

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

2005-0345

1

RESPONSE
TYPE ☒ FINAL ☐ PARTIAL

REQUESTER

Jamie Mackay

DATE

SEP 29 2005

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** 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** 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 *

\$ 162.07

* 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)

Records identified on Appendix A are already publicly available in NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by e-mail to pdr@nrc.gov.

The fees for processing your request are:

1 hr. professional search @ \$48.49 per hr. = \$48.49
2 hrs. professional review @ \$48.49 per hr. = \$96.98
Duplication of 83 pages @ \$0.20 per page = \$16.60
Total = \$162.07

The incoming FOIA/PA-2005-0345 request is located in ADAMS at ML052450335.

SIGNATURE, FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

(6-1998)

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

2005-0345

SEP 29 2005

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

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 253b, 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
Samuel J. Collins	Regional Administrator, RI	Appendix B	✓		

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

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)/ ACCESSION NO.</u>
1.	04/18/1958	Aluminum Company of America, License 37-07653-02. (2 pages) (Accession No. ML052500732)
2.	12/02/1958	Aluminum Company of America, Compliance Inspection Report dtd 12/02/1958. (9 pages) (Accession No. ML052510694)
3.	12/15/1958	Aluminum Company of America, Letter dtd 12/15/1958 Re License Compliance Inspection Report. Items of Noncompliance Noted. (3 pages) (Accession No. ML052510615)
4.	01/20/1959	Aluminum Company of America, Memorandum dtd 01/20/1959 Re Noncompliance Items. (1 page) (Accession No. ML052510608)
5.	05/15/1959	Aluminum Company of America, Letter dtd 05/15/1959 Re Inspection Conducted on 10/28/58. (3 pages) (Accession No. ML052510605)
6.	06/12/1959	Aluminum Company of America, Letter dtd 06/12/1959, response to letter concerning inspection of facilities on 10/28/1958. (3 pages) (Accession No. ML052510557)
7.	06/12/1959	Aluminum Company of America, Letter dtd 06/12/1959 Re Violations Noted During Inspection on 10/28/58 (3 pages) (Accession No. ML052510600)
8.	06/12/1959	Aluminum Company of America, Letter, re: Exhibit "B" (1 page) (Accession No. ML052510572)
9.	06/19/1959	Aluminum Company of America, Letter dtd 06/19/1959 Re Steps Taken to Correct Deficiencies Noted in Byproduct Material Program (1 page) (Accession NO. ML052510597)
10.	08/07/1959	Aluminum Company of America, Compliance Inspection Report dtd 08/07/1959. (8 pages) (Accession No. ML052510593)
11.	08/10/1959	Aluminum Company of America, Memorandum dtd 08/10/1959.. (2 pages) (Accession No. ML052510586)

12. 10/07/1959 Aluminum Company of America, Letter dtd 10/07/1959.. (1 page) (Accession No. ML052510564)
13. 04/04/1960 Aluminum Company of America, Amendment No. 1 (3 pages) (Accession No. ML052500729)
14. 03/23/1961 Aluminum Company of America, Letter dtd 03/23/1961, Transmittal of License Compliance Inspection Report (4 pages) (Accession No. ML052510549)
15. 04/04/1961 Aluminum Company of America, Memorandum dtd 04/04/1961.. (1 page) (Accession No. ML052510547)
16. 08/01/1961 Ltr Re: Inspection Conducted on 01/18/1961 of Activities Authorized Under AEC Byproduct Material Lic. No. 37-07653-02 (3 pages) (Accession No. ML052510543)
17. 08/29/1961 Aluminum Company of America, Letter dtd 08/29/1961, submitting remedial measures in reply to items of non-compliance noted in AEC letter dtd 08/01/1961. (3 pages) (Accession No. ML052510542)
18. 09/13/1961 Aluminum Company of America, Letter dtd 09/13/1961 re Letter dtd 08/29/1961 Informing of Steps Taken to Correct Deficiencies in AEC Licensed Program (1 page) (Accession No. ML052510533)
19. 09/21/1961 Aluminum Company of America, Amendment No. 2 (3 pages) (Accession No. ML052500726)
20. 11/02/1961 Aluminum Company of America, Compliance Inspection Report dtd 11/02/1961 (13 pages) (Accession No. ML052510526)
21. 11/14/1961 Aluminum Company of America, Memorandum dtd 11/14/1961, Transmittal of License Compliance Inspection Report - 10 CFR 30. (3 pages) (Accession No. ML052510522)
22. 02/09/1961 Aluminum Company of America, Letter dtd 02/09/1962 regarding inspection of License No. 37-07653-02 activities (2 pages) (Accession No. ML052510517)
23. 03/12/1962 Aluminum Company of America, Letter dtd 03/12/1962 submitting for approval the corrective measures which have been or will be applied to fully comply with the regulations (3 pages) (Accession No. ML052510509)

