



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

2007-0304

3

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Ian Lamberts

DATE

OCT 26 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 F 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 F 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 *
\$ 292.74

- 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-2007-0304 request is located in ADAMS at ML072330541.

The actual fees for processing your request are:

3 hrs. professional search @ \$51.49 per hr. = \$154.47
15 hrs. professional review @ \$51.49 per hr. = \$772.35
Duplication of 2,369 pages @ \$0.20 per page = \$473.80
Total = \$1,400.63 (LESS ADVANCE PAYMENT OF \$1,107.88) = \$292.74

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

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

2007-0304

OCT 26 2007

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES

F

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. 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
Samuel J. Collins	Regional Administrator, RI	Appendix F	<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 F
RECORDS BEING WITHHELD IN PART
License No. 37-02006-05

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	07/14/1970	Compliance inquiry rept re 700518 ltr describing incident which occurred on 700506 in which 1 mCi Cd-109 sealed source was accidentally dropped, ruptured & caused localized spread of contamination. No significant activity re personnel noted. (1 page) / Exemption 6
2.	02/14/1973	Application for amends to licenses 37-02006-05, SMB-1005 & SNM-1199, adding RG Oesterling as radiation safety officer. (4 pages) / Exemptions 4, 6
3.	05/03/1974	Provides field notes for insp rept 30-06046/74-01 on 740502. (6 pages) / Exemption 6
4.	09/26/1977	Forwards application for renewal of license 37-02006-05. (24 pages) / Exemption 6
5.	04/07/1978	Forwards revised application for renewal of license 37-02006-05. (25 pages) / Exemption 6
6.	12/19/1978	Forwards revised application for renewal of license 37-02006-05. (33 pages) / Exemption 6
7.	08/27/1982	Requests that JR McFadden replace previous names as Radiation Safety Officer for listed licenses. Copy of resume encl along w/check to cover amend fees for licenses. (2 pages) / Exemption 6
8.	01/16/1984	Application for renewal of License 37-02006-05, authorizing use of 10 Ci per source & 75 Ci per total of any byproduct matl w/Atomic Numbers 3-83, except Sr-90. (53 pages) / Exemption 6
9.	01/17/1984	Forwards application for renewal of License 37-02006-05. Termination & transfer of accountability for License 37-02006-06 requested. Certificate of disposition of matls also encl. (6 pages) / Exemptions 4, 6
10.	08/29/1984	Application to amend License 37-02006-05, replacing J McFadden w/AW Kobylinski as radiation safety officer. Fee paid. (5 pages) / Exemption 6
11.	08/29/1984	Application for amends to Licenses SMB-1005, SUB-831, 37-02006-05 & 37-02006-09, deleting J McFadden & adding

- AW Kobylinski as radiation safety officer & adding addl location where radioactive matl may be stored.Fee paid. (5 pages) / Exemption 6
12. 08/29/1984 Application for amends to Licenses SMB-1005,SUB-831, 37-02006-05 & 37-02006-09,deleting J McFadden & adding AW Kobylinski as radiation safety officer & adding addl location where radioactive matl may be stored.Fee paid. (5 pages) / Exemption 6
 13. 08/29/1984 Application to amend Licenses 37-02006-05,37-02006-09, SMB-1005 & SUB-831,deleting J McFadden as radiation safety officer & adding A Kobylinski. (5 pages) / Exemptions 4, 6
 14. 11/14/1985 Insp of licenses 37-02006-05,37-02006-09 & SUB-831 on 851113-14.Noncompliance noted.Major areas inspected:mgt meeting,independent insp effort & transportation. (13 pages) / Exemption 2
 15. 03/06/1988 Matls licensing package for Amend 41 to License 37-02006-05 for GE.Control:108192. (15 pages) / Exemption 6
 16. 06/19/1989 Discusses possible overexposure on 890103.Investigation under way to determine exposure. Withheld. (3 pages) / Exemption 6
 17. 12/21/189 Matls licensing package for Amend 42 to License 37-02006-05 for GE.Control:111087. (58 pages) / Exemptions 4, 6
 18. 06/13/1990 Matls licensing package for Amend 43 to License 37-02006-05 for GE.Control:112458. (17 pages) / Exemption 4
 19. 04/29/1993 Matls licensing package for amend 44 to license 37-02006-05 for Martin Marietta Corp.Control:117539. (24 pages) / Exemptions 4, 6
 20. 01/13/1994 Forwards 931227 Standby Ltr of Credit,Amend 4.Ltr signed per Bank request. (4 pages) / Exemption 4
 21. 05/31/1994 Advises of review of submittals dtd 900727,910404 & 9404026 to provide financial assurance for license 37-02006-05 & in compliance w/requirements outlined in decommissioning rule in 10CFR30.35 & 40.36. (105 pages) / Exemption 4
 22. 09/24/1996 Matls licensing package for amend 46 to license

