



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

2000-0312

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

John D. McCann

DATE

DEC 06 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 **C** 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 **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 *

\$ 1074.27

* 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)

For your information, some personal records were located that relate to your request. These records, totaling 59 pages, are not subject to the FOIA request since they are not agency records.

The fees for processing your request are as follows:

Search [65 hours, 55 minutes, SES and professional]:	\$2269.81
Review [76 hours, SES and professional]:	3014.06
Duplication [488 pages @ \$.20 per page]:	97.60
TOTAL:	\$5381.47
ADVANCE PAYMENT:	4307.20
ADDITIONAL FEES	\$1074.27

You agreed to pay the additional fees in response to the Revised Statement of Estimated Fees dated 11/20/00. You will be billed by the NRC Division of Accounting in the amount noted above.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

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

FOIA/PA 2000-0312

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
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.
- 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
William Kane	Director, NMSS	Appendix D	XX		

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	01/13/00	Project Scheduling Control Sheet (1page)
2.	01/19/00	E-mail, RParkhill to EEaston, MHodges, RChappell, ISG-1 Damaged Fuel (1page)
3.	01/26/00	E-mail, NAC to TMcGinty, submittal of NAC responses to UMS MY RAI-1 (1page)
4.	01/28/00	E-mail, TMcGinty to EWBrach, MHodges, RChappell et al., Ed Davis to meet with Commissioners on 2/2/00 (1page)
5.	02/04/00	E-mail, TMcGinty to ELeeds, SShankman, Dedicated Team (1page)
6.	02/04/00	E-mail, RParkhill to CRegan, KGruss, Spent Fuel Condition - undamaged (1page)
7.	02/04/00	E-mail, KGruss to TMcGinty, Question related to the spent fuel definition protocol (3 pages)
8.	02/09/00	E-mail, TMcGinty to DTang, DCarlson et al., FWD:Revised pages for MY UMS SAR (1page)
9.	02/11/00	E-mail TMcGinty to RChappell, Briefing notes for NAC's visit to EDO/Dicus (1page)
10.	02/11/00	E-mail, JGuttman to KGruss, HLee et al., Re: IS-11 update, NAC-UMS MY approach (2 pages)
11.	02/15/00	Briefing notes NAC's visit with EDO & Commissioner Dicus (2 pages)
12.	02/17/00	Project Schedule and Control Sheet, NAC-UMS MY Amendment (includes Nov/99 control sheet and schedule) (3 pages)
13.	02/17/00	E-mail, TMcGinty to TThompson NAC, Conference Call on the Maine Yankee NAC-UMS review (1page)
14.	02/24/00	E-mail, KGruss to DCarlson, EEaston, et al., Re; Mike Meissner of Maine Yankee called Bill Brach (1page)
15.	03/03/00	E-Mail, R. Parkhill to SO'Connor, TMcGinty, Comments on NAC-UMS Maine Yankee Amendment (1page)

