

2010-0342

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

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Elsie Patton

DATE

NOV 16 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** 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** 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 *

\$ 36.90

* 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)

The incoming request is in ADAMS at ML102730021.

The records identified on enclosed Appendix A are publicly available in the NRC's Public Electronic Reading Room (ERR), and the records identified on Appendix B are being made available in the NRC's Public ERR. Records with an ML Accession Number are available 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 E-mail to PDR.Resource@nrc.gov.

We received your advanced payment of \$433.62 on 10/26/10. The final cost of chargeable processing fees is \$396.72 (1 hour of professional search at \$56.36/hr; 6 hours of professional review at \$56.36/hr; 11 pages reproduced at \$.20 per page).

Additional records have been previously provided in response to FOIA/PA-2003-0120, and are publicly available in the NRC's Public ERR. Other records are no longer in the possession of the NRC, and were transferred to the National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. Their telephone number is (866)272-6272; E-mail www.archives.gov, and request NRC records as follows: Job 1722, FRC Accession Number 431-01-0784.

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, 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
William M. Dean	Regional Administrator, Region 1	Appendix C and D	<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.	02/15/05	ML050630471	Document: Letter from J Kinneman to C Rivera, Subject: Implementation of Financial Assurance Requirements Issued 10/02/03 (3 Pages)
2.	03/30/05	ML051250527	Document: UTC Fax from C Rivera to S Courtemanche, Subject: Termination Request (3 Pages)
3.	05/25/05	ML051460172	Document: UTC Telephone Log, Subject: Request for basic information about the request for license termination (2 Pages)
4.	05/27/05	ML051600487	Document: Renewal Application for License No. SMB-151, dtd 05/27/05 (17 Pages)
5.	06/02/05	ML051640239	Document: Final Assurance Action dtd 06/02/05 (8 Pages)
6.	06/07/05	ML051580395	Document: Acknowledgement of Timely Receipt of Renewal Application, Subject: Control No. 137125 (2 Pages)
7.	06/27/05	ML051800167	Document: Telephone Log, Subject: License Renewal Application (1 Page)
8.	06/29/05	ML051800113	Document: Memo, Subject: RAI Concerning Financial Assurance Documents, Control No. 137147 (3 Pages)
9.	07/18/05	ML052070310	Document: UTC Telephone Log, Subject: Request for Extension (2 Pages)
10.	11/22/05	ML053270323	Document: UTC Telephone Log, Subject: Additional Info – Contractor Assigned (2 Pages)
11.	01/10/06	ML060170443	Document: Email from J Nicholson to T McCarthy, Subject: Response to RAI needed (2 Pages)

Re: FOIA/PA-2010-0342

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| 12. | 01/27/06 | ML060340257 | Document: Memo from J Kinneman to K Wyman, Subject: Abandonment of Application for License Termination Control No. 136819 |
| 13. | 02/28/06 | ML060740491 | Document: Memo from K Wyman to D Lawyer, Subject: Termination Request (4 Pages) |
| 14. | 04/18/06 | ML061090526 | Document: Letter from C Rivera to D Lawyer, Subject: Deficiency Response Letter Received (15 Pages) |
| 15. | 05/03/06 | ML061290558 | Document: Memo from J Johansen to K Wyman, Subject: License Termination, License Amendment No. 45, Control No. 138547 (5 Pages) |
| 16. | 06/13/06 | ML061650346 | Document: Telephone Log, Subject: Financial Assurance Update (2 Pages) |
| 17. | 06/27/06 | ML061790627 | Document: Telephone Log, Subject: Missing Page of a Financial Assurance Document (1 Page) |
| 18. | 06/28/06 | ML062370443 | Document: Inspection Report, Subject: IR 04000791-06-001, on 6/28/06 for UTC East Hartford, CT, Form 591M, Part 1 (1 Page) |
| 19. | 06/29/06 | ML070750257 | Document: Memo from R Bergman to NRC, Subject: Standby Trust Agreement Between Pratt & Whitney Division of UTC and LaSalle Bank National Assoc. Rcvd 06/29/06 (11 Pages) |
| 20. | 06/30/06 | ML061810217 | Document: Deficiency Phone Call, Subject: Financial Assurance Update (2 Pages) |
| 21. | 11/16/06 | ML063240092 | Document: Telephone Log, Subject: Financial Assurance Update (1 Page) |
| 22. | 12/21/06 | ML063600158 | Document: UTC deficiency phone call dtd 12/21/06 (1 Page) |
| 23. | 01/23/07 | ML070360686 | Document: Telephone Log, Subject: Financial Assurance Update |
| 24. | 01/29/07 | ML070290131 | Document: Memo from J Nicholson to D Russell, Subject: RAI Concerning Financial Assurance Documents, Control No. 137147 (3 Pages) |

