



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

2005-0293

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Melissa Kemp

DATE

MAY 11 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.
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| APPENDICES
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 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.
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| APPENDICES
H |
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 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.
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| APPENDICES
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 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 * | <input type="checkbox"/> You will be billed by NRC for the amount listed. | <input type="checkbox"/> None. Minimum fee threshold not met. |
| \$ | <input type="checkbox"/> You will receive a refund for the amount listed. | <input type="checkbox"/> 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)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols *Russell A. Nichols*

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

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
H

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 2.390(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(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)
 EX. 2 - Disclosure would risk circumvention of a legal requirement; and, EX. 4 - disclosure will harm an identifiable private or governmental interest.

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 L. Caldwell	Regional Administrator, Region III	App. H/1 - H/18 & H/20	✓		
Samuel J. Collins	Regional Administrator, Region I	App. H/19	✓		

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 H
RECORDS BEING RELEASED IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	06/01/2000	Letter from C. Casey, RIII, to R. Bresell, University of Wisconsin, Re: Amendment No. 111 to Material License, w/encl (21) EX. 2
2..	07/20/2000	Letter from C. Frazier, RIII, to S. Langhorst, University of Missouri, Subject: Response to Your Request for Approval Regarding Disposal of Incinerator Ash at University of Missouri (11) EX. 2
3.	09/05/2000	Letter from C. Frazier, RIII, to J. Grappin, Dow Chemical Company, enclosing Amendment No. 66 to NRC Material License (7) EX. 2
4.	11/16/2001	Letter from J. Mullauer, RIII, to L. McGuire, Veterans Health Administration, attaching Amendment No. 47 renewing NRC Material License No. 13-00694-03 (9) EX. 2
5.	06/14/2002	Letter from C. Casey, RIII, to L. McGuire, Veterans Health Administration, Re: Amendment No. 23 renewing NRC Material License, with amended license (13) EX. 2
6.	07/26/2002	Letter from P. Pelke, RIII, to E. L. McGuire, Veterans Health Administration, Re: Amendment No. 65, with amended license (8) EX. 2
7.	11/06/2002	Letter from P. Pelke, RIII, to M. Driscoll, University of Michigan, re: enclosed amendment No. 87 to NRC Material License, with amended license (10) EX. 2
8.	12/13/2002	Letter from K. Null, RIII, to E. L. McGuire, Veteran Health Administration, re: Amendment No. 92 to NRC Material License, with amended license (6) EX. 2
9.	12/18/2002	Letter from P. Pelke, RIII, to S. Hampton, Eli Lilly, re: Amendment No. 46, with amended license (9) EX. 2
10.	03/17/2003	Letter from K. Null, RIII, to T. Hensch, V.A. Medical Center, re: Request for Master Materials License, with amended license (6) EX. 2
11.	07/21/2003	Letter from C. Casey, RIII, to D. Kaiser, Covance Laboratories, Inc., re: Amendment No. 29 to NRC Material License, with amended license (7) EX. 2
12.	07/31/2003	Letter from P. Pelke, RIII, to M. Richard, Indiana University

Medical Center, re: Amendment No. 77 to NRC Material License, with amended license (11) **EX. 2**

13. 01/08/2004 Memo from Materials License Branch to T. Popp, Subject: Acknowledgment of Correspondence, with amended license (7) **EX. 2**
14. 02/09/2004 Letter from K. Null, RIII, to T. Popp, Pfizer, Inc., re: Amendment No. 60 to NRC Material License, with amended license (6) **EX. 2**
15. 04/26/2004 Letter from K. Null, RIII, to P. Ward, Analytical Bio-Chemistry Laboratories, Inc., re: Amendment No. 26 to NRC Material License, with amended license (7) **EX. 2**
16. 07/12/2004 Letter from P. Pelke, RIII, to R. Vetter, Mayo Clinic Rochester, re: Amendment No. 63 to NRC Material License, with amended license (8) **EX. 2**
17. 08/04/2004 Letter from T. Simmons, RIII, to N. Sargentini, Kirksville College of Osteopathic Medicine, re: Amendment No. 15 to NRC Material License, with amendment (6) **EX. 2**
18. 10/01/02 Memo from Christopher Miller to Larry Camper, subject: Technical Assistance Request - Alliant Techsystems, Arden Hills, MN. 78 pages **EX. 4**
19. 02/25/05 Letter from Betsy Ullrich, NRC RI, to Jack Kace, regarding Hoffman-La-Roche, Inc., Issuance of License Renewal. 41 pages **EX. 6**
20. 01/09/03 Materials License 45-15877-01, Amendment 36. 5 pages **EX. 2**