16. 03/06/00 E-mail, KGruss to SBaggett, MBailey, et al., Asking for Comments on IS-11, Rev.1 (1)
17. 03/13/00 E-Mail, KGruss to TMcGinty, Re: FYI - NAC related information (2)
18. 03/15/00 E-Mail, SO'Connor to EWBrach, JLyons, JHall et al., NAC-UMS Maine Yankee Fuel Amendment (1)
19. 03/30/00 E-mail, LKokajko to EEaston, JHall, TMcGinty, Re: NAC-UMS (Maine Yankee) and NAC-LWT High Burnup Review Schedules (2)
20. 04/04/00 E-mail, NAC TThompson to TMcGinty, Submittals re your e-mail of 3/31/00 (1)
21. 04/04/00 Letter to Chairman Meserve from Gov. King providing comments on proposed rule. (3 pages)
22. 04/05/00 E-mail, Parkhill to EEaston, JLyons, MWHodges, Wesflex Thermal Review for MOX, Damaged Fuel (1)
23. 04/07/00 E-mail, TMcGinty to EEaston, RHall, LKokajko, et al., Status of Various NAC Submittals (1)
24. 04/17/00 E-mail, TMcGinty to KGruss, Parkhill, Re: NAC-UMS MY Thermal and Confinement Draft SER (1)
25. 04/17/00 E-mail, NAC TThompson to TMcGinty, One Day Delay in Submittal of Responses to UMS-MY Telecon RAIs (1)
26. 04/21/00 E-mail, KGruss to TMcGinty, Parkhill, SER section NAC-UMS MY (1)
27. 04/21/00 E-mail, DCarlson to TMcGinty, DTang, EKeegan et al., UMS Notchless Tubes, Thinner Boral?? (1)
28. 04/21/00 E-mail, TMcGinty to RHall, SO'Connor, SBaggett, McGinty (1)
29. 04/26/00 E-mail, DTang to SBaggett, EEaston, DCarlson et al., UMS and UMS/MY conference call (1)
30. 04/27/00 E-mail, TMcGinty to EEaston, JRHall, Fwd: RWP deleted NAC Team Meetings, Routine Schedule (1)
31. 5/1/00 E-mail, TMcGinty to NAC TThompson, Forward Looking - Review Priorities (1)
32. 5/1/00 E-mail, TMcGinty to NAC TThompson, Re: Plan for issuing Draft Coc and SER for UMS-MY (1)

33. 5/26/00 E-mail, NAC TThompson to TMcGinty, NAC Submittals (1)
34. 06/05/00 E-mail, TMcGinty to PARKHILL, EEaston, JRHall, MWHodges, OK, I'm ready to talk to NAC on the Maine Yankee thermal issue (1)
35. 06/06/00 E-mail, PARKHILL to TMcGinty, EEaston, JRHall, MWHodges, Re: OK, I'm ready to talk to NAC on the Maine Yankee thermal issue (1)
36. 06/07/00 E-mail, EEaston to TMcGinty, EXE accepted Maine Yankee Amendment - Mis-loadings evaluation and potential impacts on schedule (1)
37. 06/07/00 Briefing notes: NAC-UMS Maine Yankee Issue on Lower Heat Loads (1)
38. 06/07/00 E-mail, TMcGinty to PARKHILL, EEaston, JRHall, MWHodges, OK, I'm ready to talk to NAC on the Maine Yankee thermal issue (1)
39. 06/07/00 E-mail, NAC TThompson to TMcGinty, Re: Drawing changes for NAC-UMS per NUTUG comments (1)
40. 06/07/00 E-mail, NAC TThompson to TMcGinty, Re: Drawing changes for NAC-UMS per NUTUG comments REVISED 6/7/00 (3)
41. 06/07/00 E-mail, NAC TMcGinty to NAC TThompson, Re: Drawing changes for NAC-UMS per NUTUG comments (2)
42. 06/08/00 E-mail, TMcGinty to JRHall, SBaggett, DTang, EEaston, New and Significant Maine Yankee issue (1)
43. 06/08/00 E-mail, DTang to DCarlson, EKeegan, GHornseth, EEaston, FYoung, JRHall, Re: NAC-UMS Maine Yankee Issues (1)
44. 06/12/00 E-mail, NAC TThompson to TMcGinty, Re: Maine Yankee submittal dated 5/31/00 (2)
45. 06/19/00 E-mail, TMcGinty to NAC TThompson, FWD: MY SAR Revision, 6/19/00 (1)
46. 06/20/00 McGinty Review Schedules (1)
47. 06/21/00 E-mail, NAC TThompson to TMcGinty, Re: FWD MY SAR Revision, 6/19/00 (1)
48. 06/22/00 E-mail, TMcGinty to JGuttman, Fwd: Maine Yankee RAI Issues (1)
49. 06/23/00 RAI's associated with MY Thermal Amendment to increase Vacuum/Transfer Operation Times (3)
50. 06/30/00 Operating Plan input - McGinty cases (1)
51. 6/30/00 E-mail, TMcGinty to JGuttman, PARKHILL, EJLeeds, Initial NAC

reaction to our Maine Yankee RAI's (1)

