

FOIA — 90-406

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST



RESPONSE TYPE

FINAL PARTIAL

DATE JAN 25 1997

DOCKET NUMBER(S) (if applicable)

REQUESTER

Cynthia A. Norris

PART I - AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

No agency records subject to the request have been located.

No additional agency records subject to the request have been located.

Requested records are available through another public distribution program. See Comments Section.

Agency records subject to the request that are identified on Appendix(es) _____ are already available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC 20555.

X Agency records subject to the request that are identified on Appendix(es) B are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Agency records subject to the request that are identified on Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments Section.

Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

X Agency records subject to the request are enclosed. [App. B and the releasable portions of App. C documents are enclosed]

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

You will be billed by the NRC for fees totaling \$ _____.

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____ No _____.

PART II - A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

X Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number and requester name.

COMMENTS

9103150142 910125
PDR FOIA
NORRIS90-406 PDR

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Donna H. Ampley

PART II B - APPLICABLE EXEMPTIONS

Records subject to the request that are described on the enclosed Appendixes C are being withheld in their entirety or in part under the Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC Regulations.

1. The withheld information is properly classified pursuant to Executive Order (EXEMPTION 1)
2. The withheld information relates solely to the internal personnel rules and procedures of NRC (EXEMPTION 2)
3. The withheld information is specifically exempted from public disclosure by statute indicated (EXEMPTION 3)
 - 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)
4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated (EXEMPTION 4)
 - The information is considered to be confidential business (proprietary) information
 - The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1)
 - The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2)
5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation (EXEMPTION 5) Applicable Privilege
 - 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)
- X 6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy (EXEMPTION 6)
7. The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated (EXEMPTION 7)
 - Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators (EXEMPTION 7 (A))
 - Disclosure would constitute an unwarranted invasion of personal privacy (EXEMPTION 7(C))
 - The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources (EXEMPTION 7 (D))
 - Other

PART II C - DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/or 9.25 (c) 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 persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			SECRETARY	EDO
Thomas T. Martin	Regional Administrator, Reg. I	C/1		X
Robert Bernero	Director, NMSS	C/2 - C/7		X

PART II D - APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	7/31/67	Survey of Safeguards Control and Nuclear Materials Management at United Nuclear Corporation (UNC), Facility MBU, for the Period 9/1/66 - 7/31/67. (10 pages)
2.	12/2/68	Letter from R. P. Wischow to UNC, regarding safeguards inspection. (12 pages)
3.	5/28/69	Letter from R. P. Wischow to UNC, transmitting safeguards amendment to SNM-871. (7 pages)
4.	6/30/69	Letter from R. P. Wischow to UNC, regarding safeguards amendment to SNM-871. (8 pages)
5.	12/23/69	Letter from Wischow to UNC, regarding safeguards inspection of SNM. (6 pages)
6.	4/14/70	Letter from R. P. Wischow to UNC, regarding safeguards inspection of SNM. (6 pages)
7.	5/8/70	Memo from L. Kornblith to various, subject: Independent Sampling Around Plutonium Facilities. (7 pages)
8.	6/5/70	Maps and outcome of soil sampling tests. (9 pages)
9.	6/10/70	License Amendment for Special Nuclear Materials Safeguards signed by Ralph Page. (6 pages)
10.	7/9/70	Memo from Raymond Smith to File, subject: Independent Measurements Program - UNC. (8 pages)
11.	10/30/70	Sample Record Sheet. (3 pages)
12.	1/21/71	Inspection Findings and Licensee Acknowledgment, attaching memo to File from R. Smith. (15 pages)