**APPENDIX I
RECORDS ALREADY AVAILABLE IN THE PDR**

<u>NO</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)/ ACCESSION NO.</u>
1.	01/02/1991	Heritage Minerals, Inc., Ltr. dtd 01/02/91, re: NRC License. (2 pages) (Accession No. ML030370471)
2.	04/29/1992	Memo dtd 04/29/1992, Subject: Technical Assistance Request: Heritage Minerals Inc., Disposal Plan for Monazite. (15 pages) (Accession No. ML051520196)
3.	10/07/1994	Shaw, Pittman, Potts & Trowbridge, Ltr. dtd 10/07/1994, Request from Heritage Minerals, Inc. to Withdraw from Consideration Its Request to Mix Monazite Pile with Other Tailings Material on Site. (2 pages) (Accession No. ML 052100380)
4.	10/27/1994	NRC, Region I Ltr. dtd 10/27/1994, Subject: Heritage Minerals, Inc. (Meeting Summary for 08/02/1994). (2 pages) (Accession No. ML 052100388)
5.	11/03/1994	NRC, Region I Ltr. dtd 11/03/1994, Subject: Heritage Minerals, Inc. (1 page) (Accession No. ML052100393)
6.	11/22/1994	Shaw, Pittman, Potts & Trowbridge, Ltr. dtd 11/22/1994, Clarification Letter. (1 page) (Accession No. ML052100401)
7.	03/04/2004	Enercon Services, Inc., Report dated 3/4/2005, "Demolition and Decontamination of Wet and Dry Mill Buildings, Heritage Minerals Inc." (416 pages) (Accession No. ML051010167)
8.	11/18/1997	USDA/ARS Durant, OK Site, Letter dtd 11/18/1997 w/Report on Site Remediation Activities. (35 pages) (Accession No. ML052100349)
9.	01/14/1998	USDA/ARS Durant, OK Site, Letter dtd 01/14/1998 Regarding License Amendment Request. (1 page) (Accession No. ML052100346)
10.	08/25/1997	USDA/ARS Kerrville, TX Site, Memo dtd 08/25/1997. (1 page) (Accession No. ML052100344)
11.	12/18/1997	USDA/ARS Kerrville, TX Site, License Amendment Request dtd 12/18/1997. (1 page) (Accession No. ML052100339)

12. 04/14/1998 USDA/ARS Kerrville, TX Site, Letter dtd 04/14/1998 Regarding License Amendment Request Submitted in Letter dtd 12/18/97. (2 pages) (Accession No. ML052100335)
13. 06/30/1992 USDA/ARS Jornada Experimental Range, Letter dtd 06/30/1992. (1 page) (Accession No. ML052100312)
14. 07/05/1991 USDA/ARS Jornada Experimental Range, Letter dtd 07/05/1991 responding to May 31, 1991 letter requesting information regarding the accidental escape of radiosotopes from the Jornada Experimental Range to the White Sands Missile Range. (4 pages) (Accession No. ML 052100308)
15. 02/18/1992 USDA/ARS Jornada Experimental Range, 02/18/1992 Response to Ltr. dtd 01/27/1992. (1 page) (Accession No. ML052100303)
16. 01/27/1992 USDA/ARS Jornada Experimental Range, Letter dtd 01/27/1992, re: Coyote Predation Field Study. (2 pages) (Accession No. ML052100297)
17. 01/21/1992 USDA/ARS Jornada Experimental Range, Letter dated 01/21/1992, Subject: Coyote Predation Field Study.. (3 pages) (Accession No. ML052100290)
18. 11/23/1992 USDA/ARS Jornada Experimental Range, Letter dtd 11/23/1993 re additional information request concerning application to amend License No. 19-00915-03. (1 page) (Accession No. ML052100284)
19. 04/16/1998 USDA/ARS Jornada Experimental Range, Technical Assistance Request (TAR) dtd 04/16/1998. (28 pages) (Accession No. ML052100267)
20. 05/15/1998 USDA/ARS Jornada Experimental Range Memo re Release for Unrestricted Use of Sites Formerly Used for Burial of Low-Level Radioactive Waste Under NRC License No. 19-00915-03. (2 pages) (Accession No. ML052100262)
21. 06/11/1998 USDA/ARS Jornada Experimental Range, Letter dtd 06/11/1998 regarding the license amendment . (2 pages) (Accession No. ML052100259)