24. 04/06/1961 Aluminum Company of America, Letter 04/06/1962 re: corrected deficiencies in AEC licensed program (1 page) (Accession No. ML052510300)
25. 04/27/1962 Aluminum Company of America, Amendment No. 3 (1 page) (Accession No. ML052500723)
26. 05/10/1962 Aluminum Company of America, Inspection Findings and Licensee Acknowledgment, dtd 05/10/1962.. (1 page) (Accession No. ML052510275)
27. 05/21/1962 Aluminum Company of America, Letter dtd 05/21/1962 submitting for approval a revision of the administrative instructions, "Radiation Protection Procedures, Alcoa Research Labs (5 pages) (Accession No. ML052510286)
28. 06/15/1962 Aluminum Company of America, Amendment No. 4, License No. 37-07653-02.. (1 page) (Accession No. ML052500721)
29. 01/09/1964 Aluminum Company of America, Amendment No. 5.. (1 page) (Accession No. ML052500719)
30. 04/03/1964 Aluminum Company of America, Amendment No. 6 (3 pages) (Accession No. ML052500718)
31. 05/14/1964 Aluminum Company of America, Amendment No. 7 (1 page) (Accession No. ML052500716)
32. 07/09/1964 Aluminum Company of America, Amendment No. 8 (1 page) (Accession No. ML052500712)
33. 08/27/1964 Aluminum Company of America, Amendment No. 9 (1 page) (Accession No. ML052500703)
34. 10/11/1965 Aluminum Company of America, Amendment No. 10 (1 page) (Accession No. ML052500701)
35. 04/25/1966 Aluminum Company of America, Amendment No. 11 (4 pages) (Accession No. ML052500694)
36. 06/28/1966 Aluminum Company of America, Amendment No. 12, License No. 37-07653-02(1 page) (Accession No. ML052500688)
37. 08/03/1966 Aluminum Company of America, Amendment No. 13. (1 page) (Accession No. ML052500684)
38. 02/09/1967 Aluminum Company of America, Amendment No. 14 (1 page) (Accession No. ML052500682)

- 39. 05/10/1967 Aluminum Company of America, Amendment No. 15 (1 page) (Accession No. ML052500678)
- 40. 04/09/1968 Aluminum Company of America, Amendment No. 16 (1 page) (Accession No. ML052500664)
- 41. 04/29/1968 Aluminum Company of America, Inspection Findings and Licensee Acknowledgment, dtd 04/29/1968. (1 page) (Accession No. ML052510162)
- 42. 02/08/1969 Aluminum Company of America, Amendment No. 17 (1 page) (Accession No. ML052500623)
- 43. 03/18/1969 Aluminum Company of America, Amendment No. 18 (1 page) (Accession No. ML052500616)
- 44. 04/17/1969 Aluminum Company of America, Amendment No. 19 (1 page) (Accession No. ML052500610)
- 45. 05/07/1969 Aluminum Company of America, Amendment No. 20 (1 page) (Accession No. ML052500604)
- 46. 07/09/1969 Aluminum Company of America, Amendment No. 21 (1 page) (Accession No. ML052500602)
- 47. 10/15/1969 Aluminum Company of America, Amendment No. 22 (1 page) (Accession No. ML052500601)
- 48. 02/01/1971 Aluminum Company of America, Amendment No. 23 (1 page) (Accession No. ML052500598)
- 49. 02/11/1971 Aluminum Company of America, Inspection Findings and Licensee Acknowledgment, dtd 02/11/1971 (1 page) (Accession No. ML052510155)
- 50. 02/23/1971 Aluminum Company of America, Letter dtd 02/23/1971. Response to Inspection Findings at Alcoa Research Labs on 02/11/71. (2 pages) (Accession No. ML052510146)
- 51. 04/01/1971 Aluminum Company of America, Amendment No. 24. (1 page) (Accession No. ML052500593)
- 52. 05/14/1971 Aluminum Company of America, Amendment No. 25 (4 pages) (Accession No. ML052500588)
- 53. 07/15/1971 Aluminum Company of America, Amendment No. 26, License No. 37-07653-02 (1 page) (Accession No. ML052500582)

