



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

2010-0100

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RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Jennifer L. Sheppard

DATE

MAR 12 2010

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&C 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&C 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 \* \$ 7.17
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)

- 1. The incoming FOIA/PA-2010-0100 is located in ADAMS at ML100120644.
2. Records with a ML Accession Number are publicly available in the NRC's Public Electronic Reading Room at http://www.nrc.gov/reading-rm.html. 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 email to PDR.Resource@nrc.gov.
3. Fees were assessed based upon the following:
Search: 1hr 40 mins = \$93.96
Review: 8hrs = \$450.88
Duplication: 1 CD @ 1.65
Advance Payment: \$553.66
Less Actual Fees 546.49
REFUND: \$7.17

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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

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**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 I	See Appendix C	<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 A  
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	5/31/84	8506170647	Fenwal Application to Amend License No. 20-15285-01, (4 pages)
2.	5/20/85	8506170643	Forwards Amend 10 to Fenwal License No. 20-15285-01, (2 pages)
3.	3/6/85	8503200283	Inspection Findings & License Ack. on 850306 of Licenses 20-15285-01 & 20-15285-02E, (1 page)
4.	5/20/85	8506170642	Amendment 10 to License 20-15285-0, (1 page)
5.	12/27/88	8907310434	Amendment 11 to Fenwal License No. 20-15285-01, (16 pages)
6.	7/19/89	9003120377	Materials License Pkg for Amendment 12 to Fenwal License No. 20-15285-02E, (19 pages)
7.	8/24/90	9009120015	Discussion on Safety Inspections 30-08864/90-01 & 30-12717/90-01, (2 pages)
8.	8/24/90	9009120017	Notice of Violation to Fenwal, (1 page)
9.	10/18/90	9010300324	Acknowledgement of Receipt of Letter from Fenwal on Steps Taken to Correct Violations, (2 pages)
10.	9/10/90	9010300328	Fenwal Response to NRC regarding Violations noted in Inspection Report, (4 pages)
11.	9/10/90	9010300330	Application to Amend Fenwal License No. 20-15285-01, (1 page)
12.	11/20/90	9101040397	Materials Licensing Pkg for Amendment 13 to Fenwal License 20-15285-01, (10 pages)

**APPENDIX A  
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
13.	4/15/91	9106100435	Materials Licensing Pkg for Amendment 14 to License No. 20-15285-01, (10 pages)
14.	6/25/92	9207150076	Safety Inspection on 6/25/92 of Licenses 20-15285-01 & 20-15285-03E, (1 page)
15.	1/7/95	9507070236	Voided Materials Licensing Action for License 20-15285-01, Kiddie-Fenwal, (9 pages)
16.	6/8/95	9508080367	Safety Inspection on 6/8/95 of Licenses 20-15285-01 & 20-15285-03E, (1 page)
17.	2/3/03	ML030580740	Materials Licensing Pkg for Amendment 15 to License 20-15285-01, Kiddie-Fenwal, (1 page)
18.	2/5/03	ML030590180	Inspection Report 03032498-03-001, Kiddie-Fenwal, (1 page)
19.	7/17/07	ML072260522	Safety Inspection Report, Fenwal License No. 20-15285-03E, Form 591M Part 3, (1 page)
20.	7/17/07	ML072260518	Safety Inspection Report, Fenwal License No. 20-15285-03E, Form 591 Part 1
21.	9/30/08	ML082740569	Note to File from J. Joustra, NRC regarding Kiddie-Fenwal and phone call from C. Mousseau, Fenwal, (1 page).