- (236 pages) / Exemptions 4 and 6
23. 10/12/1966 Telephone Incident Report, regarding GE, License No. 37-2006-05, reported by E. Harris of General Electric (4 pages) / Exemption 6
 24. 11/02/1966 Memorandum from R. Page of USAEC to R. Cleveland of USAEC, regarding Transmittal fo License Compliance Inspection and investigation Reports 10 CFR 20 (27 pages) / Exemption 6
 25. 10/09/1969 Handwritten memorandum from P. Nelson of USAEC to E. Epstein of USAEC, regardingGeneral electric, Valley Forge PA Lic 37-02006-05 (7 pages) / Exemption 6
 26. 04/09/1976 Ltr from J. McFadden of General Electric to USNRC, regarding detailed exposure investigations (11 pages) / Exemption 6
 27. 05/15/1968 USAEC, Division of Compliance, Special Limited Inspection, regarding General Electric, License No. 37-02006-05 (8 pages) / Exemption 6
 28. 08/05/1980 Ltr from A. Kobylinski of General Electric to L. O'Rielly of USNRC, regardingradioactive material experience and training (7 pages) / Exemption 6
 29. Undated General Electric, check G607098, regarding NRC License Amendment Fee, Licenses 37002006-05 and SMB-1005 (1 page) / Exemption 4
 30. 08/18/1989 USNRC, NMSS Licensee Event Report, License No. 37-02006-05 (5 pages) / Exemption 6
 31. 11/02/1994 USNRC Inidustrial / Academic / Research Inspection Field Notes, regarding License No. 37-02006-05 (18 pages) / Exemption 4
 32. 11/21/1996 USNRC Inidustrial / Academic / Research Inspection Field Notes, regarding License No. 37-02006-05 (31 pages) / Exemption 2
- License No. SUB-831**
33. 02/21/1974 Informs that as of 740123,licenses 37-02006-06 & SUB-831 have new radiation protection officer. (3 pages) / Exemption 6
 34. 08/29/1984 Application for amend to License SUB-831,authorizing AW Kobylinski as radiation safety officer.Fee paid. (5 pages) / Exemption 6

35. 04/29/1985 Application for amend to License SUB-831,changing licensee name & address,adding new facility location & transferring matls from License SMB-1005 to subj license.Fee paid. (3 pages) / Exemption 4
36. 11/07/1985 Requests approval of alternate waste disposal procedure in accordance w/provisions of 10CFR20.302 & 40.13.Cutting fluid will only be handled as nonradioactive waste during disposal.Fee paid. (10 pages) / Exemption 4
37. 12/04/1987 Application for amends to Licenses SUB-0831 & 37-02006-05, adding facility in King of Prussia,PA to list of radioactive source material storage locations & updating membership to ionizing radiation advisory group per encl list.Fee paid. (9 pages) / Exemptions 4, 6
38. 12/04/1987 Application for amends to Licenses SUB-0831 & 37-02006-05, adding facility in King of Prussia,PA to list of radioactive source material storage locations & updating membership to ionizing radiation advisory group per encl list.Fee paid. (9 pages) / Exemptions 4, 6
39. 06/14/1990 Matls licensing package for Amend 17 to License SUB-831 for GE Co.Control:112459. (12 pages) / Exemption 4
40. 09/27/1990 Matls licensing package for Amend 18 to License SUB-831 for GE Aerospace.Control:110630. (71 pages) / Exemptions 4, 6
41. 04/04/1991 Forwards financial assurance documents submitted by B Wolfe, on behalf of GE business components that operate facilities licensed by NRC under 10CFR1. (7 pages) / Exemption 4
42. 05/31/1994 Advises of review of submittals dtd 900727,910404 & 940426 to provide financial assurance for license SUB-831 & informs that licensee in compliance w/requirements outlined in decommissioning rule in 10CFR30.35. (170 pages) / Exemption 4
43. 04/30/1996 LER 96-001-00:on 960201,discovered four slightly contaminated kittens at facility.Workers handling kittens not contaminated.Kittens given warm bath & shampoo & remain under care of plant workers.W/960305 ltr. (100 pages) / Exemptions 4, 6
44. 12/30/1996 Matls licensing package for amend 21 to license SUB-831 for Lockheed Martin Corp.Control:123249. (53 pages) / Exemption 4