- 54. 12/09/1971 Aluminum Company of America, Amendment No. 27, License No. 37-07653-02 (2 pages) (Accession No. ML052500573)
- 55. 04/12/1973 Aluminum Company of America, Amendment No. 28, License No. 37-07653-02 (4 pages) (Accession No. ML052500568)
- 56. 06/04/1973 Aluminum Company of America, Amendment No. 29, License No. 37-07653-02 (3 pages) (Accession No. ML052500565)
- 57. 02/12/1974 Aluminum Company of America, Amendment No. 30, License No. 37-07653-02 (1 page) (Accession No. ML052500562)
- 58. 06/23/1976 Aluminum Company of America, Amendment No. 31 (1 page) (Accession No. ML052500556)
- 59. 02/10/1977 Aluminum Company of America, Amendment No. 32 (1 page) (Accession No. ML052500551)
- 60. 06/06/1977 Aluminum Company of America, Amendment No. 33 (1 page) (Accession No. ML052500543)
- 61. 11/17/1977 Aluminum Company of America, Amendment No. 34 (2 pages) (Accession No. ML052500536)
- 62. 10/06/1978 Aluminum Company of America, Amendment No. 35 (6 pages) (Accession No. ML052500525)
- 63. 06/13/1980 Aluminum Company of America, Amendment No. 36 (1 page) (Accession No. ML052500521)
- 64. 10/01/1981 Aluminum Company of America, Amendment No. 37 (1 page) (Accession No. ML052500510)
- 65. 03/10/1982 Aluminum Company of America, Amendment No. 38 (1 page) (Accession No. ML052500504)
- 66. 12/28/1983 Aluminum Company of America, Amendment No. 39 (1 page) (Accession No. ML052500498)
- 67. 02/14/1984 Aluminum Company of America, Amendment No. 40 (4 pages) (Accession No. ML052500492)
- 68. 06/12/1986 Aluminum Company of America, Amendment No. 41 (3 pages) (Accession No. ML052500488)
- 69. 03/17/1988 Aluminum Company of America, Amendment No. 42 (3 pages) (Accession No. ML052500484)

- 70. 05/04/1988 Aluminum Company of America, Amendment No. 43 (3 pages) (Accession No. ML052500480)
- 71. 09/12/1989 Aluminum Company of America, Amendment No. 44 (3 pages) (Accession No. ML052500477)
- 72. 11/21/1990 Aluminum Company of America, Amendment No. 45 (4 pages) (Accession NO. ML052500456)
- 73. 05/20/1991 Aluminum Company of America, Industrial/Academic Inspection Field Notes (17 pages) (Accession No. ML052510119)
- 74. 08/23/1991 Aluminum Company of America, Amendment No. 46 (4 pages) (Accession No. ML052500452)
- 75. 12/19/1994 Aluminum Company of America, Amendment No. 47 (4 pages) (Accession No. ML052500443)
- 76. 04/08/1996 Aluminum Company of America, Letter dtd 04/08/1996, re: One Time Extension of License Expiration Date (1 page) (Accession No. ML052500436)
- 77. 07/23/1997 Aluminum Company of America, Amendment No. 48. (4 pages) (Accession No. ML052500433)
- 78. 09/28/2000 Aluminum Company of America, Amendment No. 49 (5 pages) (Accession No. ML052500425)
- 79. 08/23/2002 Aluminum Company of America, Amendment No. 50 (5 pages) (Accession No. ML052500423)
- 80. 04/09/2004 Aluminum Company of America, Amendment No. 51 (5 pages) (Accession NO. ML052500413)
- 81. 02/22/2005 Aluminum Company of America, Amendment No. 52 (5 pages) (Accession No. ML052500401)

APPENDIX B
RECORDS TO BE WITHHELD IN PART

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT) (EXEMPTION)</u>
1.	01/18/1961	Aluminum Company of America, Compliance Inspection Report for Re-Inspection on 01/18/1961 (17pages) (Exemption 6)
2.	05/10/1962	Aluminum Company of America, 05/10/1962 Inspection Notes (18 pages) (Exemption 6)
3.	01/14/1965	Aluminum Company of America, AEC-591 Inspection 01/14/1965 with Back-up Documents (8 pages)(Exemption 6)
4.	07/05/1968	Aluminum Company of America, Memo dtd 07/05/1968, Inspector's Evaluation of Re-Inspection on 04/29/1968 (14 pages) (Exemption 6)
5.	07/07/1971	Aluminum Company of America, Letter dtd 07/07/1971, Inspector's Evaluation (26 pages) (Exemption 6)