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	06/09/1975	Materials Data Input Industrial for Walter Kidde & Co. (1 page)
2.	07/01/1975	U.S. Atomic Energy Commission Byproduct Material License for Walter Kidde and Company, Inc. (2 pages)
3.	07/01/1975	Materials Data Input Industrial for Walter Kidde & Co. (1 page)
4.	07/28/1975	Materials Data Input Industrial for Walter Kidde & Co. (1 page)
5.	09/08/1975	Materials Data Input Industrial for Walter Kidde & Co. (1 page)
6.	09/08/1975	U.S. Nuclear Regulatory Commission Materials License Supplementary Sheet for Walter Kidde and Company, Inc. Amendment Number 1 (1 page)
7.	09/08/1975	U.S. Nuclear Regulatory Commission Materials License Supplementary Sheet for Walter Kidde and Company, Inc. Amendment Number 1 (1 page)
8.	02/18/1977	Voided Materials Data Input Industrial for Walter Kidde & Co. (1 page)
9.	02/18/1977	Materials Data Input Industrial for Walter Kidde and Co. (1 page)
10.	03/02/1977	Terminated Materials Data Input Industrial for Walter Kidde and Co. (1 page)
11.	03/02/1977	U.S. Nuclear Regulatory Commission Materials License Supplementary Sheet for Walter Kidde and Company, Inc. (1 page)
12.	06/07/1996	License 20-16639-01, Docket Number 030-13378, Walter Kidde and Company Fire Alert Division (2 pages)
13.	02/05/1997	Facsimile from Kidde-Fenwal, Inc. to U.S. Nuclear Regulatory Commission regarding Telephone Conversation (4 pages)
14.	10/25/2001	Letter to Kidde-Fenwal, Inc. from Michele Burgess, NRC, regarding Receipt of Renewal Application for License Number 20- 5285-03E, Received October 1, 2001, Control Number 022192, Docket Number 030-32498 (2 pages)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
15.	11/07/2001	Letter to Michele Burgess, NRC, from Bill Sawyer of Kidde-Fenwal, regarding assisting the U.S. Nuclear Regulatory Commission with completion of recent license renewal (17 pages)
16.	02/26/2002	Letter to Bill Sawyer of Kidde-Fenwal from Anthony S. Kirkwood, NRC, regarding electronic response dated February 12, 2002 (2 pages)
17.	02/26/2002	E-mail from Christopher Mousseau of Kidde-Fenwal to Anthony Kirkwood, NRC, regarding "Response Letter" – (2 pages)
18.	02/26/2002	Telephone Conversation Record from Anthony S. Kirkwood, NRC, to Christopher Mousseau of Kidde-Fenwal regarding January 24, 2002 Request for Additional Information on Renewal Request dated August 22, 2001 (1 page)
19.	03/13/2002	Telephone Conversation Record from Anthony S. Kirkwood, NRC, to Christopher Mousseau of Kidde-Fenwal regarding January 24, 2002 Request for Additional Information on Renewal Request dated August 22, 2001 (1 page)
20.	03/15/2002	E-mail from William Sawyer of Kidde-Fenwal to Anthony Kirkwood, NRC, regarding Registration Renewal for License Number 20-15285-03E (3 pages)
21.	03/23/2002	Letter to Anthony Kirkwood, NRC, from William E. Sawyer of Kiddie-Fenwal regarding Device Registration NR-668-D-101-E (41 pages)
22.	3/28/2002	Letter to B. Sawyer, Kiddie-0Fenwal from A. Kirkwood, NRC, Re; Amendment #3 – Renewing License No. 20-15285-03E, (5 pages_
23.	06/14/2002	Fax to A. Kirkwood, NRC from C. Mousseau, Kiddie-Fenwal, re; June 6, 2002 document for information on past years distribution, (22 pages)
24.	07/22/2002	U.S. Nuclear Regulatory Commission Materials License for Kidde-Fenwal, Inc. from Anthony S. Kirkwood, NRC (2 pages)
25.	07/22/2002	U.S. Nuclear Regulatory Commission device sheet NR-668-D-101-E for Kidde-Fenwal (3 pages)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
