



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

2004-0234

14

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Matthew S. Hammel

DATE

JAN 25 2006

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 **II, JJ** 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, 11555 Rockville Pike, Rockville, MD 20852-2738.
- APPENDICES **II, JJ** 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 *

\$

* 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)

The incoming FOIA/PA request is located in ADAMS at ML041310167.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols *Russell A. Nichols*

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
JJ, KK

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
Jack Strosnider	Director, Office of Nuclear Material Safety and Safeguards	Appendix JJ, KK	✓		

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	02/12/81	Letter from H. E. Eskridge, C-C Power Systems, to EDO, USNRC, regarding Personnel Exposure and Monitoring Report, Calendar 1980 (2 pages)
2.	12/16/82	Radiological Survey of the Combustion Engineering Burial Site, Hematite, Missouri Draft Report; (68 pages)
3.	06/1984	Effluent Monitoring Report for Jan - June 1984 (1 page)
4.	06/11/91	Letter to Robert Bernaro, NMSS from A. Scherer, ABB, Subj: Update of ABB Combustion Engineering Nuclear Power Signature Authorities (7 pgs)
5.	08/09/91	Letter to George Bidinger, NMSS, from H. E. Eskridge, ABB, Subj: Spent Limestone Sampling (10 pgs)
6.	09/05/91	Memorandum for John Hickey, NMSS from Elaine Keegan, NMSS, Subj: Trip Report for Combustion Engineering Site Visit (5 pgs)
7.	09/05/91	Letter to J. A. Rode, CE, from George Bidinger, NMSS, review of 11/22/89 application requesting renewal of SNM-33 (4pgs)
8.	12/16/91	Letter to Charles Haughney, NMSS, from John Conant, ABB, Subj: Response to Environmental Questions Regarding Materials License No. SNM-33 Renewal Application (22 pgs)
9.	12/16/91	Letter to "Addresses" from George Bidinger, NMSS, forwarding copy of Standard Review Plan (2 pgs)
10.	12/16/91	Letter to Charles Haughney, NMSS, from John Conant, ABB, Subj: Response to Environmental Questions Regarding Materials License No. SNM-33 Renewal Application (22 pgs)
11.	09/24/92	Letter to A. E. Scherer, CE, from John Hickey, NMSS, Acknowledges receipt of amendment application dated 09/10/92 (1 pg)

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<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
12.	11/12/92	Letter to John Hickey, NMSS, from John Conant, ABB, Subj: Response to NRC Request for Additional Information Concerning the Hematite Consolidation Environmental Assessment (8 pgs)
13.	11/20/92	Letter to Combustion Engineering from Sean Soong, NMSS, Subj: Safety Evaluation Report, License Amendment Application Dated October 9, 1992, Re Sealed Sources (4 pgs)
14.	12/21/92	Letter to J. Rode, CE, from John Hickey, NMSS, re: forwarding copies of Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) License No. SNM-33 (19 pgs)
15.	08/31/93	NRC Export License for Combustion Engineering Hematite facility expiring on July 31, 1998 (3 pages)
16.	04/26/1995	Enclosure IV to ML-95-014, Combustion Engineering, Inc. Model UNC-2901 Fuel Pellet/Powder Shipping Container Certificate of Compliance No. 6294 Application Change Pages (34 pages)
17.	04/10/96	Letter to Mr. Kaiser, CE, from J. Lieberman, OE, Subj: Notice of violation and proposed imposition of Civil Penalty \$12, 500. (2 pages)
18.	04/22/96	Letter to Mr. Sharkey, CE, from Mr. Soong, NMSS, Subj: Validation of criticality calculational method (TAC NO. L30849). (2 pages)
19.	05/14/96	Letter to Mr. Lange, Dept. Of Natural Resources, State of Missouri, from Mr. Soong, NMSS, Subj: Requested documents. (1 page)
20.	08/06/96	Letter to I. Rickard, CE, from W. Travers, NMSS, transmits Certificate of Compliance No. 6078, Revision No. 22, for Model 927A1 and 927C1 packages (5 pages)
21.	11/18/96	Letter to R. Sharkey, CE, from M. Weber, NMSS regarding increase possession limit (TAC. No. L30919) (6 pages)

