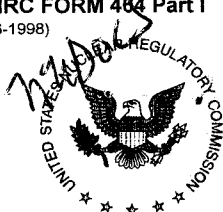


2000-0038

1



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

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Gregory D. Coleridge

DATE

FEB 08 2000

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 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 **A,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, 2120 L Street, NW, Washington, DC.
- APPENDICES **A,B** 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 *
\$

- 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)

Additional records subject to your request were provided to you in response to your previous FOIA requests, 99-163 and 99-224.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

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

2000-0038

FEB 08 2000

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
B

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.
- 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 253(b), 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 2.790(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- 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
James E. Dyer	Regional Administrator, RIII	Appendix B	✓		

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 BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	1/13/69	Letter to R Brinkman from Goodyear Tire & Rubber Company (1 page)
2.	5/9/94	Memorandum for Goodyear Aerospace Files from D Wiedman, Subject: Response to questions to the NRC from concerned citizens living near Wingfoot Lake Advanced Technology Center, Portage County, Ohio (Conversation Record) (4 pages)
3.	Undated	Evaluation Report for License 34-00508-10 (1 page)

**APPENDIX B
RECORDS WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	8/31/94	Letter to Individual from G McCann (3 pages) EX. 6

The Goodyear Tire & Rubber Company

Akron, Ohio 44316

January 13, 1969

Mr. Robert E Brinkman
U S Atomic Energy Commission
Division of Licensing and Regulation
Isotopes Branch
1717 H Street, N.W.
Washington, D C

Dear Mr. Brinkman:

Enclosed are two copies of Form AEC-314, Certificate of Disposition of Radioisotopes regarding the transfer of the material listed on our license 34-00508-10. The material is being transferred to our Research Division and two copies of Form AEC-313 are attached to amend the license at this location (No. 34-00508-06.)

We request that our license 34-00508-10 be cancelled. Please send the amendment to license 34-00508-06 to this office for central filing.

Sincerely,

H M McInerney
Manager,
Safety Department

H M McInerney

e

Enclosures (2)

ok

closed out

(Transferred to - 6)

ALL

MAY 9, 1994

MEMORANDUM FOR: Goodyear Aerospace Files
Docket No. 870-1489

FROM: D. G. Wiedeman, Senior Health Physicist, Fuel
Facilities and Decommissioning Section

SUBJECT: Response to questions to the NRC from concerned
citizens living near Wingfoot Lake Advanced Technology
Center, Portage County, Ohio (Conversation Record)

During a meeting with Dr. Martha Nelson, M.D., Health Commissioner for Summit County Health District on April 29, 1994, the allengers provided the NRC representatives a list of 32 questions they had which were unanswered at that time. On May 5, 1994, I contacted the allenger and provided answers to their questions. Attachment A to this memo is a list of the questions which were asked and below is a summary of the answers:

(1) We did not take a sample of water from Well No. MW-3 because the former licensee representatives we dealt with during the inspection were not aware of any monitoring wells at the Wingfoot facility. Subsequently, we found out that well MW-3 is a shallow well located approximately 200 yards to the Southeast of Blimp Hangar No. 91. This well was installed to monitor the contamination caused by aircraft fuel at their former Fuel Cell Test Facility which was in operation dating back to the 1940s'. However, we sampled a deep well in close proximity to MW-3 and we sampled a shallow well approximately $\frac{1}{4}$ mile from MW-3, on Wingfoot Road.

(2) We have no indication that airborne releases exceeding the NRC limits were made during the entire time the license was in effect.

(3) Yes, low level radioactive waste was generated during licensed activities, all non-recoverable radioactive material was transferred to Teledyne Isotopes and all recoverable material was transferred back to DOE.

(4) Teledyne Isotopes was a waste broker, the NRC computer lists them as expired in 1990 at the address of 1509 Frontage Rd., Northbrook, IL., License No. 12-01843-04. "Bessy" and "Perry" are Davis-Besse and Perry Nuclear Power Plants are both located in Ohio.

(5) The type of radwaste generated (non-recoverable) consisted of booties, caps, anti-c clothing, etc. This waste was transferred to Teledyne Isotopes and subsequently buried at one of the three Low-Level Radioactive Burial sites. Licensee's are required under 10 CFR Part 20 to maintain disposal records for only 5-years after the last shipment.

