

2006-0026

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

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Mark Wenclawiak

DATE

JUL 12 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 C, D, E 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 C, D, E 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 *

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- 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)

The incoming FOIA/PA-2006-0026 request is located in ADAMS at ML053080318.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

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

2006-0026 Resp 2

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
E

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)

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
William D. Travers	Regional Administrator, USNRC, Region II	E-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 C

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION(PAGE COUNT)</u>
1)	Undated	Attachment 1 Safety Demonstration Use of Calcium Fluoride in Brick Manufacturing (5 pages)
2)	Undated	Westinghouse Waste Treatment Flow Sheet (3 pages)
3)	Undated	Hydroocone and Auger Soil Sampling Locations Radioactivity Results (6 pages)
4)	Undated	Westinghouse Airborne Effluent Release (2 pages)
5)	1979 – 1992	Chronology of the Solvent Extraction Area Problems (2 pages)
6)	02/00/87	Radiological Monitoring of Stack Effluents -Draft Report (38 pages)
7)	10/30/91	Memo from Don Goldbach to Ed Keelen, Ed Reitler, Wilbur Goodwin, Glenn Lowder, Bob Williams and Jim McCormac Subject SOLX FLOOR (4 pages)
8)	01/20/92	Report of Soil Sampling Solvent Extraction Area (6 pages)
9)	01/23/92	NRC Meeting Agenda (21 pages)
10)	03/05/92	Region II Morning Report (1 page)
11)	03/25/92	Letter from Daniel W. Jones (RII) to Michele Landis (Oak Ridge Associated Universities) Re Columbia Area Sampling Plan (23 pages)
12)	04/10/92	Note To: Ed Reitler, Wilbur Goodwin, Don Goldbach, Ed Keelen, Glenn Lowder and Dave Batson From Roger E. Fischer Re NRC Meeting at Westinghouse 4/8/92 Review Progress On Solvent Extraction Contamination Problem (7 pages)
13)	05/29/92	Letter from Roger E. Fischer (Westinghouse) to Oak Ridge Associated Universities (3 pages)
14)	12/01/92	Letter from W. L. Goodwin (Westinghouse) to George Bidinger (NRC), re: confirms commitments re soil and groundwater investigation (7pages)

APPENDIX C - continued

**RECORDS BEING RELEASED IN THEIR ENTIRETY
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<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION(PAGE COUNT)</u>
15)	02/23/93	Memorandum From R. J. McCormac III (Westinghouse) to R. Fischer and E. Reitler Re: Contaminated Dirt Removal from West End of Plant (1 page)
16)	03/15/93	Radiation Work Permit (2 pages)
17)	03/17/93	Process Information Form Re: To identify procedure to safely remove and dispose of slightly contaminated soil from the west side of the plant. (5 pages)
18)	04/00/93	Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, or Special Nuclear Material (4 pages)
19)	04/16/93	Letter from Roger E. Fischer (Westinghouse) to Dan Jones (RII) RE: SNM 1107 (2 pages)
20)	04/17/94	Status of 10 CFR 20 Upgrade Effluent Discharge Compliance Meeting New NRC Regulations Effective 1/1/94 Gaseous Effluents (4 pages)
21)	09/07/94	Note To: Jim Heath Re: NRC Inspection 70-1151/94-03 from Roger Fischer (6 pages)
22)	08/00/94	Low-Level Radioactive Waste Strategic Plan (11 pages)
23)	12/09/94	Letter from Ed Reitler to J. Berry, et al., Re: Audit of ALARA Program (4 pages)
24)	07/28/95	Removal and Decontamination of Q Tanks (7 pages)
25)	09/20/95	Letter from Roger E. Fischer (Westinghouse) to Bill Gloerson (RII) transmits effluent composite sample for Aug. 1995 (1 page)
26)	11/01/95	Request for Technical Assistance (RFTA) (1 page)
27)	11/02/95	Letter from William Gloersen (RII) to Eric Abelquist (ORISE) Re: Confirmatory Measurements and Comparison to Liquid Effluent Composite Sample from Westinghouse Electric Company (Inspection Report Number 70-1151/95-05) (1 page)