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

NUMBER	DATE	DESCRIPTION
13.	3/31/71	Memo from H. W. Crocker to H. R. Denton, subject: Effluent Data For UNC, Pawling - Elmsford, New York, and New Haven, Connecticut. (1 page)
14.	5/25/71	Letter from William Roche to Sherwood Davies, responding to NY State letter dated 4/27/71. (17 pages)
15.	4/27/71	Letter from C. D. W. Thornton to W. F. Roche, regarding safeguard inspection. (4 pages)
16.	6/22/71	Letter from C. D. W. Thornton to W. F. Roche, regarding actions taken to correct deficiencies. (4 pages)
17.	7/6/71	Memo from M. Crocker to G. Roy, subject: UNC. (2 pages)
18.	7/13/71	Letter from J. P. O'Reilly to William Roche, regarding June 8 through 10, 1971, inspection. (1 page)
19.	11/11/71	Letter from C. D. W. Thornton to J. D. O'Toole, regarding June 14-18, 1971 inspection. (8 pages)
20.	11/24/71	Post-Inspection Cover Sheet for November 22 - 24, 1971 inspection. (1 page)
21.	12/2/71	Field Notes for CO Inspection Report No. 70-903/71-02. (1 page)
22.	12/7/71	Inspection Report 70-903/71-02. (5 pages)
23.	12/17/71	Letter from C. D. W. Thornton to Justin Karp, action taken to correct deficiencies. (3 pages)

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

NUMBER	DATE	DESCRIPTION
24.	12/29/71	TWX from Peter Loysen to the Director, Region 1, notifying that an event occurred at GUN. (1 page)
25.	12/30/71	Outgoing Telecommunication Message from R. A. Smith to G. Roy regarding event at GUN. (2 pages)
26.	1/6/72	Letter from James P. O'Reilly to Peter Loysen, regarding November 22 through 24, 1971 inspection. (3 pages)
27.	2/8/72	Letter from H. W. Crocker to G. W. Roy, subject: CO Inquiry Report No. 7201. (5 pages)
28.	12/1/72	Letter from R. T. Carlson to Peter Loysen, regarding October 30-31, 1972 inspection. (12 pages)
29.	12/22/72	Regulatory Operations - Statistical Data. (1 page)
30.	12/27/72	TWX from R. B. Chitwood to Peter Loysen authorizing allowance for use of respiratory protective equipment. (2 pages)
31.	1/5/73	Memo from Paul Nelson to G. W. Roy, transmitting TWX concerning an explosion in a metallographic glovebox. (3 pages)
32.	1/10/73	Memo from C. Gallina to W. Lorenz, subject: Plutonium Incident at GUN. (3 pages)
33.	1/24/73	Letter from James O'Reilly to Peter Loysen regarding correction of items of noncompliance. (2 pages)
34.	3/27/73	Post-Inspection Cover Sheet. (2 pages)

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

NUMBER	DATE	DESCRIPTION
35.	5/18/73	RO Inspection Report No. 70-903/72-02. (16 pages)
36.	6/13/73	Letter from Peter Loysen to James O'Reilly, responding to 5/17/73 letter indicating that certain GUN activities appeared to be in violation of AEC requirements. (2 pages)
38.	7/30/73	Letter from R. T. Carlson to Peter Loysen, regarding June 28-29, 1973, inspection. (15 pages)
39.	8/2/73	First page only of letter to Peter Loysen, regarding June 13, 1973 letter on correction of violations. (1 page)
40.	8/3/73	Memo from W. W. Kinney to File, subject: Inspector's Evaluation: Gulf United Nuclear Fuels Corporation. (1 page)
41.	8/6/73	Memo Route Slip from P. R. Nelson re: Inspection Rpt. 70-903/73-01. (1 page)
42.	8/21/73	Letter from Peter Loysen to James O'Reilly, regarding Inspection Rpt. 70-903/72-02. (1 page)
43.	8/21/73	Letter from P. Loysen to R. Carlson regarding inspection of June 28-29, 1972. (2 pages)
44.	8/30/73	Letter from James O'Reilly to P. Loysen, regarding Inspection Rpt. 70-903/72-02. (1 page)
45.	9/7/73	Letter form R. T. Carlson to P. Loysen, regarding action taken to correct items in violation. (1 page)
46.	9/18/73	Letter from W. G. Martin to K. L. Wiley, regarding inspection on 8/22/73. (5 pages)