(6) ORNL and ORISE are not the same, ORISE is an NRC contractor for confirmatory surveys and laboratory analyses support. To the best of my knowledge, the NRC is not (at this time) associated with ORNL regarding these

ALZ

services.

(7) We mailed a copy of the Scoping Survey plan to her during the first week of May. The FOIA request should be mailed to her within the next 2-3 weeks, it was in HQ under going final review for un-releasable data.

(8) We do not release this type of information to the public prior to an inspection.

(9) Our inspection frequency is based upon health and safety significance. This facility was not a high risk site.

(10) This question was regarding potential releases (airborne), I explained that our records do not indicate any airborne releases in excess of the NRC limits during the time the license was active.

(11) This question was more of curiosity, she asked why they (Goodyear) did not treat their sewerage prior to discharge to the leach field, my answer was I don't know.

(12) One Goodyear employee we interviewed during the inspection has been with Goodyear for over 25 years, all names and titles of the employees we interviewed will be in the inspection report.

(13) This item was not a question, only a comment.

(14) Regarding what other activities DOE was involved in at the site, my comment was "I don't know". We conducted an inspection at Goodyear because they were a former licensee of the NRC and we were investigating her allegations regarding that site.

(15) I informed the allegor that I conducted a cursory radiation survey at Sam Weiners Military Surplus on Thursday, April 28, 1994, and did not find any radiation levels above natural background.

(16) This item was not a question, only a statement.

(17) This item was a general statement regarding an occupational morbidity study of a population of workers exposed to epoxy resins, hardeners and solvents at other enrichment facilities in the U.S. by ORISE.

(18) This item was not a question, only a comment regarding a FOIA request for documents at DOE.

(19) I informed the allegor that I could not comment on a study conducted by ORISE, she should contact the authors of the study and ask them her question., See question 17 regard the study.

(20) I informed the allegor that Goodyear had meteorological instrumentation at Building No. 91; however, I did not know if it was there during licensed activities and did not know if it was computerized. The 0° SW was referenced in a letter from Goodyear to Ohio EPA (OEPA), I informed her that I did not know the significance of this reference and she should discuss this item with OEPA.

(21) On the day of the inspection the wind was blowing to the Northeast; however, I informed the allegor that I did not know which way the prevailing winds blow in that area, she should contact the local weather station.

(22) This item was not a question, only a comment regarding her previous phone calls to the NRC staff.

(23) I explained to the allegor that the total inventory for incoming and outgoing shipments of 50 pound containers of UF₆ during the entire time that licensed activities took place will be included in her FOIA request.

(24) This question was inadvertently listed in the questions for the NRC; however, it should have been directed to OEPA and U.S. EPA.

(25) One of the questions we asked all participants that provided a water sample was "how has your health been", two of the participants were from the allegors current and former residence and another water sample from the other allegors residence, both claim to have medical problems.

(26) We attempted to get water samples in a 360° radius around Wingfoot Lake, these samples came from deep wells (160'), shallow wells (35-50') and municipal water systems.

(27) The soil and sediment samples were sent to the NRC office in Illinois, the drinking water samples and fish were sent to Oak Ridge, Tn. for analyses.

(28) This item was not a question, only a comment regarding the amount of documentation that DOE has on centrifuge operations.

(29) I informed the allegor that our files do not contain health statistics and health studies conducted by the Ohio Department of Health, and she should contact them for copies.

(30) The allegor asked general questions regarding blood tests and wholebody counters that would indicate the amount of exposure to radiation and it's biological effects. I informed the allegor that she should discuss this question with her personal family physician. I also informed the allegor that I was not aware of any blood test that would show exposure to environmental levels of radiation or any test that would indicate the long term biological effects from the exposure to environmental radiation.

(31) This was not a question only a comment that her personal family physician stated that he did not know what tests to order for her medical problems.

(32) This was not a question only a comment regarding a second health study is being considered on workers at enrichment facilities.

