

2001-0292

1



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

RESPONSE TYPE FINAL PARTIAL

REQUESTER

James R. Charles

DATE

NOV 05 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 **A** 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 **B & C** 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 **A*, B, C** 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 *

\$ 380.00

* See comments for details

- 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.

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)

We have enclosed copies of the records identified on Appendix B and the released portions of the records identified on Appendix C. Since you are entitled to 100 free pages, we have also enclosed documents A/2 and A/8.

The actual fees did not exceed the 2 free hours and 100 free pages, therefore, you will receive a refund in the amount of \$380.00 for the fees you paid in advance.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed *Carol Ann Reed*

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

2001-0202

NOV 05 2001

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES

C

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
Ellis W. Merschhoff	Regional Administrator, RIV	Appendix C	✓		

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 A
RECORDS ALREADY AVAILABLE IN THE PDR**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	04/12/85	8507230080	Letter from John G. Burr, Lt. Colonel, USAF, BSC, to Radioisotopes Licensing Branch, Division of Fuel Cycle Land Material Safety, USNRC, Washington, DC, Subject: Air Force Single Broad Scope License (this is the actual Air Force application for a single broad scope license), with attachments. (322 pages)
2.	06/17/87	8707130069	Letter from David G. Wood, Colonel, USAF, BSC, Executive Secretary, USAF Radioisotope Committee, Office of the Surgeon General, USAF, to USNRC, RIV, Regional Administrator, Subject: Update on Air Force Corrective Actions - License No. 42-23529-01AF, Docket No. 030-28641 with attachments. (36 pages)
3.	12/04/87	8712180004	Letter from David G. Wood, Colonel, USAF, BSC, Executive Secretary, USAF Radioisotope Committee, Office of the Surgeon General, USAF, to USNRC, RIV, Nuclear Material Radiation Protection Section, Attn: Chuck Cain, Subject: NRC Bulletins and Information Notices (Your Ltr 14 July 1987), with attachment (subject letter). (2 pages)
4.	02/03/88	8808170316	Letter from David G. Wood, Colonel, USAF, BSC, Executive Secretary, USAF Radioisotope Committee, Office of the Surgeon General, USAF, to USNRC RIV, Nuclear Material Radiation Protection, Attn: Chuck Cain, Subject: Amendment of the USAF Master Materials License to Authorize Disposal of Short-Lived

Radioactive Wastes at Texas Municipal Solid Waste Sites, with attachment. (10 pages)

5. 02/15/90 9306160288 Letter from Charles K. Maffet, Colonel, USAF, MC, Deputy Director, Professional Affairs and Quality Assurance, Office of the Surgeon General, to USNRC, Region IV, Attn: Mr. William L. Fisher, Subject: Request to Amend Master Materials License No. 42-23539-01AF, Docket No. 030-28641, with attachments/5 pages
6. 03/26/90 9306160295 Letter from David G. Wood, Colonel, USAF, BSC, Executive Secretary, USAF Radioisotope Committee, Office of the Surgeon General, USAF, to USNRC, Region IV, Attn: Mr. William Fisher, Subject: Request for Exemption from Leak Testing Astroinertial Navigational Units containing Radioactive Material, with attachments. (6 pages)
7. 10/23/90 9306160307 Letter from Lawrence Donovan, Maj, USAF, BSC, USAF Radioisotope Committee, Office of the Surgeon General, USAF, to USNRC, Region IV, Chief, Nuclear Materials Licensing Section, Attn: Mr. William Fisher, Subject: Request for Approval for Alternate Disposal of Radioactive Material (RAM); NRC License No. 42-23539, Docket No. 030-28641. (1 page)
8. 02/17/98 9804290258 US Nuclear Regulator Commission Materials License number 42-23539-01AF, Amendment No. 14. (4 pages)

**APPENDIX B
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT</u>
1.	07/01/87	Understandings Between The United States Air Force (USAF) And The Nuclear Regulatory Commission (NRC) Reached In Developing And Issuing USAF License No. 42-23539-01AF. (2 pages)
2.	03/03/88	Letter from Richard L. Bangart, Director, Division of Radiation Safety and Safeguards, USNRC, to Department of the Air Force, Office of the Secretary, Attn: Donald A. Rigg, Brigadier General, Deputy Inspector General, Re: License: 42-23539-01AF, Docket: 030-28641, with attachment - 01/26/88 letter from Donald A. Rigg, Brigadier General, USAF, Deputy Inspector General, Department of the Air Force, to Mr. R. J. Everett, Chief, Nuclear Material Safety Section, NRC, RIV. (2 pages)
3.	02/10/89	Letter from David G. Wood, Colonel, USAF, BSC, Executive Secretary, USAF Radioisotope Committee, Office of the Surgeon General, to USNRC, Region IV, Attn: Mr. D. Blair Spitzberg, Subject: Request for Exception from Six Month Leak Test Requirement USAF Radioactive Material Permit No. 04-09951-1AFP, with attachment. (2 pages)
4.	09/11/91	Letter from Lawrence Donovan, Maj, USAF, BSC, Chief, Licensing Actions, USAF Radioisotope Committee, Office of the Surgeon General, Department of the Air Force, to USNRC, Region IV, Attn: Mr. W. Vasquez, Subject: Air Force RADIAC Instrument Check Sources and Contract Calibration Laboratory Licensing, with attachment. (14 pages)
5.	10/07/92	Letter from Paul D. Gleason, Brig Gen, USAF, MC, Director, Air Force Medical Operations Agency, Office of the Surgeon General, Department of the Air Force, to U. S. Nuclear Regulatory Commission, Region IV (Ms. Linda McLean), Subject: Amendment Request, License 42-23539-01AF, Docket 030-28641. (2 pages)
6.	05/02/94	Memorandum from Joseph Donnelly, LtCol, USAF, BSC, Chief, USAF Radioisotope Committee Secretariat, Office of the Surgeon General, Department of the Air Force, to HQ AFMOA/SGPR, Brooks AFB, TX, Subject: Request for Authority to Dispose of Wastes by Decay-in-Storage for Isotopes with Half Life Less than 120 Days. (1 page)

7. 11/14/94 Memorandum from Joseph J. Donnelly, Lt Col, USAF, BSC, Chief, USAF Radioisotope Committee Secretariat, Office of the Surgeon General, Department of the Air Force, to USNRC, Region IV, Atten: Ms Linda McLean, Subject: Request to Amend USNRC License No. 42-23539-01AF, with attachment. (3 pages)
8. 07/01/97 Memorandum from Paul H. Feeser, Maj, USAF, BSC, Acting Chief, USAF Radioisotope Committee Secretariat, Office of the Surgeon General, Department of the Air Force, to USNRC, Region IV, Attn: Ms. Linda McLean, Subject: Request for Waiver to 10 CFR 35.31(a)(4) and 35.415(a)(4), with attachment. (4 pages)

**APPENDIX C
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT/EXEMPTIONS</u>
1.	Undated	Biographical Information. (3 pages) EX. 6
2.	Undated	Personal History Date. (2 pages) EX. 6
3.	Undated	Curriculum Vitae. (18 pages) EX. 6
4.	Undated	Personal Resume. (8 pages) EX. 6