02, activities authorized by license (2 pages)
7.	01/13/87	8901100378	Letter to R. Powell from J. Glenn, Subject: Acknowledges receipt of renewal application with attached license fee transmittal (2 pages)
8.	07/16/87	8901100364	Letter to R. Powell from J. Glenn, Subject: Confirms 3/16/87 telephone conversation with attached conversation record (2 pages)
9.	09/29/87	8901100359	Letter to R. Seibert from J. Joustra, Subject: Request for additional information (2 pages)
10.	11/23/87	8901100333	Amendment No. 2 to License 29-00505-15 (2 pages)
11.	11/23/87	8901100346	Letter to R. Powell from J. Joustra, Subject: Forwards renewal of license (2 pages)

APPENDIX A
(continued)
RECORDS ALREADY AVAILABLE IN THE PDR

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
12.	03/29/88	884010248	Letter to T. Casey from J. White, Subject: Inauiry No 88-001, activities authorized by license (2 pages)
13.	09/28/90	9103070243	Letter to K. Brown from R. Seibert, Subject: Amendment request (1 page)
14.	10/19/90	9103070243	Letter to R. Seibert from M. Messler, Subject: Request payment of fee with attached fee worksheet (2 pages)
15.	12/18/90	9103070243	Amendment No. 3 to License 29-00505-15 (2 pages)
16.	12/18/90	9103070243	Letter to R. Seibert from E. Ullrich, Subject: Forwards amendment (2 pages)
17.	11/05/91	9204100326	Letter to NRC from R. Powell, Subject: Request for termination of license with attached fee worksheet (2 pages)
18.	01/16/92	9204100326	Amendment No. 4 to License 29-00505-15 (1 page)
19.	01/16/92	9204100326	Letter to R. Powell from J. Kinneman, Subject: Forwards amendment (1 page)

APPENDIX B
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	04/01/75	Application for Byproduct Material License (2 pages)
2.	06/13/75	Letter to J. Brown from L. D. Rollmann, Subject: Forwarding radiological safety procedures (2 pages)
3.	06/25/75	Letter to L. D. Rollmann from J. Brown, Subject: Request for additional information (2 pages)
4.	06/27/75	Letter to J. Brown from L. D. Rollmann, Subject: Forwarding requested information (3 pages)
5.	07/10/75	License 29-00505-15 (2 pages)
6.	07/15/75	Handwritten record book (2 pages)
7.	07/07/76	Inspection Findings and Licensee Acknowledgment (1 page)
8.	01/11/79	Inspection Report No. 79-01 (9 pages)
9.	01/19/79	Letter to R. Heck from R. McClintock, Subject: Inspection 03011243/79-01 (2 pages)
10.	06/26/80	Application for Byproduct Material License (8 pages)
11.	08/07/80	Letter to R. Heck from J. Jones, Subject: Acknowledging receipt of application (1 page)
12.	01/12/81	Notice to All Employees Mobil Technical Center (1 page)
13.	05/15/81	Letter to T. Mitchell from J. Hickey, Subject: Request for additional information (2 pages)
14.	09/11/81	Letter to T. Mitchell from J. Hickey, Subject: Second request for additional information (1 page)
15.	09/21/81	Letter to NRC from T. Mitchell, Subject: Forwarding requested information (1 page)
16.	10/30/81	Letter to T. Mitchell from J. Carrico, Subject: Request for more detailed information (2 pages)

APPENDIX B
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
17.	11/20/81	Letter to J. Carrico from T. Mitchell, Subject: Forwarding requested information (2 pages)
18.	12/10/81	Amendment No. 1 to License 29-00505-15 (2 pages)
19.	12/03/82	Inspection Report, 11/29/82 (16 pages)
20.	12/05/86	Conversation Record (1 page)
21.	02/03/86	Inseption Report No. 86-01 (10 pages)
22.	09/25/90	Conversation Record (1 page)

APPENDIX C
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	08/18/87	Letter to J. Glen from R. Seibert, Subject: Forwards Radiation Safety Guide (30 pages) EX. 6
2.	10/22/87	Letter to J. Joustra from R. Seibert, Subject: Forwards amended radiation safety guide (29 pages) EX. 6