

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

2006-0238

13

RESPONSE
TYPE☐

FINAL

☒

PARTIAL

REQUESTER

Michele Driscoll

DATE

FEB - 6 2007

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
LL
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
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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 *

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You will be billed by NRC for the amount listed.

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None. Minimum fee threshold not met.

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You will receive a refund for the amount listed.

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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 request is in ADAMS at accession number ML061840443.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

for *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 EXEMPTIONSAPPENDICES
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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.**

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. Collings	Regional Administrator, Region 1	App. LL	<input checked="" type="checkbox"/>		

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 LL
RECORDS BEING RELEASED IN PART**

License No. 29-01022-14

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	05/07/1986	Application for license consolidating seven Licenses 29-01022-08, 29-01022-11, SMB-1300, SNM-1327, SNM-1896, SNM-1900 & SUB-1150. 89 pages) / Exemption 2 and 6
2.	11/1985	Environ Assessment & Finding of No Significant Impact for AN/UDM-1 Radiac Calibrator Set. (32 pages) / Exemption 2
3.	11/1985	Environ Assessment & Finding of No Significant Impact for AN/UDM-1A Radiac Calibrator Set, Fort Monmouth, NJ. (30 pages) / Exemption 2
4.	11/1985	<p>Environ Assessment & Finding of No Significant Impact for Am-241 Variable Energy X-ray Source, (355 pages), EX. 2, with attachments:</p> <p>a. June 1975 Operator's and Organizational Maintenance Manual - Calibrator Set, Radiac AN/UDM-2. 43 pages - release</p> <p>b. 06/01/86 TB 11-6665-227-12, Dept. of the Army Technical Bulletin - Safe Handling, Storage, and Transportation of Calibrator Set, Radiac AN/UDM-2. 17 pages - release</p> <p>c. 11/26/82 TM 11-6665-248-10: Technical Manual - Operator's Manual, Calibrator, Radiac, AN/UDM-6. 30 pages - release</p> <p>d. August 1981 TM 11-6665-247-10: Operator's Manual Calibrator, Radiac AN/UDM-7C. 36 pages - release</p> <p>e. April 1985 Radioactive Commodities in the DOD Supply systems. 76 pages - release</p> <p>f. 02/07/75 Dept. of the Army Operators Manual - Radioactive Test Sample, Krypton 85, GAMMA MZ-7338/PDR-27R. 23 pages - release</p> <p>g. August 1967 TM 11-6665-217-15 - Organizational, DS, GS, and Depot Maintenance Manual - Radiac Calibrator Set AN/UDM-1A. 47 pages - release</p> <p>h. April 1955 Dept. Of the Army Technical Manual TM 11-1176- Radiac Calibrator Set AN/UDM-1. 53 pages EX. 2 portions</p> <p>i. 04/01/86 Telex regarding Application for Consolidated NRC Material License, with attachments. 48 pages EX. 2, portions</p> <p>j. 08/15/51 Military Specification - Radiac Calibrator Set AN/UDM-1. 242 pages EX. 2 portions</p> <p>k. March 1985 Draft Technical Manual - Operator's, Organizational, and</p>

Direct Support Maintenance Manual. 184 pages - release

l. June 1975 Technical Manual - Operator's and Organizational Maintenance Manual - Calibrator Set, Radiac AN/UDM-2. 39 pages - release

m. 06/01/86 Dept. of the Army Technical Bulletin TB 11-6665-227-12: Safe Handling, Storage, and Transportation of Calibrator Set, Radiac AN/UDM-2. 73 pages - release

n. October 1976 Technical Manual TM 3-6665-214-13 & P - Operator's, Organizational, and Direct Support Maintenance Manual - Radioactive Source Set, M3A1. 54 pages - release

o. 03/15/82 Medical Services - Control and Recording Procedures for Exposure to Ionizing Radiation and Radioactive Materials. 27 pages - **EX. 6 portions**

5. 09/14/1987 License 29-01022-14 for Dept of Army, US Army Communications Electronics Command, authorizing use of listed isotopes, including 80 Ci Co-60 for calibr & operational check of radiation detection instrumentation. 5 pages / Exemption 2
6. 10/21/1987 Application for amend to License 29-01022-14, authorizing use of licensed matl at licensee facilities, Fort Monmouth, NJ & DOD installations where NRC maintains jurisdiction & making listed changes. (7 pages) / Exemption 2
7. 02/26/1988 Amend 1 to License 29-01022-14 for Dept of Army, US Army Communications Electronics Command, amending license in entirety. (4 pages) / Exemption 2
8. 04/19/1988 Corrected Amend 1 to License 29-01022-14 for Dept of Army, US Army Communications Electronics Command, amending license in entirety. (4 pages) / Exemption 2
9. 12/14/1988 Amend 2 to License 29-01022-14 for Dept of Army, US Army Communications Electronics Command, amending license in entirety. (4 pages) / Exemption 2
10. 01/11/1989 Amend 3 to License 29-01022-14 for Dept of Army, amending license in entirety. (4 pages) / Exemption 2
11. 08/17/1989 Advises that amend to License 29-01022-14 unnecessary. Corrected copy issued. (10 pages) / Exemption 2
12. 09/22/1989 Corrected Amend 3 to License 29-01022-14 for Dept of Army, amending license in entirety. J Kinneman 890922 ltr encl. (5 pages) / Exemption 2
13. 06/02/1990 Matls licensing package for Amend 4 to License 29-01022-14 for Dept of Army US Army CEC. Control: 112197. (18 pages) / Exemption 2
14. 06/22/1990 Matls licensing package for Amend 5 to License 29-01022-14 for Dept of Army. Control: 112685. (18 pages) / Exemption 2
15. 02/20/1991 Matls licensing package for Amend 6 to License 29-01022-14 for Dept of

