

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

2008-0122

2

RESPONSE  
TYPE☐

FINAL

☒

PARTIAL

REQUESTER

Christopher J. Kelly

DATE

MAY - 7 2008

**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 A** 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 B** 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 B** 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 \*

\$

☐

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 records identified on Appendix A are already publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov-reading-rm>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by e-mail [pdrr@nrc.gov](mailto:pdrr@nrc.gov).

The incoming FOIA/PA-2008-0122 request is located in ADAMS at ML080460059.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

*Russell A. Nichols*

APPENDIX A  
RECORDS ALREADY PUBLICLY AVAILABLE

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	9/20/07	ML072770772	NRC approval of HBM Virginia, LLC, request for withholding information from public release (2 pages)
2.	8/16/07	ML072820459	Letter to NRC from Zimmerman, HBM Virginia LLC (40 pages)

**APPENDIX B**  
**RECORDS TO BE MADE PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	09/04/2007	ML072570285	HBM Virginia, LLC, affidavits for withholding information from public release (15 pages)
2.	10/31/2007	ML073111250	NUREG-1556, Vol. 8, Appendix G, Additional License application information from HBM Virginia, LLC to NRC (25 pages)
3.	10/31/2007	ML073111139	NRC Request For Additional Information (RAI) from HBM Virginia, LLC (3 pages)
4.	11/07/2007	ML073110463	NRC license to HBM Virginia, LLC, (2 pages)
5.	12/31/2007	ML080290643	Exempt distribution report from HBM Virginia, LLC (1 pages)