52. 07/06/00 E-mail, EWBrach to ELeeds, EEaston, SShankman, TMcGinty, Call from NAC (1)
53. 07/06/00 E-mail, NAC TThompson to TMcGinty, Re: Conference call on NAC-UMS Maine Yankee and NAC-LWT MEU-MTR (1)
54. 07/06/00 E-mail, TMcGinty to EWBrach, EEaston, ELeeds, Request for background information on Maine Yankee RAI's (1)
55. 07/06/00 NAC-UMS Maine Yankee Amendment Review Timeline (1)
56. 07/10/00 E-mail, NAC TThompson to TMcGinty, Re: Conference Call on NAC-UMS Maine Yankee (1)
57. 07/10/00 E-mail, NAC TThompson to TMcGinty, Re: MY RAI 4-9 (2)
58. 07/10/00 E-mail, TMcGinty to EWBrach, EEaston, ELeeds, JGuttman, Analysis of NAC-UMS RAI's (1)
59. 07/10/00 NAC-UMS Maine Yankee RAI #2 (6/29/00) Summary (8)
60. 07/11/00 E-mail, DTang to EWBrach, EEaston, ELeeds, JGuttman, Re: Analysis of NAC-UMS RAI's (1)
61. 07/12/00 E-mail, TMcGinty to EWBrach, NAC-UMS RAI response and staff SER schedule (1)
62. 07/12/00 E-mail, WKane to TMcGinty, Re: Results of SFPO/NAC Maine Yankee RAI call (1)
63. 07/12/00 E-mail, TMcGinty to EEaston, PARKHILL, Follow-up to yesterday's RAI discussion, pertinent to schedule commitment (1)
64. 07/14/00 E-mail, EWBrach to EJLeeds, Re: NAC/Maine Yankee needs - important (1)
65. 07/14/00 Maine Yankee Loading Scheme (1)
66. 07/17/00 E-mail, ELeeds to EWBrach, SShankman, Fwd: Why the NAC-UMS Maine Yankee amendment is not going direct final (1)
67. 07/17/00 E-mail, TMcGinty to EJLeeds, SO'Connor, Why the NAC-UMS Maine Yankee amendment is not going direct final (1)
68. 07/19/00 E-mail, TMcGinty to EEaston, ELeeds, NAC Schedule Letter (1)
69. 07/20/00 E-mail, TMcGinty to FJacobs, PNarbut, PBrochman, Direct Final for NAC-UMS Maine Yankee (1)

