



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

2010-0248

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Ron R. Mason

DATE

SEP -2 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 C&D 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 C&D 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 * \$ 51.40
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 request can be located in ADAMS at ML101520580.

The fees for processing your request is as follows:
\$ 71.40 (357 pages @ \$.20 per page) less 100 pages Free
51.40

Records with an ML accession number are available in the NRC's Public Electronic Reading Room at www.nrc.gov/reading-rm/adams.html. For assistance in obtaining any records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or by email at pdr.resource@nrc.gov.

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
B & D**

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
Trip Rothschild	Associate General Counsel for Licensing & Regulation	B	✓		
Elmo E. Collins Jr	Regional Administrator, Region IV	D	✓		

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.	06/05/2003	ML031560669	Environmental Assessment and Finding of No Significant Impact Related to License Amendment For Approval of the Derived Concentration Guidelines Levels and Decommissioning Plan with Consideration of License Termination of the NRC 0408006 Materials License No. SUB-986, Kerr-McGee Corporation (4 pages)
2.	02/15/2008	ML080530300	Letter to J. Lux, from M. Williams, Travel Corp., Subject: Invoice for Fiscal Year 2007 (2 pages)
3.	01/12/2009	ML090150533	Letter to Kalman from Corbett re: Actions Tronox Has Taken in Order to Address Legacy Liabilities (3 pages)
4.	01/12/2009	ML090150534	United States Bankruptcy Court – Declaration of Gary Barton (56 pages)
5.	02/11/2009	ML090140647	Letter to Lux from McConnell re: Acknowledgment Of Tronox Bankruptcy Notification (4 pages)
6.			Kerr-McGee – Cimarron, 1.0 Site Identification Web page, http://www.nrc.gov/info-finder/decommissioning/complex/kerr-mcgee-cimarron-corporation-former-fuel-fabrication-facility.html
7.	undated	ML102230503	Financial Analysis of Selected Uranium Mining & Bonding Companies in New Mexico (3 pages) (Released under FOIA/PA-2010-0247)
8.	undated	ML102230502	Kerr-McGee Corporation (3 pages) (Released under FOIA/PA-2010-0247)
9.	undated	ML102230504	Organizational listing (1 page) (Released under FOIA/PA-2010-0247)
10.	01/13/2001	ML013470405	Memo to Camper from Essig re: Review & Approval Of Proposed DCGLS for Kerr-McGee Technical Center (8 pages)
11.	12/17/2001	ML013420164	Memo to Chamberlain from Camper re: Response To TAR (8 pages)

12. 02/07/2003 ML030410423

Memo to Camper from Kokajko re: Review &
Approval of Proposed DCGLs for Kerr-McGee
Technical Center (TAR 8096) (15 pages)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	No date	Proposed Interim Protocol for 2009 (6 pages) Ex. 4
2.	03/09/2009	Tronox Inc. – Presentation to the United States Government, Kirkland & Ellis, LLP (28 pages) Ex. 4

APPENDIX C
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)/EXEMPTIONS</u>
1.	5/20/1969	Letter to Kerr-McGee Corporation from Don F. Harmon (1 page)
2.	05/20/1969	Source Material License for Kerr-McGee Corporation, expires May 31, 1974 (1 page)
3.	04/10/1970	Memo to file: Subject: Kerr-McGee Corporation, OK City, OK – License No. Sub-986 (Docket 40-8006) – Health and Safety Evaluation Inspection Conducted March 25, 1970 (11 pages)
4.	4/21/1971	Letter to Kerr-McGee Corporation from Robert L. Layfield with line through it (1 page)
5.	4/23/1971	Letter to Kerr-McGee Corporation from Robert L. Layfield (1 page)
6.	6/01/1972	Letter to Kerr-McGee Corporation from James E. Hyder (12 pages)
7.	9/18/1972	Acknowledgement for Application for Source Material License (16 pages)
8.	9/29/1972	Letter to Kerr-McGee Corporation from Robert L. Layfield (1 page)
9.	3/11/1974	Kerr-McGee Corporation Notice of Expiration Letter (12 pages)
10.	5/01/1974	Acknowledgement for AEC-2 dated 4/30/1974 request for a renewal of their SUB-97=86 license (8 pages)
11.	5/13/1976	Notice of Violation, License No. SUB-986 (11 pages)
12.	5/25/1976	Response to Enforcement Ltr dated 5/13/1976 (6 pages)
13.	3/13/1979	Inspection (7 pages)
14.	4/09/1979	Inspection Report No. 79-01 (8 pages)
15.	4/16/1979	Response to Inspection Report dated 3/13/1979 (4 pages)
16.	11/16/1982	Inspection 591 (15 pages)
17.	8/12/1986	Material License (9 pages)
18.	6/26/1987	Kerr-McGee 591 Safety Inspection (2 pages)
19.	6/26/1987	Draft Inspection Report (7 pages)

20. 12/19/1989 591 Safety Inspection (8 pages)
21. 7/18/1990 Letter to Kerr-McGee from G. Michael Vasquez (1 pages)
22. 2/18/1993 Letter to Kerr-McGee from Jack Whitten (4 pages)
23. 1/08/1999 Notice of License Meeting (3 pages)
24. 1/25/1999 Letter to Kerr-McGee, Subject: Open meeting to discuss decommissioning of the Kerr-McGee Technical Center, OK City, OK (4 pages)
25. 8/08/2000 Letter to Mrs. Karla Kubecka from Dwight D. Chamberlain (5 pages)
26. 11/14/2000 Letter to Charles L. Cain from LaVonna Smith, Response to NRC Staff's correspondence dated August 11, 2000 (15 pages)
27. 6/08/2009 *Reference Publications, Topic RSS Feeds, Kerr-McGee Corporation (2 pages)
28. 06/09/2009 U.S. NRC Yellow Announcement: Subject: Litigation Hold for Materials Related to Tronox, Inc. (2 pages)
29. 06/09/2009 E-mail from A. Howell to K. Fuller, re: Tronox – Proof of Claim and Litigation Hold (3 pages)
30. undated Directions to Kerr-McGee Corp Technical Center and Inspection Field Notes #95-01 (15 pages)
31. 01/12/2009 Notice of Hearing on First Day Motions, (5 pages)
32. 06/08/2009 US Bankruptcy Court Southern District of New York, Proof of Claim (7 pages)
33. 06/22/2009 Order Further Extending Time to File Notices of Removal of Action (2 pages)
34. 11/27/1995 591 Safety Inspection (8 pages)

**APPENDIX D
RECORD BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)/EXEMPTIONS</u>
1.	05/17/1979	Renew License SUB-986 (11 pages) Ex. 6
2.	07/22/1986	Kerr-McGee Corporation letter to Jack Whitten from J.C. Stauter (42 pages) Ex. 6
3.	12/11/1999	Letter to Kerr-McGee from William L. Fisher (34 pages) Ex. 6
4.	01/27/1993	Letter to Jack Whitten from J. C. Stauter, Re: Kerr-McGee (13 pages) Ex. 6
5.	02/28/1998	Materials License for Kerr-McGee (48 pages) Ex. 6