22. 06/17/1991 USDA, Fax dtd 06/17/1991 from USNRC State Programs, re: Jornada Experimental Range. (3 pages) (Accession No. ML052100213)
23. 07/09/1991 USDA, Newspaper Clipping from the Philadelphia Inquirer dtd 07/09/1991, re: Radioactive Goat on the Run. (1 page) (Accession No. ML052100209)
24. 06/27/1991 USDA, Ltr. dtd 06/27/1991 to J.D. Kinneman from J.T. Jensen, re: Request for Burial of Radioactive Material with Enclosure. (4 pages) (Accession No. ML052100146)
25. 11/29/1991 USDA, Request for Technical Assistance, to J.E. Glenn from R.R. Bellamy, dtd 11/29/1991. (1 page) (Accession No. ML052100141)
26. 03/26/1992 USDA, Memorandum dtd 03/26/1992 to R.E. Bellamy from G.E. Glenn, re: TAR of Burial of Animal Carcasses Contaminated with Licensed Material. (2 pages) (Accession No. ML052100116)
27. 05/20/1992 USDA, Ltr. dtd 05/20/1992 to USDA from E. Ullrich, re: Additional Information for Amendment. Request. (2 pages) (Accession No. ML052100109)
28. 06/30/1992 USDA, Ltr. dtd 06/30/1992 to T. Otero from K.M. Havstad, re: Animal Carcass Burial Site w/Low Level Radioactive Material. (1 page) (Accession No. ML052100098)
29. 06/18/1992 USDA, Ltr. dtd 06/18/1992 to J. Jensen from K. M. Havstad, re: Request by Low-Level Waste Branch for Info. Required by NUREG-1101 to Amendment. License. (1 page) (Accession No. ML052100090)
30. 08/06/1992 USDA, Request for Technical Assistance, to J.E. Glenn from R.R. Bellamy, dtd 08/06/1992. (1 page) (Accession No. ML052100084)
31. 07/09/1992 USDA, Ltr. dtd 07/09/1992 to E. Ullrich from J.T. Jensen, re: Response to Ltr. dtd 05/20/1992 for Additional Information on Application. (1 page) (Accession No. ML052100080)
32. 10/08/1992 USDA, Memorandum dtd 10/08/1992 to R.R. Bellamy from J.E. Glenn, re: Tech. Assistance Request for USDA, MC#114894 with Safety Evaluation Report. (4 pages) (Accession No. ML052100077)

33. 11/16/1993 USDA, Memorandum dtd 11/16/1993 to J.T. Jensen from K.M. Havstad, re: Visual Inspection of Burial Site of Animal Carcasses Contaminated with Licensed Material. (1 page) (Accession No. ML052100071)
34. 11/23/1993 USDA, Ltr. dtd 11/23/1993 to E. Ullrich from J.T. Jensen, re: Response to Ltr. dtd 02/08/1993 regarding the request for additional information concerning the amendment application to License No. 19-00915-03. (1 page) (Accession No. ML052100068)
35. 07/19/1995 E.I. DuPont de Nemours & Co., Inc., Delaware Health & Social Services Letter dtd 07/19/1995 Re: Declination of Review of Plans for Field Studies. (1 page) (Accession No. ML021220626)
36. 01/31/2002 E. I. DuPont de Nemeurs and Co., Inc., Request for Add'l. Information Concerning Field Studies Involving Byproduct Material, dtd 01/31/2002. (3 pages) (Accession No. ML020380269)
37. 03/13/2002 E.I. duPont de Nemours & Co., Inc., Amendment Action Received 03/13/2002. (3 pages) (Accession No. ML020720676)
38. 03/15/2002 E.I. Dupont de Nemours & Co., Inc., Additional Information Response dtd 3/15/2002. (26 pages) (Accession No. ML020800049)
39. 05/07/2002 TAR E.I. DuPont De Nemours & Co., Inc. 131176 (1 page) (Accession No. ML021270308)
40. 05/07/2002 E.I. DuPont De Nemours & Co., Inc., Environmental Assessment, Use of Carbon-14(C-14) in Field Studies at E.I. DuPont De Nemours & Co., Inc., Stine-Haskell Research Center Located in Newark, Delaware. (11 pages) (Accession No. ML021270327)
41. 05/15/2002 E. I. DuPont De Nemours & Co., Inc. Federal Register Notice, Environmental Assessment & Finding of No Significant Impact signed 5/15/02. (9 pages) (Accession No. ML021350452)
42. 05/22/2002 E.I. DuPont de Nemours & Co., Inc., Checklist for Determining Significant Licensing Action dtd 5/22/02. (2 pages) (Accession No. ML021510033)