Re: FOIA/PA-2010-0342

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| 25. | 02/12/07 | ML070440449 | Document: UTC Deficiency Response dtd 2/12/07 (4 Pages) |
| 26. | 03/19/07 | ML070810542 | Document: Memo from J Nicholson to D Russell, Subject: UTC Review of Financial Assurance Submittal, Control No. 137147 (2 Pages) |
| 27. | 03/26/07 | ML070940173 | Document: USPS Certified Mail Return Receipt Requested, Technologies Corporation Card dtd 03/26/07 (1 Page) |
| 28. | 11/03/09 | ML093080225 | Document: UTC Deficiency Phone Call (1 Page) |
| 29. | 11/04/09 | ML093080681 | Document: Email from B Buckley to D Lawyer, Subject: Re: Financial Assurance (3 Pages) |
| 30. | 01/04/10 | ML100190866 | Document: Letter from T Hacker to D Lawyer, Subject: The Bank of New York Mellon, Notification that Bank will serve as Successor Trustee for UTC SMB-151 (1 Page) |
| 31. | 02/18/10 | ML100491623 | Document: Memo from D Lawyer to D Russell, Subject: Review of Financial Assurance Submittal, Control No. 144261 (2 Pages) |
| 32. | 02/23/10 | ML100600685 | Document: USPS Certified Mail Return Receipt Card dated 2/23/10 Rcvd in LAT on 2/25/10 (1 Page) |
| 33. | 08/09/10 | ML102350270 | Document: Letter from D Russell to NRC, Subject: Renewal Request dtd 8/9/10 (7 Pages) |
| 34. | 08/19/10 | ML102350133 | Document: UTC Acknowledgment of Timely Receipt of Renewal Application, Control No. 573354 (2 Pages) |

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

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION / (PAGE COUNT)</u>
1.	02/19/02	ML020860388	Document: Checklist, Subject: UTC Checklist for Determining Significant Licensing Action / (1 Page (s))
2.	02/19/02	ML020590166	Document: Memo from Judy Harvey to Ronald Bellamy, Subject: UTC Amendment Request for License Nos. SMB-151 & 06-07522-02 / (135 Page(s))
3.	03/27/02	ML020860306	Document: Letter from John Kinneman to Judy Harvey, Subject: UTC Issuance of License Amendment, Control Nos. 131107 * 131105 / (5 Page(s))
4.	03/27/02	ML020860318	Document: Materials License, Subject: Amendment 43, 06-07522-02, Control No. 131105 / (3 Page(s))
5.	11/11/02	ML023220548	Document: Letter from Carlos Rivera to USNRC, Subject: License Application with Cover Letter / (4 Page(s))
6.	11/20/02	ML023240561	Document: Telephone Conversation Record, Subject: Dated 11/19/02 re change of mail stop, license amendment request / (1 Page(s))
7.	11/20/02	ML023470023	Document: UTC, Subject: Amendment Checklist / (1 Page(s))
8.	11/20/02	ML040690895	Document: Telephone Conversation Record, Subject: Change of Mail Stop, License Amendment Request for UTC License Nos. SMB-151 & 06-07522-02 / (1 Page(s))

9. 12/10/02 ML030780391 Document: Letter from Elizabeth Ulrich to Carlos Rivera; Subject: UTC Issuance of License Amendments #16 & 44, MC# 132385 & 132386 / (5 Page(s))
10. 12/10/02 ML031890020 Document: Materials License, Subject: Amendment No. 44 to License 06-07522-02 / (3 Page(s))
11. 01/16/04 ML040620279 Document: Letter from Francis Costello to George Parsons, Subject: Disposition of Cobalt-60 & Expenses of Proposed Uses / (1 Page(s))
12. 05/27/03 ML031510006 Document: Memo from John D. Kinneman to Stephen M. Juers, Subject: United Technologies Corporation, Review of Financial Assurance Submittal, Control No. 131048 (2 Pages)
13. 02/04/04 ML040700645 Document: From Radiation Safety Associates, Inc., Subject: Final Status Survey Report for Decommissioning (56 Pages)
14. 02/04/04 ML040790163 Document: Misc docs re 03/26-27/91 inspection at East Hartford & Middletown, CT. (11 Pages)
15. 02/05/04 ML040750052 Document: Misc, Subject: FOIA 2003-0120 Records to be Released in Entirety / (2 Page(s))
16. 03/04/04 ML040820828 Document: Safety Inspection Report, Subject: IR 03003796-04-001 on 03/04/04 UTC East Hartford, CT, 591M Part 3 / (1 Page(s))
17. 03/10/04 ML040820803 Document: Letter from James Kottan to Carlos Rivera, Subject: IR 03003796-04-001 on 03/04/04 UTC Cover Letter / (3 Page(s))
18. 03/10/04 ML040920108 Document: Inspection Report, Subject: IR 03003796-04-001 UTC East Hartford CT, 591M Part 1 Dtd 03/04/04 / (1 Page(s))
19. 04/15/04 ML041250419 Document: Letter from Carlos Rivera to John R. McGraph, Subject: UTC Termination Request dtd 04/15/04 / (14 Page(s))

