



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

2007-0158

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RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

J. Joseph Kusmierczak

DATE

MAY - 3 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 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 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 \* \$ 54.24

\* 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 actual fees for processing your request are:

1.5 hrs. professional search @ \$50.16 per hr. = \$75.24
4.5 hrs. professional review @ \$50.16 per hr. = \$225.72
Duplication of 153 pages @ \$0.20 per page = \$30.60
Total = \$331.56 (LESS ADVANCE PAYMENT OF \$385.80) = \$54.24

The incoming FOIA/PA-2007-0158 request is located in ADAMS at ML070800459.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

[Handwritten Signature]

2007-0158

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

DATE

MAY - 3 2007

PART I.C COMMENTS (Continued)

The NRC has no records relating to Spectrulte Consortium, Inc. NRC records were transferred to the State of Illinois in 1991. Please contact the State at the following address:

Mr. Joseph G. Klinger, Acting Assistant Director  
Illinois Emergency Management Agency  
Division of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
Phone: 217-785-9868

Records regarding Dow Chemical Company Research Department (Licenses C-04740 and C-05165) and Dow Chemical Company (License SMB-0430) in Pittsburg, California were transferred to the National Archives and Records Administration (NARA) on August 12, 2002. The site of the operations were Pittsburg and Walnut Creek, California. You may contact NARA direct at:

Ms. Ramona Oliver  
FOIA Officer  
Office of the General Counsel  
National Archives and Records Administration  
Room 3110  
8601 Adelphi Road  
College Park, MD 20740-6001

Job #1700, Box #47, Accession # 431-01-0775

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

2007-0158

MAY - 3 2007

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

APPENDICES  
**C**

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
James L. Caldwell	Regional Administrator, RIII	Appendix C	✓		

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 BEING RELEASED IN THEIR ENTIRETY

Dow Chemical Company

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT</u>
1.	Undated	Atomic Energy Commission Application for Renewal, STB-527, 1 page
2.	06/05/1959	Office memorandum to H. Price, AEC, from R. Hageman, AEC, RE: Inspection Report of The Dow Chemical Company, 1 page
3.	08/28/1959	Letter to L. Rogers, USAEC, from J. Peloubet, The Dow Chemical Company, RE: Air Sampling Table, 3 pages
4.	01/15/1962	RE: Letter dated 1/15/1962 A.E.C. by D. Nussbaumer, 1 page
5.	01/15/1962	Renewed Source Material License for STB-256 for The Dow Chemical Company, 1 page
6.	3/23/1962	Letter to W. Heath, The Dow Chemical Company, from D. Nussbaumer, USAEC, RE: Renewal of application, 1 page
7.	03/30/1962	Letter to D. Nussbaumer, USAEC, from W. Heath, The Dow Chemical Company, 3 pages
8.	04/10/1962	License Amendment to STB-527, Source Material License for The Dow Chemical Company, 1 page
9.	05/06/1963	Letter to W. Heath, The Dow Chemical Company, from D. Nussbaumer, USAEC, RE: License Amendment No. 1 for License No. STB-527, 1 page
10.	03/26/1965	Renewed Source Material License No. STB-527, 1 page
11.	01/19/1966	AEC FORM-591 for License No. STB-527, 1 page
12.	10/11/1966	Letter to W. Heath, The Dow Chemical Company, from D. Harmon, USAEC, RE: License Amendment No. 1, 1 page
13.	05/04/1967	AEC Form-591 for License No. STB-527, 1 page
14.	02/12/1968	License Renewal Application for License No. STB-821 for Aerospace America, Inc., 3 pages

15. 02/23/1968 Letter to D. Nussbaumer, AEC, from W. Heath, The Dow Chemical Company, with enclosed Renewal Application for License No. STB-527, 3 pages
16. 03/20/1968 USAEC Source Material License No. STB-527 for The Dow Chemical Company, 1 page
17. 03/22/1968 Source License Material License No. STB-851 for Aerospace America, Inc., 3 pages
18. 01/22/1969 Letter to D. Harmon, USAEC, from W. Heath, The Dow Chemical Company, 1 page
19. 01/14/1970 Letter to L. Silverstein, The Dow Chemical Company, from J. Charm, The Dow Chemical Company, RE: Amendment to license to add Ludington location, 1 page
20. 01/30/1970 Letter to W. Heath, The Dow Chemical Company, from D. Harmon, USAEC, RE: Amendment to license, 1 page
21. 03/20/1970 Letter to D. Harman, USAEC, from W. Heath, The Dow Chemical Company, RE: Amendment to license w/Amendment application enclosed, 2 pages
22. 04/13/1970 Letter to W. Heath, The Dow Chemical Company, from D. Harmon, USAEC, RE: Amendment to license, 1 page
23. 05/19/1970 AEC Form 591 for License No. STB-527, 1 page
24. 06/05/1970 Letter to D. Harmon USAEC, from W. Heath, The Dow Chemical Company, RE: Amendment to license, 1 page
25. 12/03/1970 Letter to L. Johnson, USAEC, from J. Charm, The Dow Chemical Company, RE: permission to dispose of magnesium-thorium alloy sludge, 1 page
26. 12/03/1970 Letter to D. Van Farowe, Michigan Department of Public Health, from J. Charm, The Dow Chemical Company, RE: permission to dispose of magnesium-thorium alloy sludge, 3 pages
27. 12/29/1970 Letter to D. Harmon, USAEC, from W. Heath, RE: Amendment to license, 1 page
28. 01/14/1971 Letter to W. Heath, The Dow Chemical Company, from R. Layfield, USAEC, RE: Amendment to license, 1 page
29. 01/18/1971 Letter to W. Heath, The Dow Chemical Company, from R. Layfield, USAEC, RE: Amendment to license, 1 page

