



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

2009-0104

1

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Jenny Goodman

DATE

APR 24 2009

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 *

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* 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)

1. The incoming FOIA/PA-2009-0104 is located in ADAMS at ML 090650294.
2. Record A5 is publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. For assistance obtaining records without an ML Accession Number please contact the NRC's Public Document Room (PDR) at 301-415-4737 or 1-800-397-4209 or by email to PDR.Resources@nrc.gov.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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.
 - Low 2 Internal matters of a relatively trivial nature.
 - High 2 Disclosure would risk circumvention of a legal requirement.
- 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).
 - Disclosure will harm an identifiable private or governmental interest.
- 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
Samuel J. Collins	Regional Administrator, Region 1	See Appendix C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 A
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	3/3/1981	8104020927	Forwards, 'Aerial Radiological Survey of Industrial Reactor Lab & Surrounding Area, Plainsboro, NJ' (9 pages)
2.	6/18/1991	9409230064	Forwards report summarizing findings of ORAU review of 59 docket files for terminated research & test reactors. (150 pages)
3.	9/27/1994	9410120294	Forwards table listing all docket files reviewed by ORISE which contain sufficient info to determine that affected sites meet current unrestricted release guidelines. (4 pages)
4.	07/1979	8104020924	IRL, Aerial Radiological Survey, Ref: EG&G report No. EGG-1183-1765 (1 page)
5.	4/3/2009	ML090920467	Vol. II Supplement to Report, "Final Survey Results After Decontamination IRL Facilities, Plainsboro, NJ" (4 pages)

APPENDIX B
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	05/27/1976	Memo to File, Industrial Reactor Laboratories, Plainsboro NJ (1 page)
2.	12/07/1976	Ltr from J. Stohr of USNRC to L. Boros of Department of Environmental Protection, regarding results of split soil samples (2 pages)
3.	07/01/1977	Ltr from D. Leigh of Industrial Reactor Laboratories to J. Jones of USNRC, regarding Submittal of Request for Termination of By-Products Material License #29-03686-02 (268 pages)
4.	09/07/1977	Ltr from D. Leigh of Industrial Reactor Laboratories to various, regarding latest IRL transmittal to the Radioisotopes Licensing Branch (4 pages)
5.	09/14/1977	Ltr from D. Leigh of Industrial Reactor Laboratories to various, regarding Final Survey Results After Decontamination (11 pages)
6.	10/14/1977	Ltr from B. Grier of USNRC to D. Maxwell of NL Industries, Inc. , regarding Inspection 50-17/77-02 (2 pages)
7.	10/21/1977	Ltr from D. Leigh of Industrial Reactor Laboratories to J. Jones of USNRC, regarding Additional Safety Analysis Which Considers Potential Biological Pathways for the IRL Leaching Field and East Corridor (22 pages)
8.	11/04/1977	Ltr from R. Reid of USNRC to D. Leigh of Industrial Reactor Laboratories, regarding Order to terminate Facility License No. R-46 (6 pages)
9.	11/28/1977	Ltr from D. Leigh of Industrial Reactor Laboratories to J. White of USNRC, regarding By-Product Materials License #29-03686-02 (11 pages)
10.	12/22/1977	Ltr from P. Nelson of USNRC to G. Maxwell of NL Industries, regarding Inspection 03005294/77-03 (6 pages)
11.	01/31/1978	Memorandum from P. Knapp of USNRC to File – National Lead Industries (IRL), regarding Contacts with New Jersey and Don Nausbaum regarding Termination of IRL License (1 page)
12.	08/03/1994	ORNL Sites – Summary; License No. SUB-00503 (2 pages)
13.	03/09/1998	ORNL Sites – Summary; License No. 29-03686-02 (Terminates) (2 pages)
14.	12/01/1960	Letter from R. Houston, Columbia University to H.L. Price, Atomic Energy Commission (AEC), Re: IRL Facility License R-46 (7 pages)
15.	05/08/1961	Letter from R. Houston, Columbia University to R. Lowenstein, AEC, Re: IRL Amendment Application
16.	07/1979	IRL, Aerial Radiological Survey, Ref: EG&G report No. EGG-1183-1765 (1 page)

APPENDIX C
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	11/21/1963	Atomic Energy Commission Inspection Findings, Re: IRL, License No. 29-3686-2 (25 pages). Ex. 6



