



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

2003-0193

1

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Karen Ann Craig

DATE

JUN 13 2003

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
C |
|------------------------|

 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
A, B |
|---------------------------|

 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.
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| APPENDICES
A, B |
|---------------------------|

 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 *
\$ 299.80

* See comments for details

- You will be billed by NRC for the amount listed.
- You will receive a refund for the amount listed.
- None. Minimum fee threshold not met.
- 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)

Breakdown of processing fees:

\$ 87.45 [Search: 1 hr. professional @ \$44.27/hr. & 2 hrs. clerical @ \$21.59/hr.]
 177.08 [Review: 4 hrs. professional @ \$44.27/hr.]
 60.20 [Duplication: 301 pages @ \$0.20/page]
\$324.73 TOTAL COST
-624.53 ADVANCE PAYMENT
\$299.80 REFUND AMOUNT

Attachment 1 of the record identified at A-28 is copyrighted and therefore is not enclosed. You may make arrangements to view the copyrighted portion of the record by contacting the NRC's Public Document Room at 1-800-397-4209 or by e-mail to pdr@nrc.gov.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

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

2003-0193

JUN 13 2003

PART II.A – APPLICABLE EXEMPTIONS

**APPENDICES
B**

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
James E. Dyer	Regional Administrator, Region III U.S. Nuclear Regulatory Commission	B-1	✓		

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 BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	undated	Questions and concerns raised at the Regulators' (NRC and State of Missouri) meeting at Jefferson City, Missouri, on August 30, 2001 (3 pages)
2.	undated	Joachim Creek Monitoring Sample data report on the radioactivity at the Hematite site (4 pages)
3.	11/ /82	Paper on the flooding problems at the Hematite site (5 pages)
4.	07/ /83	NUREG/CR-3387, Radiological Survey of the Combustion Engineering Burial Site, Hematite, Missouri (48 pages)
5.	10/12/88	Memo from A. E. Scherer of Combustion Engineering to L. C. Rouse, Fuel Cycle Safety Branch, transmitting radiological survey results (31 pages)
6.	10/26/88	Memo from Bruce Mallett to Leland Rouse re: Confirmatory Survey at Combustion Engineering (Hematite) (2 pages)
7.	12/20/88	Memo from A. E. Scherer to Leland C. Rouse re: Hematite Construction Program Soil Sampling Results (14 pages)
8.	09/21/89	Memo from Phyllis R. Cotten of Oak Ridge Associated Universities to George France of the NRC transmitting Survey Results for Phase 2 Construction: Combustion Engineering (8 pages)
9.	09/25/89	Memo from Phyllis R. Cotten of Oak Ridge Associated Universities to George France of the NRC transmitting results of soil sampling (7 pages)
10.	10/19/89	Letter from George Bidinger of the Fuel Cycle Safety Branch to J. A. Rode, Plant Manager at Hematite providing the licensee with the most recent results of the confirmatory survey (11 pages)
11.	06/25/90	Letter from James Berger of Oak Ridge Associated Universities transmitting Survey of Construction Area at Hematite (12 pages)
12.	03/21/94	Retention pond well monitoring activity data for Hematite wells (3 pages)

**APPENDIX A - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
13.	04/20/94	Schedule for Environmental Monitoring Program (1 page)
14.	01/27/95	Technical Assistance Request regarding the Hematite Evaporation Pond's decommissioning plan (1 page)
15.	05/04/95	Memo from Robert Pierson to Robert Sharkey of Combustion Engineering transmitting license number SNM-33, Amendment 4, and the Safety Evaluation Report (7 pages)
16.	05/04/95	Letter from Sean Soong of the Licensing Branch to Robert Sharkey of Hematite re: Hematite Burial Site Well #4 Evaluation (2 pages)
17.	07/ /95	Hematite Plant Site Monitoring Well Locations (1 page)
18.	12/14/95	Memo from Mary Adams of the Licensing Branch to Robert Pierson re: Trip Report: Combustion Engineering, Hematite, Missouri, November 28, 1995 (3 pages)
19.	05/16/96	Letter from Ron Kucera, MDNR, to Richard Bangart requesting information about fuel fabrication (3 pages)
20.	06/10/96	Letter from Michael Tokar to Ron Kucera re: Enriched Uranium at the Hematite Plant (2 pages)
21.	07/11/96	Letter from Sean Soong to Robert Sharkey re: License Condition S-2, Source and Identification of Contaminant in Burial Site Well #4 (1 page)
22.	07/24/96	Memo from Robert Pierson to Michael Weber, Low-Level Waste and Decommissioning, re: Technical Assistance Request (3 pages)
23.	11/25/96	Letter from Michael Weber to Robert Sharkey re: Postponement of 20.304 Disposal Area Decommissioning (2 pages)
24.	02/26/97	Memo from Susan Chotoo to Michael Weber re: Trip Report: Combustion Engineering, Hematite, Missouri, January 23 and 24, 1997 (4 pages)
25.	09/28/98	License No. SANM-33, Revision 1, Page 10-6 (Sanitary Drain System, Fig. 10-3); Page 10-7 (Storm Water System); Page 10-8 (Chemical

