



December 10, 2009

FOIA/PA Officer
U.S. Nuclear Regulatory Commission
Washington, DC 20555

RE: APPEAL TO FOIA/PA 2010-0057

Dear Sir or Madam:

This appeal regards the Response to Freedom of Information (FOIA) / Privacy Act (PA) Request that I received in reply to my FOIA/PA request with identification number 2010-0057. In my original request, I asked for access to or copies of "all historical licensing or docket files in the possession or control of the Nuclear Regulatory Commission (NRC) for the Heyden Chemical Corporation, other than docket 40-1266," which I had already reviewed in the NRC's Public Document Room. Your agency's final response indicated that no agency records subject to my request had been located. I am appealing this response due to information that I found during my review of documents within docket 40-1266.

Prior to filing my FOIA request with your agency, I reviewed Heyden's Source Material Docket 40-1266 at the NRC's Public Document Room (PDR) in Rockville, Maryland. The earliest document contained within docket 40-1266 at the PDR was an April 9, 1956 application (see attached) for a *renewal* of Heyden's Atomic Energy Commission (AEC) license R-114, indicating that prior licensing documentation must have existed. Neither this prior licensing documentation nor Heyden's AEC license R-114 was contained within docket 40-1266 in the PDR. In addition, among the documentation collected from the PDR was another license renewal dated March 24, 1961, in which Heyden stated that its previous AEC license number was C-4994. However, no documentation concerning this license was found in Heyden's docket 40-1266 in the PDR. Finally, documentation collected from the PDR indicates that, as of September 1961, Heyden also held Byproduct Material License 29-3147-1, documentation pertaining to which is also missing from docket 40-1266 in the PDR.

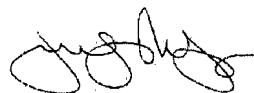
In addition to the specific questions concerning license files raised above, I would be interested in knowing whether your agency's response to my FOIA request included a search for license files pertaining to Heyden's Princeton/Penns Neck, New Jersey, facility. My preliminary research indicates that this facility utilized throum in its manufacturing processes, and I therefore suspect that the AEC may have historically issued a license to this facility, though I found no such licensing documentation in the PDR.

FOIA/PA REQUEST

Case No.: 2010-0007A
Date Rec'd: 12-10-09
Specialist: Christian
Related Case: 2010-0057

For these reasons, I appeal NRC's initial response and ask that your office use the information provided herein to broaden your search for records responsive to my original request. Please contact me at (301) 279-9697, or via e-mail at jrandazzo@historyassociates.com, if you have any questions regarding this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Randazzo", written in a cursive style.

Jennifer Randazzo
Historian

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FORM AEC-2
(4-57)

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

Form approved
Budget Bureau No 34-R002J

APPLICATION FOR AEC LICENSE TO
TRANSFER, DELIVER, EXPORT, OR RECEIVE
URANIUM OR THORIUM SOURCE MATERIAL

2. PREVIOUS AEC LICENSE NUMBER, IF ANY

R - 114

Pursuant to Code of Federal Regulations, Title 10—
Atomic Energy, Part 40—Control of Source Material

INSTRUCTIONS

File two (2) copies of this application with
the U. S. Atomic Energy Commission, P. O.
Box 10, Ansonia Station, New York 23, N. Y.
This application may be used for an original
license or for the renewal of a license. In
the case of a renewal, this application should
be received by the Commission on or before
30 days before the expiration of the previous
license. Complete blocks 1, 2, 3, 4, and if
you combine two or more of the activities of
Producer, Processor, Distributor, Exporter, or
Consumer, complete each of the applicable
blocks numbered 4 through 8.

TO: U. S. Atomic Energy Commission, Washington, D.C.
P. O. Box 30, Ansonia Station, New York 23, N. Y.
Attn: Licensing
Branch

L
NAME
AND
ADDRESS
OF
APPLICANT
(Include
city,
state,
and
zip)

HEYDEN CHEMICAL CORPORATION
342 MADISON AVENUE
NEW YORK 17, NEW YORK

1. INVENTORY. INVENTORY OF SOURCE MATERIAL, RAW AND REFINED, AS OF

April 1st, 1956

Specify date of last inventory.

INSTRUCTION—Include all source material in your possession or under your control, regardless of location. Include any source material you have possession of but which is owned by others, whether or not they are licensees of the Commission. Please specify that part of your inventory which is owned by other persons, listing the names, addresses, and quantities owned by each. Do not include in this inventory any raw source material not yet removed from its place of deposit in nature.

(a) Raw Source Material

DESCRIPTION OF MATERIAL	ESTIMATED PERCENT URANIUM OR THORIUM	QUANTITY IN INVENTORY (Pound (s))	NAME AND ADDRESS OF OWNER IF DIFFERENT FROM THAT IN BLOCK 1 ABOVE

(b) Refined Source Material

DESCRIPTION OF MATERIAL	GRADE (Chem. Cf (% U ²³⁵))	PERCENT OF URANIUM OR THORIUM	QUANTITY (Lb)	NAME AND ADDRESS OF OWNER IF DIFFERENT FROM THAT IN BLOCK 1 ABOVE
Uranium Nitrate Crystals		47.41	1285	
Uranium Nitrate in process		47.41	627	
Uranium Nitrate in Reactors		47.41	290	

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PDR FOIA
EVANS96-458 PDR

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2. CERTIFICATION AND AGREEMENT. APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION AND AGREEMENT ON BEHALF OF THE APPLICANT: (1) CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH THE CODE OF FEDERAL REGULATIONS, TITLE 10—ATOMIC ENERGY, PART 110—CONTROL OF SOURCE MATERIAL; (2) CERTIFY THAT ALL INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND COMPLETE TO THE BEST OF THEIR KNOWLEDGE AND BELIEF; AND (3) AGREE THAT IN THE EVENT THAT THIS APPLICATION IS APPROVED BY THE ATOMIC ENERGY COMMISSION, AND A LICENSE IS ISSUED, THAT THE DULY AUTHORIZED REPRESENTATIVES OF THE COMMISSION MAY FREELY INSPECT AT ALL REASONABLE TIMES FACILITIES AND RECORDS, TAKE SAMPLES FOR ASSAY, AND DO SUCH OTHER THINGS AS WILL, IN THE OPINION OF THE COMMISSION, ASSURE THAT ALL SOURCE MATERIAL HANDLED BY THE APPLICANT UNDER THE AUTHORITY OF HIS LICENSE IS PROPERLY ACCOUNTED FOR AND USED.

HEYDEN-CHEMICAL CORPORATION

BY [Signature]
(Signature of applicant)

April 9th, 1956

(Date)

A. R. Broadman, Vice President

(Title)

Section 25 (A) of the United States Criminal Code, 18 U. S. C. Sec. 88, makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

(FOR GOVERNMENT USE ONLY)

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION
SOURCE MATERIAL LICENSE

LICENSE NO.

State of NY County Westchester
Subscribed and sworn to before me this 9th day of April, 1956
[Signature]