

2001-0051

3

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) / PRIVACY  
ACT (PA) REQUEST**RESPONSE  
TYPE

FINAL



PARTIAL

REQUESTER

Erin Bantz

DATE

FEB 14 2001

**PART I. -- INFORMATION RELEASED**☐ No additional agency records subject to the request have been located.☐ Requested records are available through another public distribution program. See Comments section.

APPENDICES

☐ Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.

APPENDICES

C,D

☒ Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.☐ 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, NW, Washington, DC.

APPENDICES

C,D

☒ Agency records subject to the request are enclosed.☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.☐ We are continuing to process your request.☐ See Comments.**PART I.A -- FEES**

AMOUNT \*

\$ 69.05

☐ You will be billed by NRC for the amount listed.☐ None. Minimum fee threshold not met.

You will receive a refund for the amount listed.

☐ Fees waived.\* See comments  
for details**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**☐ No agency records subject to the request have been located.☒ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.☒ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."**PART I.C COMMENTS (Use attached Comments continuation page if required)**

The actual fees for processing your request are:

2 hrs. professional search @ \$39.00 per hr. = \$78.00

1 hr. clerical search @ \$18.90 per hr. = \$18.90

4 hrs. professional review @ \$39.00 per hr. = \$156.00

1.5 hrs. clerical review @ \$18.90 per hr. = \$28.35

Duplication of 804 pages @ \$0.20 per page = \$160.80

Total = \$442.05 LESS ADVANCE PAYMENT OF \$511.10 = \$69.05

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

(6-1998)

**RESPONSE TO FREEDOM OF INFORMATION  
ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

2000-0051

FEB 14 2001

**PART II.A -- APPLICABLE EXEMPTIONS****APPENDICES  
D**

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.

Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.

Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.

☐ 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).

☐ 41 U.S.C., Section 253(b), subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.

☒ Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.

☒ The information is considered to be confidential business (proprietary) information.

☐ The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.790(d)(1).

☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).

Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:

☐ 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)

☒ Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.

Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.

☐ (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would 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).

☐ (C) Disclosure would constitute an unwarranted invasion of personal privacy.

☐ (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.

☐ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.

☐ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.

OTHER (Specify)

**PART II.B -- DENYING OFFICIALS**

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) 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 person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
William F. Kane, Director	Office of Nuclear Material Safety and Safeguards	Appendix D	<input checked="" type="checkbox"/>		

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

APPENDIX C  
RECORDS BEING RELEASED IN THEIR ENTIRETY

License No. 12-00140-01

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT</u>
1.	Undated	Expert System License Evaluation- Harvey Illinois Sinclair Research Laboratories for License 12-00140-01 (2 pages)
2.	03/15/56	Application for byproduct Material License- Dr. Adolph I. Snow (7 pages)
3.	03/26/56	US Atomic energy commission byproduct material license; #12-140-1; March 26, 1956 (1 page)
4.	04/12/56	Radioisotope Shipping document order #1004-72 shipped, Order #1004-73 (2 pages)
5.	06/04/56	Letter to Mr. Lester R. Rogers from A. I. Snow at Sinclair Research Laboratories (2 pages)

License No. 12-00140-02

6.	Undated	Expert System License Evaluation- Harvey Illinois Sinclair Research Laboratories for License 12-00140-02 (2 pages)
7.	05/22/56	Letter to the Isotope Extension from Sinclair Research labs- Application for Nickel-63 (1 page)
8.	05/29/56	US Atomic Energy commission byproduct material license; #12-140-2 (2 pages)
9.	05/29/56	Reply letter to A.I. Snow; form for license application enclosed (1 page)
10.	06/22/56	Oak Ridge National Laboratory shipping invoice; radioisotope invoice # 1006-76 (1 page)
11.	09/16/57	Letter to Mr. James Hitch from A.I. Snow (7 pages)

License No. 12-00140-03

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT</u>
12.	Undated	Expert System License Evaluation- Harvey, Illinois Sinclair Research Laboratories for license 12-00140-03 (2 pages)
13.	Undated	Attached to license evaluation # 12-01733-01 (2 pages)
14.	Undated	Retirement record; license no. 12-140-3 (1 page)
15.	01/28/52	Office Memorandum to Isotopes division Files re: Visit by William Hettinger to the Isotopes Division (1 page)
16.	07/27/56	To A.I. Snow regarding material licensing and proposed visit, from Thomas Brockett (3 pages)
17.	08/02/56	To Thomas Brockett from A.I Snow accepting visit proposal to laboratory (4 pages)
18.	08/28/56	Evaluation and Recommendations Report (1 page)
19.	09/11/56	Office Memorandum- US Government re: Visit to Sinclair Research Laboratories Inc.- Visited Engine Laboratory (3 pages)
20.	12/17/56	US Atomic Energy Commission; Isotopes Extension Division of Civilian Application Renewal forms (5 pages)
21.	12/17/56	Application for Byproduct Materials License (3 pages)
22.	01/05/57	License Application - Change of License No. from 12-17331 to 12-140-3 (4 pages)
23.	01/10/57	Reply letter to R.L. Pontius regarding license # 12-140-3 subject was about assigning the wrong license number (2 pages)
24.	01/14/57	Letter to the US atomic energy commission from R.L. Pontius Sinclair Research Laboratory license no 12-1733-1 (1 page)
25.	01/22/57	Reply letter to Mr. R.L. Pontius to Cecil Buchanan (1 page)
26.	03/12/57	Application for byproduct Material license (2 pages)
27.	03/20/57	Byproduct Material License #12-140-3 Amendment 1 memo to R. L. Pontius (1 page)
28.	06/13/57	To A.I. snow asking to discuss application for broad specific license, from John Boyer (1 page)