- Army.Control:113929. (14 pages) / Exemption 2
16. 06/28/1991 Matls licensing package for amend 7 to license 29-01022-14 for Dept of Army.Control:114519. (8 pages) / Exemption 2
 17. 07/05/1991 Matls licensing package for amend 8 to license 29-01022-14 for Dept of Army.Control:114610. (10 pages) / Exemption 2
 18. 10/03/1991 Matls licensing package for amend 9 to license 29-01022-14 for Dept of Army.Control:114963. (13 pages) / Exemption 2
 19. 11/16/1992 Documents overexposure of TLD badge worn by NR Scott for period 920705-1003.Concludes that badge was exposed by person or persons unknown (9 pages) / Exemption 6
 20. 10/25/1993 Matls licensing package for amend 10 to license 29-01022-14 for Dept of Army.Control:116923. (69 pages) / Exemption 2
 21. 05/17/1994 Matls licensing package for amend 11 to license 29-01022-14 for Dept of Army, Communications-Electronics Command. Control:119242. (51 pages) / Exemption 2
 22. 05/24/1994 Matls licensing package for amend 12 to license 29-01022-14 for DOA Communications-Electronics Command.Control:119706. (9 pages) / Exemption 2
 23. 04/03/1997 Matls licensing package for amend 13 to license 29-01022-14 for Dept of Army.Control:124349. (21 pages) / Exemption 2
 24. 05/19/1998 Matls licensing package for amend 15 to license 29-01022-14 for US Army Communication - Electronics Command. Control:125664. (109 pages) / Exemption 2
 25. 07/07/1998 Matls license for amend 16 to license 29-01022-14 for US Army Communication Electronics Command. Control:125002. (5 pages)
 26. 07/20/1998 Matls licensing package for corrected amend 16 to license 29-01022-14 for US Army Communication-Electronics Command. Control:125002. (7 pages) / Exemption 2
 27. 08/28/1998 Matls licensing package for amend 17 to license 29-01022-14 for US Army Communication-Electronics Command. Control:125694. (12 pages) / Exemption 2
 28. 09/30/1997 Matls license for amend 14 to license 29-01022-14 for Department of Army.Control:123818, 5 pages, EX. 2, with attachments:
 - a. 07/30/97 Letter from Steven Horne to USNRC regarding Radiological Characterization Plan, 282 pages, released
 - b. 09/06/96 Radiological characterization Plan. 29 pages, released
 - c. 08/27/97 letter from J. Santarsiero to USNRC re Radiological Survey Report. 2 pages, released
 - d. 08/25/97 letter from J. Woolley to R. Lovel re Survey Report. 1 page, released

- e. 08/21/97 Radiological Survey Rpt., Addendum I. 2 pages, released
- f. Addendum. 3 pages, released
- g. LB5100-W Low Background Counting system - Water Analysis. 15 pages, released
- h. 10/01/96 Alpha/Beta Quench Curve. 21 pages, released
- i. 08/03/97 IPA for MODEL #B255500. 52 pages released
- j. Graph from file H:\RER\LAB_OP\QCCHARTS. 5 pages released
- k. Tritium Spike 1. 20 pages released
- l. VMS Calibration Rpt. 58 pages - released
- m. VMS Calibration Report V1.5 - Sheet 1. 3 pages - released
- n. File name SYS\$SYSDEVICE: [GAMMA.SCUSR.QA]. 122 pages - released
- o. File name DKA300:[GAMMA.SCUSR. 37 pages - released
- p. File name DKA300 [GAMMA.SCUSR.QU]QCB_GE3.QAF;1 8 pages - released
- q. CCEAB Chart 19 - Gross Efficiency Control Chart.. 30 pages - released
- r. CCBAB Alpha Background Control Chart. 20 pages - released
- s. Alpha Spike Recovery. 14 pages - released
- t. QCAL, Chart 1. 14 pages - released
- u. SPA-8 723415 Voltage Plateau Curve. 57 pages - released
- v. Minimum Detectable Activity (MDA) calculations. 2 pages - released
- w. MDA for an integrated fixed reading. 1 page - released.

29. 09/08/2000 Army, Department of the; Request for Interpretation; dtd 09/08/2000 (8 pages) / Exemption 2