30. 02/16/1971 Letter to J. Charm, The Dow Chemical Company, from R. Cunningham, USAEC, RE: Amendment to license, 5 pages
31. 02/22/1971 Letter to R. Layfield, USAEC, from W. Heath, The Dow Chemical Company, RE: Invoices for fees, 1 page
32. 03/26/1971 Letter to W. Heath, The Dow Chemical Company, from R. Layfield, USAEC, RE: Amendment to license, 2 pages
33. 04/02/1971 Letter to R. Layfield, USAEC, from W. Heath, RE: Amendment to license, 1 page
34. 04/13/1971 Letter to W. Heath, The Dow Chemical Company, from R. Layfield, USAEC, RE: Amendment to license, 1 pages
35. 04/23/1971 Letter to R. Layfield, USAEC, from W. Heath, RE: Amendment to license, 1 page
36. 05/07/1971 Letter to J. Campburn, Michigan State Department, from L. Johnson, USAEC, RE: License application, 1 page
37. 10/22/1971 Letter to S. Simmons, Wellman Dynamics Corporation, from C. Buchanan, USAEC, RE: Transfer of activities, 1 page
38. 07/28/1972 Letter to R. Layfield, USAEC, from The Dow Chemical Company, RE: Amendment No. 4, 2 pages
39. 08/14/1972 Letter to W. Heath, The Dow Chemical Company, from R. Layfield, USAEC, RE: License amendment for Source Material License No. STB-527, 1 page
40. 01/10/1973 Notice of License Expiration to Aerospace America, Inc. From J. Malaro, USAEC, 1 page
41. 01/31/1973 Application for Source Material License Renewal for STB-527, 2 pages
42. 04/04/1973 Certification of Status of Source Material Activities for Aerospace America, 1 page

**APPENDIX B  
RECORDS BEING RELEASED IN THEIR ENTIRETY**

**Consolidated Aluminum Corp.**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	4/20/1982	Letter to Director of the Division of Fuel Cycle and Material Safety Office, NRC, from G. Stein, Consolidated Aluminum, with enclosed application for license renewal, 24 pages
2.	5/23/1983	Letter to E. Wright, NRC, from R. Moder, Consolidated Aluminum to, RE: Amendment No. 02, Condition 13, 2 pages
3.	6/24/1983	Letter to R. Moder, Consolidated Aluminum from G. Jackson, NRC, RE: License Application Fee, 1 page
4.	7/15/1983	Letter to G. Jackson, NRC, from R. Moder, Consolidated Aluminum, RE: License Application Fee Submittal, 1 page
5.	7/27/1983	License Fee Transmittal Sheet License Fee Transmittal Sheet for License Application, 1 page
6.	1/26/1984	Memo from J. Hickey, NRC, to W. Crow, NRC, RE: Review of Application for Decommissioning Plan, Consolidated Aluminum, Docket No. 40-8088, 8 pages
7.	2/17/1984	Letter to R. Moder, Consolidated Aluminum, from J. Patterson, NRC, RE: Decommissioning and Financial Assurance, 4 pages
8.	5/15/1984	Letter to J. Patterson, NRC, from B. Moore, Consolidated Aluminum, with enclosure, Revised Decommissioning Plan, 7 pages
9.	4/04/1985	Letter to D. Wilson, Consolidated Aluminum, from D. Wiedeman, RE: Letter transmitting Notice of Violation, 2 pages
10.	4/16/1985	Letter to E. Wright, NRC, from J. Conroy, Consolidated Aluminum, with enclosure, Amendment request, 4 pages
11.	4/26/1985	Letter to D. Wiedeman, NRC, from J. Conroy, Consolidated Aluminum, RE: Response to Notice of Violation dated 4/04/1995, 1 page
12.	5/02/1985	Letter to B. Mallett, NRC, from J. Conroy, Consolidated Aluminum, RE: Source Material License STB-1097, 1 page

13. 5/07/1985 Letter to J. Conroy, Consolidated Aluminum, from D. Wiedeman, NRC, RE: Response to Notice of Violation dated 4/04/05, 1 page
14. 05/14/1985 Letter to J. Conroy, Consolidated Aluminum, from G. Jackson, NRC, RE: License Application Fee, 1 page
15. 05/30/1985 Letter to C. Phillips, NRC, from J. Conroy, Consolidated Aluminum, RE: License Application Fee, 1 page
16. 06/17/1985 NRC Conversation Record with B. Moore, Consolidated Aluminum, by B. Holt, NRC, RE: Amendment request, 1 page
17. 07/02/1985 Letter to B. Holt, NRC from B. Moore, Consolidated Aluminum, RE: Amendment request, 2 pages
18. 07/19/1985 Letter to B. Moore, Consolidated Aluminum from B. Holt, NRC, RE: Amendment No. 4, 2 pages
19. 08/21/1986 Letter to B. Mallett, NRC, from W. Mura, Consolidated Aluminum, RE: Source Material License Application (enclosed), 9 pages
20. 10/03/1986 Letter to W. Mura, Consolidated Aluminum, from G. McCann, NRC, w/enclosure Amendment No. 05 to NRC License Nol. STB-1097, 5 pages
21. 02/20/1992 Termination of License, 1 page

**APPENDIX C  
RECORDS BEING WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	05/11/1959	U.S. Atomic Energy Commission (USAEC), Compliance Inspection Report of The Dow Chemical Company, Midland, Michigan (12 pages) Exemption 6