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT</u>
29.	07/09/57	Office Memorandum- United States Government re: visit to Sinclair Research Laboratories, INC- Pre licensing visit (4 pages)
<u>License No. C-00185</u>		
30.	Undated	Expert System License Evaluation License # C-00185 (2 pages)
31.	04/01/57	Application for AEC License to transfer, deliver, export, or receive Uranium or Thorium Material (3 pages)
32.	04/03/57	Ltr. to AEC from Sinclair re: Application for renewal (1 page)
33.	04/15/57	Letter from US Atomic Energy Commission re: accepting Application for License Renewal (1 page)
34.	06/26/58	Application for AEC License Renewal (4 pages)
35.	07/02/58	Letter from Sinclair Refining Company- attached application form ACE-2 for renewal of license (8 pages)
36.	07/11/58	Ltr. to Sinclair from AEC re: transmitting license (1 page)
37.	09/04/58	Inspection Report (1 page)
38.	09/15/58	Office Memorandum re: Inspection Report Concerning license Activities of Sinclair Research Labs (1 page)
39.	09/29/58	Ltr. to A.I. Snow stating that the inspection report was enclosed and no issues of noncompliance were indicated (1 page)
<u>License No. SNM-00034</u>		
40.	Undated	Expert License Evaluation Report for License # SNM-00034 (2 pages)
41.	1955	Sinclair Oil Company Annual Report (27 pages)
42.	08/31/55	Ltr. to C. G. Manly from W. M. Flowers re: needs for a gamma ray radiation source (2 pages)
43.	08/31/55	Letter to H. C. Price from Sinclair re: Discussion on gamma ray radiation source (2 pages)
44.	10/20/55	Letter to W.M. Flowers re: Reference made to letter dated August 31, 1955 (2 pages)
45.	05/04/56	Affidavit- signed by W.M. Flowers and Sworn by James Flynn (5 pages)

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT</u>
46.	06/06/56	Office Memorandum re: Financial Responsibility of Sinclair Research Labs (1 page)
47.	5/28/56	To AEC DC from AEC Idaho Falls (1 page)
48.	06/20/56	Note to File from Johnson, AEC re: Sinclair Request for Irradiated MTR Fuel Elements (1 page)
49.	06/21/56	Memo Sinclair Request for Irradiated MTR Fuel Elements (2 pages)
50.	06/28/56	Letter including correction copies and concurrence to W.M. Flowers regarding MTR Fuel Elements (4 pages)
51.	07/26/56	Office Memorandum re: Sinclair Application for Special Nuclear Material License- Analysis and Findings (2 pages)
52.	08/07/56	Ltr. transmitting Special Nuclear Materials License # SNM-34 (3 pages)
53.	08/14/56	Memo to W.M. Flowers- cover letter to Special Nuclear Materials License (2 pages)
54.	08/17/56	Ltr. to R. Cross from F. Pittman, AEC re: AEC license issued to possess U-235 (1 page)
55.	08/29/56	Letter to Allan Johnson; Request for issuance of contract for loan of MTR Spent Fuel Elements to Sinclair Research Laboratories (2 pages)
56.	09/27/56	Letter to W.M. Flowers including correction copies and concurrence re: press release about MTR Elements (4 pages)
57.	10/15/56	Fax to AEC re: Request for airmail of license (1 page)
58.	10/16/56	Cover letter and concurrence for Copy of Sinclair Research Labs License SNM-34 (1 page)
59.	11/02/56	Memo and concurrence to J. Bion re: memo Pittman to Johnson on request for issuance of contract for loan (1 page)
60.	03/15/57	Invitation to Mr. Price to attend opening ceremonies for new High Level Waste Facility in Harvey, Illinois from W.M. Flowers (2 pages)
61.	04/01/57	Letter to W.M. Flowers from H.L. Price re: rejection letter to invitation to attend ceremonies (1 page)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
62.	04/03/57	Letter to Mr. W.M. Flowers from Paul Aebersold re: stating he accepts invitation to ceremonies (1 page)
63.	04/11/57	US Atomic Energy Commission Correspondence Reference Form cover letter to Allen C. Johnson/ Manager re: Contract for loan of MTR spent fuel elements to Sinclair Research Labs (1 page)
64.	08/23/57	Memo to I.F. Zartman, chief Engineering Physics Section- Division of Reactor Development re: Rental of Spent Fuel Elements (1 page)
65.	09/12/57	Info routing slip asking questions on license (1 page)
66.	12/07/58	Correspondence reference re: New Applications and Renewals see Docket System File 70-23 (1 page)

APPENDIX D  
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	06/11/58	Compliance Inspection Report (9 pages) <b>Exemptions 4 and 6</b>
2.	05/29/56	Letter to H.L. Price re: Application for special Nuclear Material License- Fuel Element Shipping Containers- legal signature from James M. Flynn (2 pages) <b>Exemption 6</b>
3.	02/03/56	Cover letter and information covering license Application in accordance with the Atomic Energy Commission Regulations 10 CFR Part 70 (18 pages) <b>Exemption 6</b>