26.	11/06/2002	Japan Radioisotope Association Test Report (10 pages)
27.	11/15/2002	Description of Radioactive Source application for Ionization Smoke Detector (7 pages)
28.	5/19/2003	Letter to W. Sawyer, Kiddie-Fenwal from A. Kirkwood, NRC, re; Request for Clarification of Confidential Information Marking... License No. 20-15285-03E, Amendment #4, (2 pages)
29.	05/29/2003	Fax to A. Kirkwood, NRC from C. Mousseau, Kiddie-Fenwal, re; Amendment to License No. 20-15285-03E, (6 pages)
30.	07/24/2003	Letter to Marissa Bailey, NRC, from Terry Garland of Kidde Fenwal regarding Amendment to NRC Materials License Number 20-15285-03E (6 pages)
31.	01/30/2004	Device sheet NR-668-D-101-E for Kidde Fenwal – (3 pages)
32.	09/17/2004	Letter to Marissa Bailey, NRC, from Terry Garland of Kidde Fenwal regarding Amendment to NRC Registration Certificate NR-668-D-101-E and Exempt Distribution License Number 20-15285-03E (54 pages)
33.	11/22/2004	E-mail from T. Garland of Kidde-Fenwal to Anthony Kirkwood, NRC regarding Mail Control Number 022438 Amendment to Kidde-Fenwal NRC Registration Certificate and Exempt Distribution License (5 pages)
34.	02/28/2005	E-mail from Jonathan Rivera, NRC, to T. Garland of Kidde-Fenwal regarding Query Status on Registry Amendment to Kidde-Fenwal NRC Registration Certificate (4 pages)
35.	03/02/2005	E-mail from Jonathan Rivera, NRC, to T. Garland of Kidde-Fenwal regarding Query Status Check on Registration Amendment to Kidde-Fenwal NRC Registration Certificate (2 pages)
36.	03/18/2005	E-mail from Jonathan Rivera, NRC, to T. Garland, Kidde-Fenwal, regarding Sealed Source and Device Review for New Model # 7054, Registration Certificate Number NR-668-D-101-E (5 pages)
37.	03/25/2005	E-mail from T. Garland, Kidde-Fenwal, to Jonathan Rivera, NRC, regarding Sealed Source and Device Review for New Model #7054, Registration Certificate Number NR-668-D-101-E (22 pages)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
38.	04/07/2005	Email from T. Garland, Kiddie-Fenwal; to J. Rivera, NRC, subj: Sealed Source and Device Review...New model No. 7054... (2 pages)
39.	04/11/2005	Email from T. Garland, Kiddie-Fenwal; to J. Rivera, NRC, subj: Sealed Source and Device Review... New Model No. 7054... (2 pages)
40.	04/11/2005	Email from Jonathan Rivera, NRC, to T. Garland, Kidde-Fenwal, subj: Sealed Source and Device Review... New Model No. 7054... (2 pages)
41.	04/12/2005	Email from Terry Garland, Kidde-Fenwal, to Jonathan Rivera, NRC, subj: Sealed Source and Device Review... New Model No. 7054...(4 pages)
42.	04/27/2005	Letter to T. Garland, Kiddie-Fenwal, from J. Rivera, NRC, re; Completion of Exempt Distribution License & Registration Certificate for Smoke Detectors, (5 pages)
43.	04/27/2005	NRC Registration Certificate NR-668-D-101-E (3 pages)
44.	04/27/2005	NRC Materials License 20-15285-03E, Docket Number 030-32498 for Kidde-Fenwal, Inc. (2 pages)
45.	Undated	Letter to S. Lee, NRC from W. Sawyer, Kiddie-Fenwal, re; Device Registration NR-668-D-101-E...(4 pages)
46.	Undated	Construction Details referring to Detector Assembly Drawing Number AF30404000 (15 pages)
47.	Undated	Ionization Smoke Detector drawings – Drawing Number AF40404006 (2 pages)
48.	Undated	Materials License Number 20-15285-03E – Amendment Request Description per NUREG-1556, Volume 3, Section 10 (1 page)
49.	10/2/1989	Materials License No. 20-15285-02E, Amendment No. 10, (2 pages)
50.	9/5/1991	Fax from Fenwal Inc, subj: Distribution License, (1 page)
51.	9/9/1991	Fenwal Inc. Application for Material License, (78 pages)