45. 08/05/1997 Matis licensing package for amend 22 to license SUB-831 for Lockheed Martin Corp. Control: 124711. (19 pages) / Exemption 4
46. 11/05/1998 Matis licensing package for amend 24 to license SUB-0831 for Lockheed Martin Corp. Control: 125901. (58 pages) / Exemption 4 and 6
47. 04/15/1966 Ltr from T. Handley of General Electric to D. Harmon of USAEC, regarding amendment to Source material License No. SUB-831 (7 pages) / Exemption 6
48. 01/04/1967 Ltr from E. Harris of General Electric to D. Nussbaumer of USAEC, regarding Source Material License No. SUB-831 amendment (3 pages) / Exemption 6
49. 04/22/1968 Ltr from E. Harris of General Electric to D. Nussbaumer of USAEC, regarding Renewal of Source Material License No. SUB-831 (12 pages) / Exemption 6
50. 08/08/1969 Ltr from R. McClintock of General Electric to D. Harmon of USAEC, regarding General Electric Missile and Space Division split into two Divisions (14 pages) / Exemption 6
51. 03/09/1973 Ltr from J. Davis of General Electric to J. Malaro of USAEC, regarding renewal of License Number SUB-831 (10 pages) / Exemption 6
52. 02/21/1974 Ltr from J. McFadden of General Electric to USAEC, regarding new radiation protection officer (4 pages) / Exemption 6
53. 04/03/1974 Ltr from J. McFadden of General Electric to F. Davis of USAEC, regarding amendment to allow possession of natural Thorium (11 pages) / Exemption 6
54. 06/10/1975 Ltr from J. McFadden of General Electric to USAEC, regarding Amendment 05 to License No. SUB-831 (11 pages) / Exemption 6
55. 04/04/1978 Ltr from J. McFadden of General Electric to USNRC, regarding application for renewal of license number SUB-831 (22 pages) Exemption 6
56. 01/25/1983 Ltr from J. McFadden of General Electric to USNRC, regarding application for amendment to License No SUB-831 (42 pages) / Exemption 6
57. 05/23/1983 Ltr from J. McFadden of General Electric to USNRC regarding application for renewal of License No SUB-831 (43 pages) / Exemption 6

58. 12/09/1993 USNRC Industrial / Academic Inspection Field Notes, regarding Inspection Report No. 93-001 (17 pages) / Exemption 2
59. 04/14/1994 Ltr from J. Andrews of Martin Marietta Corporation to M. Shanbaky of USNRC, regarding newly created Lockheed Martin Corporation (8 pages) / Exemption 4
60. 08/29/1997 Ltr from J. Andrews of Lockheed Martin to M. Shankaky of USNRC, regarding Financial Assurance for Decommissioning (6 pages) / Exemption 4
61. 08/07/1989 Application for amend, renewing license 37-02006-05. (44 pages) / Exemptions 4, 6
62. 03/22/1991 Forwards evidence of licensee compliance w/financial assurance requirements for facilities owned & operated by licensee, per NRC 910307 denial of petition for reconsideration of request for exception. (146 pages) / Exemption 4