43. 05/22/2002 E. I. DuPont de Nemours & Co., Inc., Issuance of License Amendment 13 dated 5/22/2002, Control No. 131176. (8 pages) (Accession No. ML021500690)
44. 10/02/2001 E. I. DuPont de Nemours & Co., Inc., Acknowledgment of Timely Receipt of Renewal Application, Control No. 130368. (2 pages) (Accession No. ML012750383)
45. 09/26/2001 E.I. DuPont De Nemours & Co., Inc, Renewal Application dtd 09/26/01. (56 pages) (Accession No. ML012780182)
46. 10/31/2001 TAR E.I. duPont de Nemours and Co., Inc. 130368 (3 pages) (Accession No. ML013050491)
47. 10/18/2001 E. I. DuPont DeNemours & Co., Inc., Request for Additional Info Re: Appl for Renewal of license, ltr dtd 10/18/01, MC# (10 pages) (Accession No. ML013120763)
48. 11/16/2001 E.I. Dupont De Nemours & Co., Inc., Deficiency Response dtd 11/16/01. (153 pages) (Accession No. ML013250187)
49. 01/31/2002 E. I. DuPont de Nemours and Co., Inc., Request for Add'l. Information Concerning Field Studies Involving Byproduct Material, dtd 01/31/2002. (3 pages) (Accession No. ML020380269)
50. 03/19/2002 E. I. DuPont de Nemours & Co., Inc., Issuance of License Renewal Amendment 12 dated 3/19/2002, Control No. 130368. (10 pages) (Accession No. ML020780689)
51. 01/26/2001 Technical Assistance Request for E.I. DuPont de Nemours (IMNS-8032). (6 pages) (Accession No. ML020800309)
52. 11/16/1999 II-VI, Inc., Amendment, dtd 11/16/99 (36 pages) (Accession No. ML003673673)
53. 01/18/2000 Status - Amendment to Material License STA-1455, Novernber 16,1999.Follow-up to telephone conversation on Tuesday, January 18,2000. (3 pages) (Accession No. ML003675998)
54. 01/19/2000 Request to evaluate release criteria for filtercake from II-VI 0400088689 STA-1455 (2 pages) (Accession No. ML003676068)
55. 04/07/2000 II-VI Incorp. Amend dtd 4/7/00 (2 pages) (Accession No. ML003705686)

56. 05/31/2000 II-VI Incorporated, Amend. 08 issued 05/31/2000. (10 pages) (Accession No. ML003720460)
57. 05/16/2000 Notice of Environmental Assessment and Finding of No Significant Impact (6 pages) (Accession No. ML003715301)
58. 02/23/2004 Merck & Co., Inc., Amendment Request dtd 02/23/2004. (290 pages) (Accession No. ML040711197)
59. 06/22/2004 TAR Merck & Co., Inc. 134555. (2 pages) (Accession No. ML041760124)
60. 02/23/2005 Merck & Company, Inc., Checklist for Determining Significant Licensing Action. (1 page) (Accession No. ML051730540)
61. 03/01/2005 NJDEP Ltr. dtd 03/01/2005, Review of EA Related to Amendment for Merck & Company, Inc. (1 page) (Accession No. ML050760335)
62. 06/06/2005 Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Merck & Co., Inc. in Rahway, New Jersey. (4 pages) (Accession No. ML051570339)
63. 06/06/2005 Publication in Federal Register of Notice of License Amendment Request for Merck & Co., Inc. License 29-00117-06. (2 pages) (Accession No. ML051570391)
64. 06/07/2005 Environmental Assessment Related to NRC Amendment of Materials License 29-00117-06, Issued to Merck & Co., Inc. (5 pages) (Accession No. ML051570224)
65. 06/13/2005 Merck & Company, Inc.; Application for Licensing Action; License Amendment No. 41; Control No. 134555. (11 pages) (Accession No. ML051690112)