



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

2004-0207

1

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Nat Katin-Borland

DATE

JUN 30 2004

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 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 * 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)

NRC staff conducted another search for responsive records related to the Sylvania facilities located in Hicksville and Bayside, New York, for the 1963 through 1995 time frame. No additional records were located.

Appendix A identifies the Freedom of Information Act (FOIA) requests received by the NRC and related to the Sylvania facilities in Hicksville and Bayside, NY. The listing covers the time frame of August 17, 2002, through April 6, 2004. Each of the incoming requests and all responses for these FOIAs were made publicly available through the NRC's Agencywide Documents Access and Management System (ADAMS).

Records identified in Appendices B & C are related to Sylvania and, although not subject to the time frame of your request, are being provided as a courtesy.

Appendix D provides a listing of relevant material that was transferred to the National Archives & Records Administration (NARA) on August 12, 2002. NRC does not have a listing of each document contained in the various boxes, however, the listing
(continued)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

2004-0207

1

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

DATE

JUN 30 2004

PART I.C COMMENTS (Continued)

has been annotated with the time frame of records contained within the various boxes, the docket no. and/or the license no. You will need to contact NARA directly to review these materials. The contact person at NARA is: Marjorie Ciarlante, telephone 301-837-1593.

NRC's Feb. 25, 2003, response to your earlier FOIA (FOIA/PA-2002-0387) identified prior FOIAs requesting records related to Sylvania (FOIA/PA- 2002-0324, 2002-0278, and 2002-0382). Each of these earlier FOIA/PA requests and their responses were made publicly available through the NRC's Agencywide Documents Access and Management System (ADAMS). The response to FOIA/PA-2002-0324 provided the NRC's Agreement State Program contact name and address within the State Department of Environmental Conservation as a possible source for other records. The response also provided information regarding some records that had already been transferred to the National Archives & Records Administration (NARA) and instructions on how to make arrangements for viewing the records. In addition to the records released under FOIA/PA-2002-0324, the response also identified an FY 2001 request (FOIA/PA-2001-0257) which also released records related to the Sylvania facilities.

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

2004-0207

JUN 30 2004

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
Hubert J. Miller	Regional Administrator, Region I, USNRC	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 PUBLICLY AVAILABLE**

NO.	DATE	ACCESSION NUMBER	DESCRIPTION/(PAGE COUNT)
1.	09/03/02	ML022460460	FOIA/PA-2002-0399 Request for records related to Hicksville, NY, R&D Facility Operated by Sylvania Corning Nuclear Corp., all records & FOIA requests re facility (1 page)
2.	02/25/02	ML030590121	FOIA/PA-2002-0399 - Resp 1 - Final (1 page)
3.	09/12/02	ML022550656	FOIA/PA-2002-0412 Request for records related to Hicksville, NY, Sylvania Electric Products, all records (1 page)
4.	09/16/02	ML041600570	FOIA/PA-2002-0412 - Resp 1 - Final (1 page)
5.	12/06/02	ML023430287	FOIA/PA-2003-0084 Request for Radiological Surveys; Guidelines & Standards 1952 to Present, Remedial Actions Programs (Sylvania-Corning Nuclear Corp) (3 pages)
6.	02/25/03	[Pkg] ML030650171	FOIA/PA-2003-0084 - Resp 1 - Final Contents: ML030590496; ML021080074; ML030650149; ML030590500; ML030590501; ML030650166; ML030590504; ML030590505; ML030590509
7.	05/13/03	ML031330772	FOIA/PA-2003-0278 Request re Sylvania Electric facilities in Hicksville & Bayside, New York, 1952 to 1966, all documents (2 pages)
8.	05/20/03	ML041610193	FOIA/PA-2003-0278 - Resp 1 - Final (1 page)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	10/31/02	Letter from Alvin E. Ludwig, GTE Operations Support Inc., to R. Stewart, New York State Dept. of Environmental Conservation, Re: Former Sylvania Electric Products Facility, Hicksville, NY, Soils Remediation Program Work Plan Site Number V-00089-1 (27 pages)