<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
52.	9/30/1991	Fenwal, Inc. Materials Licensing Pkg for License No. 20-15285-03E, (2 pages)
53.	9/9/1991	Letter from R. MacNutt, Fenwal, Inc, to M. LaMastra, NRC, subj: Materials License 20-15285-02E... (1 page)
54.	9/12/1991	Note from M. LaMastra to S. Baggett, subj: Review of Exempt Distribution Material License from Fenwal, Inc... (1 page)
55.	9/26/1991	Letter to R. MacNutt, Fenwal, Inc. from S. Greene, NRC, Replacement
56.	12/9/91	Letter from R. MacNutt, Fenwal, Inc. to S. Greene, NRC, subj: Amendment of Fenwal, Inc. Materials License, (2 pages)
57.	4/1/92	Letter from r. MacNutt, Fenwal to S. Bell, NRC, subj: Pending Amendment of Fenwal's Registration Certificate, (6 pages)
58.	4/17/92	Fax from R. MacNutt, Fenwal to S. Bell, NRC, subj: Amendment to License 20-15285-02E, (2 pages)
59.	1/28/92	Fenwal Request for a Sealed Source of Devise Evaluation, (1 page)
60.	5/7/92	Memo from S. Bell to S. Greene, subj: Licensing Action For Kiddie Fenwal, Inc. (8 pages)
61.	5/18/92	Letter from T. Taylor, NRC to r. MacNutt, Fenwal, subj: Amendment to Fenwal License No. 20-15285-03E, (2 pages)
62.	5/27/92	Letter from R. MacNutt, Fenwal to T. Taylor, NRC, subj: Clarification of Items for Amendment to License No. 20-15285-02E, (5 pages)
63.	6/9/92	Letter from T. Taylor, NRC to R. MacNutt, Fenwal, subj: Amendment No. 1 to Fenwal License 20-15285-02E, (8 pages)
64.	6/9/92	Fenwal Materials License Amendment No. 1, (2 pages)
65.	7/3/92	Industiral/Academic Inspection Field Notes Report No. 92-001, (13 pages)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
66.	8/14/92	Letter from R. MacNutt, Fenwal to T. Taylor, NRC, subj: Fenwal Renwal of License No. 20-15285-02E, (29 pages)
67.	8/24/92	Letter from R. MacNutt, Fenwal to T. Taylor, NRC, subj: Addition and Changes to Fenwal Application, (2 pages)
68.	8/24/92	Letter to R. MacNutt, Fenwal from S. Kimberley, NRC, subj: Returning of Check for Licensing Renewal, (1 page)
69.	11/2/92	Letter from S. Greene, NRC to R. MacNutt, Fenwal, subj: Fenwal Amendment No. 2 for License 20-15285-02E, (2 pages)
70.	11/2/92	Fenwal Materials License 20-15285-02E, (2 pages)
71.	7/14/95	Industrial/Academic Inspection Field Notes Report No. 95-001, (20 pages)
72.	3/12/96	ORNL Sites – Summary, Fenwal, License No. SNM-01000, (2 pages)
73.	6/4/96	Letter from D. Cool, NRC to R. MacNutt, Fenwal, subj: One-Time Extension of License Expiration Date, (2 pages)
74.	5/13/02	Letter from W. Sawyer, Kiddie-Fenwal to S. Lee, NRC, re; Device Registration Nr-0668-D-1010-E Amendment Request, (1 page)
75.	3/29/05	Telephone Conversation Record, subj: Conf. Call... To answer questions - Kiddie-Fenwal License No. Nr-688-D-101-E (SSD), (1 page)
76.	4/11/05	Survey Meter for the Low Energy, (2 pages)
77.	2/15/07	Letter from C. Mousseau, Kiddie-Fenwal to A. Kirkwood, NRC, Periodic Radioactive Device Product Transfer Report, (1 page)
78.	8/1/07	Letter from C. Mousseau, Kiddie, re; Amended Periodic Radioactive Device Product Transfer Report, (1 page).
79.	11/26/91	Materials Licensing Pkg for Amendment 15 to Kiddie-Fenwal License 20-15285-01, (9 pages)

**APPENDIX C  
RECORDS BEING WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)</u></b>
1.	4/15/91	Materials Licensing Pkg for Amendment 14 to Kiddie-Fenwal License 20-15285-01, (41 pages) <b>Ex. 4</b>
2.	3/22/93	Materials Licensing Pkg for Amendment 16 to Kiddie-Fenwal License 20-15285-01, (19 pages) <b>Ex. 6</b>
3.	8/5/94	Materials Licensing Pkg for Amendment 17 to Fenwal License 20-15285-01, (24 pages) <b>Ex. 4, Ex. 6</b>
4.	9/26/96	Materials Licensing Pkg for Amendment 18 to Fenwal License 20-15285-01, (9 pages) <b>Ex. 4</b>
5.	4/19.98	Application for Renwal of Fenwal License 20-15285-01, (56 pages) <b>Ex. 4</b>