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22.	11/25/96	Letter to R. Sharkey, CE, from M. F. Weber, NMSS, Subj: Postponement of 20.304 Disposal Area Decommissioning (TAC. No. L30912) (2 pgs)
23.	12/20/96	Letter to M. Weber, NMSS, from R. Sharkey, ABB, regarding Criticality Safety Program Update Quarterly Status Report (16 pages)
24.	04/02/97	Letter to M. Kosmider, AlliedSignal, Inc., from M. Lamastra, NMSS, regarding Revised Emergency Response Plan and Radiological Contingency Plan (1 page)
25.	02/12/98	Memorandum to M. Weber from N. Stablen (NMSS) regarding Review Comments on Combustion Engineering Proposed Hydrogeological Investigation for 10 CFR 20.304 Burial Area (3 pages)
26.	12/30/98	Letter to G. Proco, Project Manager, from E. Ten Eyck (NMSS) re Correction to NNMSS Book Balance (2 pages)
27.	07/14/99	Letter to R. Bell, ABB-CE, from P. Shey, NMSS regarding standby trust agreement and surety bond (2 pages)
28.	09/09/99	Letter to R. Bell from S. Soong regarding Combustion Engineering, Inc. standby trust agreement (3 pages)
29.	04/2001	Safety evaluation report application for NRC consent to transfer of license and conforming amendment dated February 16, 2001 - Amendment to reflect new name (3 pages)
30.	04/10/01	Letter to Robert S. Bell. Westinghouse Electric Company LLC- Amendment 37 - Request for Amendment of Material License SNM-33 to Reflect New Name (3 pages)
31.	09/2001	Safety Evaluation Report: Westinghouse Electric Company, LLC, Amendment 42 (TAC NO. L31556) to Cease Principal Licensed Activities and Change scope to Decommissioning Activities (5 pages)

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<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
32.	04/11/02	Letter to J. Nardi regarding Westinghouse Electric Company, LLC - Hematite, amendment 42 (tac no. L31556) to change the scope of licensed activities to the performance of decommissioning activities (3 pages)
33.	04/11/02	Materials License, NRC Form 374, Westinghouse Electric Co., LLC, SNM-33, Amendment 42 with Safety Evaluation Report (5 pages)

**APPENDIX JJ
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	01/11/77	Table of Contents. License Number SNM-33, Docket 70-36, Revision 2 and NRC Safety Evaluation Report dated 3/29/77 (97 pages) [Ex. 6]
2.	08/12/91	Enclosure III to ML-91-033, Combustion Engineering, Inc., Hematite Nuclear Fuel Manufacturing Facility, Revision to Request for License Amendment, Proposed License Application Pages (39 pgs) [Ex. 6]
3.	09/03/92	Memorandum to John Hickey, NMSS, from Sandra Northern, Publications Services, ADM, Subj: Request for Hematite Local Public Document Room (5 pgs) [Ex. 6]
4.	10/02/92	Letter to John Hickey from John Conant, Subj: Response to NRC Questions on the Hematite License Renewal Application (123 pgs) [Ex. 6]
5.	06/11/96	Letter to U. S. Nuclear Regulatory Commission Document Control Desk from Mr. Sharkey, Subj: Reply to notice of violation (1 page released; 1 page withheld in entirety) [Ex. 4]
6.	07/16/96	Letter to USNRC from R. Sharkey, ABB, Reply to Notice of Violation (1 page released; 3 pages withheld in entirety) [Ex. 4]
7.	06/13/97	Letter to M. Weber, NMSS, from R. W. Sharkey, ABB, re Amendment Request - Fundamental Nuclear Material Control Plan update (1 page released, 9 pgs withheld in entirety) [Ex. 4]
8.	01/19/99	Letter to R. Sharkey, ABB, from P. Ting, NMSS, re Inspection No. 70-36/98-204 and Notice of Violation (5 pages released; 13 pages withheld in entirety) [Ex. 4]
9.	05/18/99	Letter to R. Sharkey, CE, from P. Ting, NMSS, re regarding NRC Inspection No. 70-36/99-203 (2 pages released; 12 pages withheld in entirety) [Ex. 4]

**APPENDIX KK
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	05/00/91	Draft Report Radiological Evaluation of Spent Limestone Piles Combustion Engineering (31 pages) [Ex. 5]
2.	09/06/91	Memorandum to James Taylor from Edward Jordon, Subj: Staff Actions in Response to the Investigation of the Potential criticality Accident at the General Electric Nuclear Fuel and Component Manufacturing Facility Findings (NUREG-1450) (6 pgs) [Ex.2]
3.	06/16/1997	Memorandum to J. Trefethen, AEOD, from W. Schwink, NMSS, re Transmitting Training Materials for RTM Supplement for the Gaseous Diffusion Plants (1 page) [Ex. 2]