

CLARK HILL

Clark Hill PLC
601 Pennsylvania Avenue NW
North Building, Suite 1000
Washington, DC 20004
T 202.772.0909
F 202.772.0919

Robert M. Andersen
T 202.772.0924
F 202.572.8688
Email: randers@clarkhill.com

clarkhill.com

February 19, 2013

U.S. Nuclear Regulatory Commission
FOIA/Privacy Officer
Mailstop: T-5 F09
Washington, DC 20555-0001

FOIPA REQUEST
Case No.: 2013-0171
Case Rec'd: 3/8/13
Specialist: Dennis
Attorney: Clark

Re: Freedom of Information Act Request

Dear FOIA Officer:

On behalf of my client, GTE Operations Support Incorporated ("GTEOSI"), I request, pursuant to the Freedom of Information Act, 5 U.S.C § 552 and its implementing regulations, all U.S. Nuclear Regulatory Commission ("NRC") records created during the period September 19, 1967, to the present, related to the investigation and remediation of contamination of the former nuclear research and production facilities operated by Sylvania Electric Products Incorporated on behalf of the Atomic Energy Commission from 1952 to 1967, at what is now 70, 100, and 140 Cantiague Rock Road in Hicksville, Town of Oyster Bay, Nassau County, New York [hereinafter referred to as "Hicksville Site"].

For purposes of this request, "records" includes, but is not limited to, documents related to deliberations, decisions, and actions taken by NRC and/or its contractors, to possibly investigate, respond to, remediate, decontaminate, and/or otherwise remove or cleanup any hazardous substances, radiological residues/wastes, pollutants, hazardous waste, or other contaminants [hereinafter collectively referred to as "contamination"] at the Hicksville Site pursuant to the Atomic Energy Act of 1954, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), the Formerly Utilized Sites Remedial Action Program, or any other relevant federal or New York State statute or regulation. "Records" further includes, but is not limited to, documents, information, memoranda, letters, reports, drafts, communications, records of communications, telephone message records, calendars, handwritten or typed notes, facsimile transmissions, electronic mail, tapes and all other types of records in the possession, control or custody of NRC or its contractors.

Requested records for the period September 19, 1967, to the present, specifically include, but are not limited to, NRC deliberations, decisions, or actions pertaining to the following:

- 1) Whether or not NRC has, or had, jurisdiction to respond to, remediate, decontaminate, or otherwise cleanup contamination at the Hicksville Site under applicable law.

February 19, 2013

Page 2

- 2) Any actions proposed to be taken, or taken, by NRC at the Site to investigate, respond to, remediate, decontaminate, or otherwise remove or cleanup contamination at the Hicksville Site.
- 3) NRC consideration of the possible exercise of jurisdiction by another federal agency or Department within the Executive Branch of the federal government in conducting site investigations, responses, remediations, decontaminations, removals, or other cleanup actions at the Hicksville Site.
- 4) Documentation of any communications by NRC with another federal agency or Department within the Executive Branch, or with members or staff of the Legislative Branch, regarding jurisdiction and/or responsibility to respond to, remediate, decontaminate, or otherwise remove or cleanup contamination at the Hicksville Site under applicable law.

GTEOSI agrees to pay for all reasonable search and copying fees authorized under FOIA, not to exceed five thousand dollars (\$5,000). In the event you determine that this specified amount may be exceeded, I request that you contact me so I can obtain GTEOSI's direction regarding how to proceed.

For all records responsive to this request that are not produced based on an asserted exemption from disclosure, please prepare a privilege and/or exemption log describing, at a minimum: (i) the type of record withheld; (ii) the date(s) of the creation of the record; (iii) the subject of the record; (iv) the identity of the author and all recipients of the records; and (v) a detailed description of the basis upon which the record is being withheld (e.g., the claim of privilege, FOIA exemption, etc.). To the extent any responsive documents are withheld based upon a claim of privilege or other exemption from disclosure, please produce redacted copies of all non-privileged or non-exempt factual material contained within such documents.

If you have any questions please contact me by e-mail at randersen@clarkhill.com or by phone at (202) 772-20924. Thank you for your prompt attention to this matter.

Sincerely,



Robert M. Andersen