20. 06/07/04 ML041600588 Document: Letter from Elizabeth Ulrich to Carlos Rivera, Subject: UTC RAI re Application for Amendment to License, Control No. 134877 / (3 Page(s))
21. 06/21/04 ML041800518 Document: Telephone Conversation Record, Subject: Request more time to complete request for additional information for termination of license / (1 Page(s))
22. 08/10/04 ML042450630 Document: Telephone Record, Subject: License Termination / (1 Page(s))
23. 08/18/04 ML042400147 Document: Letter from Carlos Rivera to Elizabeth Ulrich, Subject: UTC Additional Info Ltr, Extension Granted to Perform Appropriate Surveys Mail Control 134877 Opened Until 11/14/04 / (1 Page(s))
24. 11/04/04 ML043100458 Document: Telephone Record, Subject: License Termination / (1 Page(s))
25. 11/05/04 ML043150037 Document: Letter from Kathy Modes to Carlos Rivera, Subject: Voidance of Application for License Termination, Control No. 134877 / (2 Page(s))
26. 03/10/05 ML051360194 Document: Letter received from Carlos Rivera to Elizabeth Ulrich, Subject: UTC Letter received 04/27/10 Enclosing Reports for Decommissioning of Pratt & Whitney Sites / (580 Page(s))
27. 05/03/05 ML061240383 Document: Note to File, Subject: Control No. 138547 & Previous Termination Request 136819 Deficiency Letter Dated 7/5/05 / (1 Page(s))
28. 05/24/05 ML051520232 Document: Fax from Carlos Rivera to Dennis Lawyer, Subject: Additional Information dated 05/24/05 / (5 Page(s))
29. 07/05/05 ML051870356 Document: Letter from D Janda to Carlos Rivera, Subject: Request for Additional Information Concerning Application to Terminate License, Control No. 136819 / (4 Page(s))
30. 08/05/05 ML052210160 Document: Letter from Kevin Doyle to John Nicholson, Subject: UTC Deficiency Response Letter (12 Pages)

31. 09/26/05 ML052710140 Document: Memo from Elizabeth Ulrich to Kevin Doyle, Subject: UTC License Renewal, Control No. 137125 (5 Pages)
32. 09/26/05 ML052780408 Document: UTC Renewal Performance Evaluation (6 Pages)
33. 03/28/06 ML060880380 Document: Telephone Record, Subject: Telephone log dated 03/24/06 & 03/28/06 Re: No name or License No. of persons who received the GD-153 sealed source from your license you wish to terminate / (1 Page(s))
34. 03/30/06 ML061230366 Document: Telephone Record, Subject: Previous Telephone Call, Telephone Conversation Record dated 03/30/06 / (1 Page(s))
35. 05/09/06 ML061290550 Document: License Status Change Control, Subject: Control No. 138547 / (2 Pages)
36. 06/06/06 ML061570158 Document: Email from John Nicholson to Paul Oechsli, Subject: Financial Assurance / (2 Page(s))
37. 06/28/06 ML062370204 Document: Inspection Report, Subject: IR 04000791-06-001 on UTC East Hartford, CT / (1 Page(s))
38. 03/19/07 ML070810612 Document: From James Dwyer to David Russell, Subject: Return of Financial Assurance Documents, Control No 137147 / (2 Page(s))
39. 02/18/10 ML100491730 Document: From James Dwyer to Sandy Soucy, Subject: UTC Return of Financial Assurance Documents, Control No. 144261 / (2 Page(s))

APPENDIX C
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / (PAGE COUNT) / Exemption(s)</u>
1.	10/27/09	Document: Letter from Sue Strack of Bank of America to NRC, Subject: UTC Financial Assurance Action Re: Resignation fo BOA N.A. as Trustee / (2 Pages) / Exemption 4
2.	02/05/10	Document: Letter from Sandy Soucy to Dennis Lawyer, Subject: UTC Enclosing Amendment to Standby Trust Agreement / (7 Pages) / Exemption 4
3.	02/20/02	Document: Fax from Jonathan Fortkamp to Carlos Rivera, Subject: ABB Distribution Summary Sheet for Pratt-Whitney, CT. / (3 pages total, 2 pages released) / Exemption 4

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / (PAGE COUNT) / Exemption(s)</u>
1.	04/27/10	Document: Letter from Bob Clark to Mike Firsick, Subject: Indicent 09-153 Report LER Metal Management Aerospace / (7 Page(s)) / Exemption 5
2.	04/30/10	Document: Letter from James Dwyer to James Kottan and other recipients, Subject: P&W Issue / (3 Page(s)) / Exemption 5