**APPENDIX C
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	12/17/02	Letter from R. Stewart of New York State Department of Environmental Conservation to M. Roberts of USNRC, regarding Draft Soil Remediation Program Work Plan, October 2002 Former Sylvania Electric Products Facility, Hicksville, NY Site # V00089-1 (324 pages) [Ex. 6]

APPENDIX D
RECORDS TRANSFERRED TO NARA ON 08/12/2002

*Sylvania
Bayside &
Hicksville, NY*

FILE MATCHES IN supplemental DATA - CURRENT SEARCH IS:

SEARCH PARAMETER ONE: (NY) IN State Code

SEARCH PARAMETER TWO: (SYLVANIA) IN Licensee name

Search requires RECORD MATCH for BOTH PARAMETERS

- 1. S-06438 DOCKET: 40-05986 JOB/BOX: 1700/29 *10/60 File Folder*
 LICENSEE:SYLVANIA CORNING NUCLEAR CORPORATION
 ADDRESS: 208-20 WILLETS POINT BLVD., BAYSIDE, NY
 CONTENTS: EXPORT LICENSE; APPLICATION;TELEGRAM; FORM WA-10 STATE: NEW YORK

- 2. STE-06646 DOCKET: 40-06316 JOB/BOX: 1700/32 *2/61 File Folder*
 LICENSEE:SYLVANIA CORNING NUCLEAR CORP. ADDRESS: BAYSIDE, LONG ISLAND, NY
 CONTENTS: EXPORT LICENSE; FORM WA-10; TELEGRAM STATE: NEW YORK

- 3. SUE-06647 DOCKET: 40-06317 JOB/BOX: 1700/32 *2/61 File Folder*
 LICENSEE:SYLVANIA ELECTRIC PRODUCTS INC ADDRESS: CANTIAGUE ROAD, HICKSVILLE, NY
 CONTENTS: EXPORT LICENSE; FORM WA-10; TELEGRAM STATE: NEW YORK

- 4. NO LICENSE DOCKET: 40-06881 JOB/BOX: 1700/42 *9/1/62 - 12/1/62 File Folder*
 LICENSEE:SYLVANIA ELECTRIC COMPANY ADDRESS: HICKSVILLE, NEW YORK
 CONTENTS: TELEGRAM; MEMOS STATE: NEW YORK

- 5. S-05076 DOCKET: 40-03385 JOB/BOX: 1700/83 *10/58 File Folder*
 LICENSEE:SYLVANIA-CORNING NUCLEAR CORPORATION
 ADDRESS: 208-20 WILLETS POINT BOULEVARD, BAYSIDE, NEW YORK
 CONTENTS: EXPORT LICENSE; APPLICATION STATE: NEW YORK

- 6. S-05711 DOCKET: 40-04774 JOB/BOX: 1700/34 *9/1/59 - 10/1/59 File Folder*
 LICENSEE:SYLVANIA-CORNING NUCLEAR CORP ADDRESS: 208-20 WILLETE POINT BLVD., BAYSIDE, NY
 CONTENTS: EXPORT LICENSE; FORM WA-10; APPLICATION LETTER STATE: NEW YORK

- 7. S-05333 DOCKET: 40-04069 JOB/BOX: 1700/41 *3/59 File Folder*
 LICENSEE:SYLVANIA-CORNING NUCLEAR CORP ADDRESS: BAYSIDE, NY
 CONTENTS: EXPORT LICENSE; FORM WA-10; LETTER STATE: NEW YORK

- 8. S-06150 DOCKET: 40-05476 JOB/BOX: 1700/61 *4/1/60 File Folder*
 LICENSEE:SYLVANIA-CORING NUCLEAR CORP ADDRESS: BAYSIDE, LONG ISLAND, NY
 CONTENTS: EXPORT LICENSE; FORM WA-10; TELEGRAM STATE: NEW YORK

- 9. JOB/BOX: 1722/08 LICENSEE:SYLVANIA ELECTRIC PRODUCTS, INCORPORATED
 ADDRESS: 209-20 WILLITS POINT BOULEVARD, BAYSIDE, NEW YORK
 CONTENTS: GENERAL FILE 1957; COMPLIANCE INSPECTION REPORT; LETTERS STATE: NEW YORK