70. 07/20/00 Project Scheduling Control Sheet (2)
71. 07/24/00 Action Items RE NAC/Maine Yankee Cask Review (2)
72. 07/25/00 Action Items RE NAC/Maine Yankee Amendment Review Schedule (4)
73. 07/25/00 E-mail, CJackson to TMcGinty, Exemption to Part 72 to permit use of unapproved cask (prior to rulemaking) (1)
74. 07/25/00 E-mail, PBrochman to MLesar, 75 day comment period (1)
75. 07/25/00 E-mail, TMcGinty to NAC TThompson, RAI 4-2 and Meeting on July 28 at 1:00 (1)
76. 07/26/00 E-mail, TMcGinty to AHowe, CJackson, PHolahan, NAC-UMS Maine Yankee Amendment (1)
77. 07/27/00 E-mail, TMcGinty to SBush, Re: Rulemaking Schedule for NAC-UMS Amendment 1 (1)
78. 07/27/00 E-mail, TMcGinty to EWBrach, Exemption Path Handout for Bill Kane briefing (2)
79. 07/28/00 E-mail, SBush to AHowe, EWBrach, PHolahan, NAC-UMS Amendment 1 schedule (5)
80. 07/28/00 E-mail, EWBrach to MVirgilio, SFPO Items of interest for Friday, 7/28 (2)
81. 08/02/00 E-mail, PHolahan to TMcGinty, Re: Action Items as a result of Maine Yankee Meeting on 7/28 (2)
82. 08/03/00 8/3/00 Working Group on Rulemaking Action Items (1)
83. 08/04/00 Action Plan on Direct Final Approach for CoC Amendments (3)
84. 08/07/00 E-mail, TMcGinty to ELeeds, Pro's and Con's of Direct Final (1)
85. 08/07/00 E-mail, TMcGinty to SShankman, Request Meeting with You to Discuss Maine Yankee Direct Final (1)
86. 08/07/00 E-mail, PHolahan to AHowe, CCarpenter, DMeyer, Re: Action Plan for Direct Final Rulemaking for CoC Amendments (1)
87. 08/07/00 Decision to Pursue Direct Final Rulemaking for NAC-UMS Maine Yankee Amendment (3)
88. 08/08/00 NAC-UMS, Amendment 1 Rulemaking Schedule Info (1)
89. 08/08/00 E-mail, TMcGinty to AHowe, Re: Request Meeting with You to Discuss Direct Final (1)

90. 08/15/00 E-mail from A. Howe to P. Holahan re: Call from Bill Brach re: NAC-UMS (2 pages)
91. Updated NAC-UMS Amendment 1 Schedule (Proposed Rule Route) (6 pages)
92. 05/25/00 E-mail from Louis Riani to A. Tse, G. Gunderson, and P. Holahan, subject: Write-ups For New Rulemakings RM#563 AND RM#565. (3 pages)
93. 02/23/00 NAC-UMS-MY Amendment - Additional Questions and Issues. (1 page)
94. 02/24/00 NAC-UMS-MY Amendment - Additional Questions and Issues. (1page)
95. 03/09/00 MY Category Assemblies. (2 pages)
96. 04/07/00 E-mail from T. McGinty to E. Easton, J. Hall, L. Kokajk, re Status of Various NAC Submittals. (1 page)
97. 04/17/00 E-mail from T. McGinty to E. Easton, J. Hall, L. Kokajk, re NAC-UMS (Maine Yankee) and NAC-LWT High Burnup Review Schedules. (1 page)
98. 04/17/00 E-Mail from T. McGinty to NAC re Various Issues on NAC reviews. (1 page)
99. 05/04/00 E-mail from T. McGinty to D. Tang, D. Carlson, E. Keegan, etc., re Schedule for NAC Activities. (2 pages)
100. 06/08/00 E-mail from T. McGinty to D. Tang, D. Carlson, E. Keegan, etc. re NAC-UMS Maine Yankee Issues. (1 page)
101. 06/20/00 E-mail from T. McGinty to NAC re MY SAR Revision, 6/19/00. (1 page)
102. 06/20/00 E-mail from D. Tang to T. McGinty re MYSAR Revision, 6/19/00. (1 page)
103. 06/23/00 E-mail from R. Parkhill to E. Easton, M. Hodges, T. McGinty re Thermal RAIs for NAC-UMS MY Amdmt - Reduced Heat Loads for Transfer Operatoins. (4 pages)
104. 06/27/00 E-mail from T. McGinty to D. Tang & K. Gruss re Correcting UMS SAR with MY Tables 3.3.1. and 3.3.3. (1 page)
105. 07/07/00 E-mail from T. mcGinty toK. Gruss re FYI - We are having a conference call with NAC re MY RAIs. (1 page)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	07/27/00	Calculation EA790-3405, "Transfer Cask Transient Thermal Analysis." (117 pages) EX. 4
2.	03/02/00	Calculation EA790-3405, Rev. 4, "Transfer Cask Transient Thermal Analysis." (430 pages) EX. 4