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

NUMBER	DATE	DESCRIPTION
47.	9/25/73	Memo from I. Cohen to Gulf United Nuclear - SNM-871, Trip Report File. (1 page)
48.	11/13/73	Memo from W. W. Kinney to File, subject: Inspector's Evaluations - GUN. (1 page)
49.	11/21/73	Letter from W. Martin to P. Loysen, regarding inspection conducted October 30-31, 1973. (10 pages)
50.	12/20/73	Letter from P. Nelson to F. G. Stengel, regarding inspection conducted November 26 - 28, 1973. (8 pages)
51.	4/24/74	Letter from P. Nelson to P. Loysen, regarding inspection conducted April 9-11, and 15-16, 1974. (10 pages)
52.	9/13/74	Memo from W. W. Kinney to H. E. Bock, subject: Draft Inspection Report and Enclosures For GAC Inspection. (1 page)
53.	9/26/74	Letter from P. Nelson to P. Loysen, regarding inspection conducted on September 5, 1974. (10 pages)
54.	10/2/74	Letter from W. Martin to F. Stengel, regarding inspection conducted August 21-22 and September 11-13, 1974. (13 pages)
55.	11/1/74	Letter from P. Nelson to P. Loysen, regarding soil samples. (3 pages)
56.	3/31/75	Letter from P. Nelson to W. Seymour, regarding soil samples. (3 pages)
57.	4/1975	Results of Soil Sampling - General Atomic Co. Plutonium Laboratory, Pawling, New York. (1 page)

APPENDIX B
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

NUMBER	DATE	DESCRIPTION
58.	6/9/75	Letter from P. Nelson to W. Seymour, regarding soil samples. (4 pages)
59.	8/31/79	Letter from Boyce Grier to Rep. Hamilton Fish, subject: Gulf Nuclear Fuels, Inc. - Pawling Plutonium Laboratory. (1 page)
60.	3/21/84	Letter from J. May to NRC, enclosing sketch of the Nuclear Lake, Pawling NY site plan. (6 pages)
61.	1/14/86	Memo from J. Roth to R. R. Keimig, subject: NRC/USGS/Department of Interior Meeting Concerning the Status of the Former Gulf-UNC Facility at Pawling, New York. (3 pages)
62.	12/15/89	Letter from George Kasyk to Jerry Roth, enclosing copies of license and amendments to The State of New York Radioactive Materials License No. 289-1460. (20 pages)
63.	9/14/90	Memo from R. Bellamy to Malcolm Knapp, subject: Radioactive Contamination Cleanup Responsibilities - Pawling, New York, Nuclear Lake Property. (4 pages)

APPENDIX C
DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	1/5/73	Memo from Region I to File - Gulf United Nuclear Fuels Corporation, Pawling Plutonium Laboratory. (2 pages) Portion withheld pursuant to Exemption 6.
2.	1/19/73	Letter from Gulf United Nuclear Fuels Corporation to NRC, enclosing copies of the report on the incident at Gulf United's Plutonium Facility at Pawling, NY. (19 pages) Portions withheld pursuant to Exemption 6
3.	1/19/73	Letter from Gulf United Nuclear Fuels Corporation to NRC, subject: Organization Changes and Clarification of Possession Limits, requesting amendment to license. (59 pages) Portions withheld pursuant to Exemption 6.
4.	6/20/73	Letter from Gulf United Nuclear Fuels Corporation to NRC, subject: Additional Information in Support of Application for Renewal of SNM-871. (16 pages) Portions withheld pursuant to Exemption 6
5.	9/27/73	Letter from Gulf United Nuclear Fuels Corporation to NRC, subject: Revised General Information. (2 pages) Portions withheld pursuant to Exemption 6
6.	11/29/73	Letters dated November 28 and 29, 1973, from Gulf United Nuclear Fuels Corporation to individuals, regarding results of in-vivo counting performed. (48 pages) Portions withheld pursuant to Exemption 6.
7.	12/18/73	Letters dated November 29, December 10 and 18, 1973, from Gulf United Nuclear Fuels Corporation to individuals, regarding exposure to radiation. (30 pages) Portions withheld pursuant to Exemption 6.