**APPENDIX A - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
		Storage Listing); & Page 13-2 (Environmental Monitoring Summary) (4 pages)
26.	05/14/99	Memo from C.W. Reamer to Charles W. Erneigh re: Review Comments on Combustion Engineering, Inc., Hydrogeologic Work Plan First Quarter Report (3 pages)
27.	10/11/99	Letter from Ruseal Brewer of American Technical & Analytical Services, Inc., to Kerry Nikolaisen of Leggette, Brashears & Graham, Inc., informing him of an enclosed analytical report for the samples received in their laboratory on August 12, 1999 (Report is missing.) (1 page)
28.	11/23/99	Letter to NRC Document Control Desk from ABB Combustion Engineering Nuclear Power, Inc. regarding Hydrogeologic Work Plan Fourth Quarter Report (1 page) *Attachment 1: Hydrogeologic Work Plan Fourth Quarter Report (190 pages)* Attachment 2: 11/22/99 Reproduction Release Authorization (1 page)
29.	08/29/00	Letter from Edwin Flack to Robert Sharkey re: Hydrogeologic Investigation Fourth Sampling Event Report (TAC No. L31279) (7 pages)
30.	10/19/00	Letter from Julieann Warren to Robert Sharkey re: Site Inspection Report for the Hematite Radioactive Site (88 pages)
31.	07/09/01	Letter from Julieann Warren of MDNR regarding concern for the quality and usability of the radiological data generated during the last inspection (2 pages)
32.	07/23/01	Letter from Stephen Mahfood of MDNR to James Dyer, NRC, requesting that NRC share any correspondence on the Hematite facility with MDNR and listing a number of issues that still need to be addressed in the decommissioning effort (2 pages)
33.	08/27/01	Letter from James Dyer, Regional Administrator, USNRC Region III, to Stephen Mahfood, Director, Department of Natural Resources, assuring cooperation in decommissioning the Hematite site (2 pages)

APPENDIX A - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
34.	09/27/01	Letter from Ron Kucera, Department of Natural Resources, to Roland Lickus, USNRC Region III, enclosing eight copies (not included) of the Hematite Radioactive Groundwater Site Inspection Report prepared by the department under a cooperative agreement with EPA (1 page)

**APPENDIX B
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	05/03/96	Letter from Ron Kucera to Michael Tokar enclosing a letter from a private citizen and requesting any correspondence between NRC and the licensee regarding Tc-99 ground contamination (12 pages) (Exemption 6)

**APPENDIX C
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	08/19/91	919240435	Radiological Survey by Oak Ridge Associates—"Radiological Evaluation of Spent Limestone Piles, Combustion Engineering, Hematite, Missouri (37 pages)
2.	12/16/91	9112270166	Letter from John F. Conant, ABB, to Charles J. Haughney, Chief Fuel Cycle Safety Branch, re: Response to Environmental Questions Regarding Materials License No. SNM-33 Renewal Application (23 pages)
3.	10/26/94	9411020164	Letter from Robert Sharkey to Robert Pierson transmitting the Hematite Evaporation Ponds Decommissioning Plan (25 pages)
4.	01/27/95	9502100287	Evaluation report determining the source of contamination to Burial Site Well #4 (3 pages)
5.	03/10/95	9504250311	Memo from Mark Michelsen of Asea Brown Boveri (ABB) to Robert Pierson, Chief Licensing Branch, clarifying some issues regarding an amendment request (2 pages)
6.	07/15/95	9508070148	Letter from Robert Sharkey to Gary Shear, Chief Fuel Cycle and Decommissioning Branch, transmitting ABB's characterization and remediation plan for the site creek (7 pages)
7.	05/30/97	9706110021	Letter from Robert Sharkey to Michael Weber re: Decommissioning of Former Evaporation Ponds (15 pages)
8.	09/24/97	9709260142	Map of the locations of water monitoring wells at Hematite site (6 pages)
9.	02/10/00	ML003685105	Letter from Robert Sharkey to Edwin Flack, Project Manager, re: Update on the former evaporation ponds and request for additional time to resolve decommissioning issues associated with this area (1 page)