- 10. JOB/BOX: 1722/08 LICENSEE:SYLVANIA ELECTRIC PRODUCTS, INCORPORATED
 ADDRESS: JOHNSON STREET, SENECA FALLS, NEW YORK CONTENTS: LETTERS STATE: NEW YORK

- 11. JOB/BOX: 1722/11 LICENSEE:SYLVANIA ELECTRIC PRODUCTS, INCORPORATED
 ADDRESS: 35-22 LINDEN PLACE, FLUSHING 54, NEW YORK CONTENTS: GENERAL FILE 1956; LETTERS
 STATE: NEW YORK *9/1/56 - 10/1/56*

- 12. JOB/BOX: 1722/11 LICENSEE:SYLVANIA ELECTRIC PRODUCTS, INCORPORATED
 ADDRESS: 35-22 LINDEN PLACE, FLUSHING 54, NEW YORK CONTENTS: GENERAL FILE 1957; LETTERS
 STATE: NEW YORK *Job 1722 box 11 consist of several lic. no's. (20-2083-2, 20-2772-1, 20-2083-1, & 5/1/56 - 2/1/61*

- 13. STE-07558 DOCKET: 40-07761 JOB/BOX: 1708/07 LICENSEE:SYLVANIA INTERNATIONAL
 ADDRESS: 730 THIRD AVENUE, NEW YORK, NEW YORK 10017 *31-536-142 (11/1/67)*

CONTENTS: EXPORT LICENSE; LETTER; CHECK LIST; MEMO STATE: NEW YORK

14. DOCKET: 70-00097 JOB/BOX: 1710/04
LICENSEE: SYLVANIA ELECTRIC PRODUCTS INCORPORATED ADDRESS: HICKSVILLE, NEW YORK
CONTENTS: APPLICATION FOR RENEWAL OF SNM-00082 FOR SYLCOR DIVISION STATE: NEW YORK

1/66 - 4/67

15. DOCKET: 70-00097 JOB/BOX: 1710/04
LICENSEE: SYLVANIA ELECTRIC PRODUCTS INCORPORATED ADDRESS: HICKSVILLE, NEW YORK
CONTENTS: REPORTS FILE STATE: NEW YORK

END OF PRINT LISTING FOR THE SEARCH MATCHES

HICKSVILLE, NY

1. SNM-82, 070-00097 Sylvania Electric Products, Inc. - Job 1700, Box 2, & Job 1710, Box 2
2. SUE-6647, Sylvania Electric Products, Inc. - Job 1700, Box 32 2/61 File Folder (Dupe)

1/1/66 - 4/1/67

BAYSIDE, NY

1. 31-01300-01, Sylvania Electric Products, Inc. - Job 1722, Box 8 (3/1/50 - 3/1/57) (Dupe)
2. 31-01300-02, Sylvania Electric Products, Inc. - Job 1722, Box 11 (9/1/56 - 10/1/56) (Dupe)
3. 31-02374-01, Sylvania-Corning Nuclear Corp. - Job 1722, Box 79 (1/1/54 + 9/56 - 9/1/59)
4. C-3396, Sylvania Electric Products, Inc. - Job 1700, Box 88 P-3396 (10/1/56 - 11/1/56)
5. C-4887, 040-04809, Sylvania Research Labs - Job 1700, Box 34 (10/59 - 4/1/62)
6. C-5072, 040-05376, Sylvania-Corning Nuclear Corp. - Job 1700, Box 54 (3/1/60 - 3/1/61)
7. SNM-141, 070-00107, Sylvania Electric Products, Sylcor Div. - Job 1700, Box 8 (5/1/57 - 6/1/63)

NOTE: NARA Job: # 1700 = NRC Job # 431-01-775
1708 = NRC Job # 431-01-1279
1710 = NRC Job # 431-01-1278
1722 = NRC Job # 431-01-0784
All Box Numbers Remain the Same for NARA & NRC