I informed the allegors that we consider my telephone conversation with them as our response to their questions and they should not expect a written response; however, I would write up a conversation record regarding my response to their questions. The telephone conversation addressing the questions lasted 1½ hours

cc: D.Funk

5/2/84
Healthcare will
check this out

1. MW-3 was it one of the monitoring wells you checked.
2. Could there have been contamination of venting going downwind and landed on gardens and children ingested it?
3. Was there Rad Waste from the process of the centrifuge project.
4. Who is Teledyne Isotopes? Where located? What did they have to do with the U 235? Who is Bessy or Perry? Where are they?
5. What type of rad waste? Where did it go? Proof?
6. Oak Ridge Institute and education is the same place as Oak Ridge National Laboratory. Why did you send the samples here.
7. Where is my protocol? My FOIA?
8. Why did you wait to the end of the week to give it to me?
9. Why did you inspect the facility only two times when the U 235 was being used.
10. Releases? Cylinder gas - cooled-solik-heat-releases.
11. NO TREATMENT PLANT
12. Which employees did you interview from Goodyear? When were they employed? Years?
13. I asked Jane Greenwalt at DOE 6155761216 if DOE would assist in a health study?
14. How can we find out if DOE did any other testing there? You are here because you regulated Goodyear for the centrifuge project?
15. If you will not go on Weiners to check for decontamination because you did not license them. Who can I go to?
16. G. Sect. - Centrifuge- Top Secret- 2 class reviews, one in Washington "A study is probably going to happen on the people in the area if the samples are being taken back there" per Jane Greenwalt?
17. OR ; Wingfoot ; Garret; the three places project was done? DOE Headquarters - Centrifuge k-25 Study (same program) One report is out , second is being released! While I was talking to Jane, a call came in from Torrence CA the Garret program, a man wanting info. resident! She said ATSDR should be able to tell if problems are occurring from Centrifuge project?
18. There is six cubit feet of info. at ORNL. I have FOIA them!
19. Oak Ridge University did a study? Explain
20. Did Goodyear have a computerized weather station at Wingfoot during project? Why was 0⁰ SW in file?
21. Can they tell us which direction the venting of air went?
22. Phone calls are long but I feel you are paid to help us!
23. Goodyear had 150 lbs. how often?
24. The soil and water contamination is small now because you removed the tank in 1986, what about before 1986; how long was it leaking? How can you tell me nothing is wrong out there?
25. Did you test any wells of sick people? Where is my protocol?
26. How did you decide which wells to test? Which aquifers did you hit? Where is your blueprints?
27. The Beacon Journal said you were sending testing to chicago -is this true?
28. Six Cubit feet of info. at OakRidge all classified, Centrifuge only would not have that much infor.
29. Where is the Health Dept. information on Wingfoot?

Has
Liquor
Gases
Seals

PA

30. Chroma some. Alteration. Blood Test - Mr. Littlefield
ORNL. Whole Body Counters

31. My physicians didn't know what to check for

32. South study from study - 2nd report

EVALUATION REPORT FOR LICENSEE

Licensee: GOODYEAR TIRE AND RUBBER COMPANY
Site of operation: AKRON, OHIO

INFORMATION ON EXACT AMOUNTS OF MATL WAS NOT NEEDED TO EVALUATE

Initial rank for the SEALED sources is: 0.00

1. License included only sealed sources
2. SEALED SOURCES OR SHIELDING ARE ADEQUATELY ACCOUNTED FOR by the disposition information

Category for sealed sources: SEALED SRCS ELIMINATED FROM CONSIDERATION

EXPERT SYSTEM EVALUATION WAS BASED ON THE
INVENTORY RECORD IN JOB 0320, BOX 06

Docket

Licensee: GOODYEAR TIRE AND RUBBER COMPANY

Zip: 44316

Address: AKRON, OHIO

State of operation: OH

Site used: AKRON, OHIO

Disposition information present: LICENSEE LETTER STATING DISPOSITION

Contents of letter:

LETTER DATED 1/13/69: TRANSFER OF MATERIALS TO 34-00508-06 AND TERMIN

Matl. Transfrd to: GOODYEAR RESEARCH DIVISION

License to which transferred: 34-00508-06

This license was listed as expired on 01/31/69

Remarks:

JOB NUMBER: 0320

BOX NUMBER: 06

A/3



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

August 31, 1994

Ms. Mary Grimmett

Ex 6

SUBJECT: RESPONSE TO ISSUES FROM AUGUST 23, 1994, PUBLIC MEETING

Dear Ms. Grimmett:

We appreciate the opportunity to attend the August 23, 1994, public meeting in Suffield, Ohio. We hope that the information we provided you and the other citizens who attended the meeting was helpful. Although we were unable to answer all your questions and address all your concerns during the meeting, we committed to respond to the concerns and questions that were raised.