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

MAY 2008

OBTAINING COPIES OF RECORDS FROM
THE PUBLIC DOCUMENT ROOM (PDR) AT
THE U.S. NUCLEAR REGULATORY COMMISSION (NRC)

PLACING ORDERS FOR COPIES OF RECORDS. Copies of records maintained at the PDR or publicly available in the Agencywide Documents Access and Management System (ADAMS) may be obtained by visiting the PDR at One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD 20852; by calling the PDR, Reference Services, at (301) 415-4737 or 1-800-397-4209; writing to the PDR at Mail Stop O-1, F13, U.S. NRC, Washington, DC 20555; by E-mail (PDR.Resource@NRC.GOV) or by fax at (301) 415-3548.

In ordering records identified on appendices to NRC's responses to Freedom of Information Act (FOIA) requests, a person may place a telephone order whenever all records are being requested, or a limited number of records from different file locations are being requested. If a requester is interested in only some of the records identified on appendices, the requester should place a check mark beside each requested record identified on the appendices and send copies of the marked pages to the PDR. The PDR staff will then arrange for the records to be copied by the copying service contractor.

PAYMENTS. Payment for reproduction services can be accomplished in several modes. Prepayment will be required for requesters without established accounts. A deposit account may be established by contacting Best Copy and Printing Inc. (BCPI), 11746 Parklawn Drive, Rockville, MD 20852, 301-816-2820. The contractor also accepts the following credit cards for orders totaling \$10 or over, Visa, MasterCard, Discover, and American Express.

INQUIRIES REGARDING ORDERS. Inquiries related to the status of reproduction orders should be addressed in the following manner:

1. For records ordered by a telephone call to the PDR, contact the PDR and provide the approximate date of the telephone request, the name of the entity to be billed, and the method of delivery of records to you.
2. For records ordered by an on-site visit to the PDR, contact the contractor and provide him with the following information obtained from your copy of the reproduction request form: date of order, entity to be billed, the request number and the method of delivery of records to you. The contractor's telephone number is 301-816-2820.
3. For records ordered by letter, fax, or e-mail to the PDR, contact the PDR and reference your letter.

CHARGES. Requests for the reproduction of records at the U.S. Nuclear Regulatory Commission Public Document Room in Rockville, MD, are performed by a copying service contractor, BCPI. The contract for copying services provides for the following rates for copying records maintained at the PDR.

1. Paper to paper reproduction is \$0.30 per page up to and including 11"x17". Pages larger than 11"x17", including engineering drawings, are \$1.50 per square foot.
Note: Pages greater than legal size, 8½" x 14", but smaller than or equal to 11" x 14", shall be reduced to legal size *unless* the order specifically requests full size reproduction.
2. Microfiche to paper reproduction is \$0.30 per page. Aperture cards to paper are \$3.00 per square foot.
3. Electronic Full Text (EFT) files (ADAMS documents) (OCR, PDF, TIFF) to paper reproduction is \$0.30 per page. Electronic Full Text (EFT) copying of ADAMS documents to CD-ROM is \$5.00 plus \$0.15 per page for each accession number on the CD-ROM and \$5.00 for each additional CD-ROM necessary to complete the job. CD-ROM to paper reproduction is \$0.30 per page. CD-ROM to CD-ROM is \$10.00 each.
4. Microfiche or aperture card reproductions are \$5.00 each.
5. *Rush Processing Service* is available at an additional fee for many services. Contact the PDR for information.
6. All turnaround times refer only to the duplication service provided by the contractor and do not include the time spent by PDR reference staff to assist users, to identify and retrieve documents, or to prepare orders for users.
7. Facsimile (fax) service includes local, domestic, and foreign. Fax charges are: \$1.00 per page for local calls; \$2.00 per page for U.S. long distance; and \$6.00 per page for foreign long distance. A \$0.30 per page copy fee is added to the total.

Orders completed for mailing by the U.S. Postal Service or by a private delivery service will include an additional fee for the actual mailing, shipping or delivery service rate. Unless a user requests special packaging materials, there is no additional charge by the contractor for wrapping materials and handling.

The contractor can also reproduce diskettes, video cassettes, audio cassettes, and DVD disks. Contact the PDR for additional information.