APPENDIX C - continued

**RECORDS BEING RELEASED IN THEIR ENTIRETY
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<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION(PAGE COUNT)</u>
28)	02/14/96	Letter from Eric Abelquist (ORISE) to William Gloerson (RII) Re: Data Results for Liquid Effluent Composite Sample from Westinghouse Electric Company, Columbia, South Carolina (RFTA #96-6) (2 pages)
29)	09/26/96	Note To File from R. E. Fisher (Westinghouse) Re: Evaluation of Elevated Groundwater Samples (1 pages)
30)	10/24/96	Letter From Roger Fischer (Westinghouse) to Bill Gloerson (RII) re Aug. 1995 liquid effluent discharge (2 pages)
31)	10/24/96	Letter From Roger Fischer (Westinghouse) to Bill Gloerson (RII) re isotopic uranium analyses (2 pages)
32)	11/18/96	Letter from Wm. Gloersen (RII) to Eric Abelquist (ORISE) Re: Confirmatory Measurements and Comparison to Sediment Sample from Westinghouse Electric Company (Inspection Report No. 70-1151/96-03 (1 pg)
33)	11/19/96	Request for Technical Assistance (1 pg)
34)	12/16/96	Two Inch Well Liquid Sampling & Packing List (3 pages)
35)	12/17/96	Roof Stack Effluent Samples> 100% CC (3 pages)
36)	03/00/97	Sintering, Sol-X, Incinerator (9 pages)
37)	01/26/98	Letter from Roger E. Fischer (Westinghouse) to Bill Gloerson (RII) (1 page)
38)	03/02/98	Letter from William B. Gloersen to Mark Laudeman RE: Confirmatory Measurements and Comparison to Split Soil Composite Sample from Westinghouse Electric Company (Inspection Report No. 70-1151/98-01) (2 pages)
39)	05/12/98	Letter from Dale Condra (ORISE) to William B. Gloersen (RII) RE: Report of Data for analysis of a soil sample collected from Westinghouse, Columbia, South Carolina, January 14, 1998 (RFTA-98-10) (1 page)

APPENDIX C - continued

RECORDS BEING RELEASED IN THEIR ENTIRETY
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<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION(PAGE COUNT)</u>
40)	02/26/02	Letter from Samuel G. McDonald to USNRC Regional Administrator, RII RE: SNM-1107/70-1151 Effluent Monitoring Requirements 07-01-01 through 12/31/01(3 pages)
41)	07/26/02	Letter from Mark W. Fecteau to South Carolina Department of Health and Environmental Control RE: NPDES Permit#SC0001848 06?01/02 through 06/30/02(3 pages)
42)	08/06/02	Letter from Roger E. Fischer to US NRC RE: NRC License SNM 1107 (70-1151) Reporting SC-DHEC NPDES Permit T SC001848 Notice of Exceedance (1 page)
43)	10/28/02	Letter from Roger E. Fischer (Westinghouse) to US NRC RE: NRC License SNM 1107 (70-1151) Reporting SC-DHEC NPDES Permit T SC001848 Notice of Exceedance (4 pages)
44)	11/10/04	Westinghouse One Liners (04/30/04, 01/20/05, & 11/10/05) (2 pages)

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

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1)	07/08/92		Letter from Michele R. Landis to Dan Jones Re Confirmatory Sample Analyses, Westinghouse Electric Corporation, Columbia, South Carolina (3 pages)
2)	11/24/99	ML993620549	Letter from Roger E. Fischer to Bill Gloerson RE: NRC License SNM1107 (70-1151) Reporting SCDHEC NPDES Permit #SC0001848 Notice of Exceedance Verified 11/22/99 (10-14-99) (4 pages)
3)	02/23/00	ML003687608	Letter from Donald Goldbach to NRC Regional Administrator, RII RE: SNM-1107/70-1151 (3 pages)
4)	08/22/00	ML003745850	Letter from Donald Goldbach (Westinghouse) to USNRC Regional Administrator, RII RE: SNM-1107/70-1151 (3 pages)
5)	08/24/01	ML013040146	Letter from Samuel G. McDonald to USNRC Regional Administrator, RII RE: SNM-1107/70-1151 01/01/01 through 06/30/01 Effluent Monitoring Requirements (3 pages)

**APPENDIX E
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1)	09/19/97	Letter from Ed Reitler to Jim Heath Re: Release from 8A Scrubber (6 pages) [Ex. 6]