During the public meeting, we were given two petitions. The first petition requested that we conduct additional well water and soil sampling for uranium. It is our position that we have conducted sufficient sampling of the water and soil to verify there is no uranium in the environs surrounding the Goodyear Wingfoot facility in excess of NRC release limits from previously licensed NRC activities. Therefore, we believe it would not be a prudent use of our limited resources to conduct additional tests.

The second petition requested that an NRC inspector travel to Ohio to assist you in interpreting the data you have received from the NRC regarding the former license held by Goodyear for the Wingfoot facility's activities. As indicated above, since we have determined that there is no uranium in the environment as a result of the licensed activities at Goodyear's Wingfoot facility, we see no benefit in expending our resources to continue to review the information from our files. It is our recommendation that if you need assistance in interpreting the data, you should contact your local college or university for knowledgeable individuals.

Our response to additional questions and concerns that were raised during the meeting are indicated below.

1. It was stated that the pit at the Goodyear hanger was 120 feet deep, but we surveyed only down five levels to reach the bottom. That would only account for a pit approximately 50 feet deep. What happened to the portion of the pit that extended further down?

Based on a review of the Goodyear file and discussions with Goodyear, we can not substantiate that there were ever more than five levels below ground. Those five levels were surveyed by Oak Ridge Associated Universities for the NRC in 1986 and found to be below the NRC release criteria for unrestricted use. These levels were surveyed again in April 1994 by the NRC and again found to be free of contamination.

B/1

2. Why was Goodyear allowed to continue operations when the records indicate that air sampling instrumentation was out of service or in calibration for periods up to two years?

Goodyear had no commitment in their license that specified the extent of air sampling. Regulatory requirements would not have dictated specifically what sampling would have been required, but would have been based on what would have been necessary to ensure the protection of workers and ensure detection of radioactivity in the event of a release. A review of the air sampling records alone is insufficient to conclude that they operated for up to two years with the instrumentation out-of-service or in calibration since the dates of the data entries were only every three to six months. The samplers may have been operational between these periods; operations may not have been occurring at those times that would have made sampling necessary; or other samplers could have been operational that met their sampling requirements. Most importantly, based on a review of the inspections that the NRC conducted in 1977, 1978, 1979 and 1982, the air sampling program was examined as part of the inspection and was determined to have been adequate based on what was required.

3. How do we know that radioactive waste was properly disposed of?

A review of the file indicates that residual UF₆ was returned to Oak Ridge National Laboratory and solid and liquid waste was shipped to Teledyne Isotopes. All shipments were required to conform to NRC and Department of Transportation regulatory requirements for the shipment of radioactive material. A review of NRC inspection reports from 1977, 1978, 1979, and 1982 indicated that all shipping records were in order and shipments conducted as required. There are no regulatory requirements that would require Goodyear to maintain records of shipments. Based on this, it appears all radioactive waste was disposed of properly.

4. The results of the first fish sample (catfish) should be released.

The fish samples were sent to the Oak Ridge Institute for Science and Education (ORISE) in Tennessee for analysis for uranium. We were informed by ORISE that their quality control check of the results of the analysis could not validate the results, and that the sample had been cross-contaminated during sample preparation. Because the data was determined by ORISE to be invalid, it was never provided to the NRC. In addition, we see no benefit to the public in releasing invalid information.

Based on the open discussion during the meeting where we responded to the 17 prepared questions and the above additional information, it is our understanding that we have responded to all your concerns and questions. I would like to repeat that our extensive review of past inspection activities and our recent surveys and sampling have led us to conclude that uranium in excess of the NRC unrestricted release limits was not found in the Goodyear Wingfoot facility or in the environs surrounding the facility.

Should you have any questions regarding the above, please do not hesitate to contact me (708) 829-9856 or Mr. Bill Snell (708) 829-9871.

Sincerely,



George M. McCann, Chief
Fuel Facilities and Decommissioning
Section

- cc: W. L. Axelson, RIII
G. L. Shear, RIII
J. Miklosi, Senator Metzenbaum's
Office
C. Arnold, Senator Glenn's Office
M. Bolas, Ohio EPA
R. Owens, Ohio Department of Health
D. Schweninger
J. Holtshouser, Goodyear