

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

2001-0102

**3**RESPONSE  
TYPE

FINAL



PARTIAL

DATE

**MAY 15 2001**

REQUESTER

**Linda Fullerton/Attn: Andrew Russell****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 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.
- ☒ **E, F**
- ☒ 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 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 addressed in a previous FOIA request, FOIA/PA-2000-0368 in the name of **WARREN**. These records are also available at NRC's Public Document Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. If you need assistance in obtaining records, please contact the NRC's PDR at 301-415-4737 or 1-800-397-4209 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

(6-1998)

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

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**PART II.A -- APPLICABLE EXEMPTIONS**APPENDICES  
**F**

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
Samuel J. Collins	Director, Office of Nuclear Reactor Regulation	Appendix F			✓

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 E**  
**RECORDS BEING RELEASED IN THEIR ENTIRETY**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)</u></b>
1.	Undated	Memorandum to G Holahan from F Eltawila , Subject: RES Review of and Response to ACRS Comments on Spent Fuel Cladding Behavior Following a Loss-Of-Water Accident during Pool Storage (15 pages)
2.	3/12/99	E-Mail from N Siu to M Rubin, Subject: Spent Fuel Pool Risk (1 page)
3.	3/17/99	E-Mail from M Cunningham to w Huffman, Subject: Shutdown Study (1 page)
4.	5/25/99	Memorandum to G Holahan from C Rossi, Subject: Technical Support for Spent Fuel Pool Zirconium Fire Consequence Analysis (10 pages)
5.	11/12/99	Memorandum to S Collins from A Thadani, Subject: Spent Fuel Pool Risk Assessment (2 pages)
6.	11/19/99	Memorandum to G Holahan from J Craig, Subject: Review of Draft Technical Study of Spent Fuel Pool Accidents for Decommissioning Plants (52 pages)
7.	12/10/99	Memorandum to J Hannon from F Eltawila, Subject: Opportunities to Reduce Uncertainty in Consequence Assessment for spent Fuel Pool Accidents (5 pages)
8.	4/21/00	E-Mail from F Eltawila to G Holahan, et al., Subject: SFP with enclosure (1 page)
9.	4/21/00	E-Mail from J Schaperow to G Kelly, Subject: Evacuation Sensitivity (2 pages)
10.	5/1/00	E-Mail from J Schaperow to G Kelly, Subject: prompt Fatalities (1 page)
11.	5/10/00	E-Mail from J Schaperow to G Kelly et al., Subject: SFP (1 page)
12.	6/26/00	Comments from N Sin, RES (1 page)
13.	4/3/00	E-Mail from N Chokshi to G Hubbard et al., Subject: Spent Fuel Pool Decommissioning Seismic Screening with enclosure (4 pages)

14. 8/11/00 E-Mail from N Chokshi to G Hubbard et al., Subject: Spent Fuel Pool Decommissioning: Seismic Screening with enclosure (5 pages)
15. 8/25/00 Memorandum to G Holahan from F Eltawila, Subject: Risk-Informed Requirements for Decommissioning (18 pages)
16. 9/19/00 E-Mail from J Schaperow to R Palla, Subject: MACCS Results vs. Decay Time with enclosure (5 pages)
17. 10/18/00 Consequence Assessment for Spent Fuel Pool Accidents to ACRS (22 pages)
18. 10/18/00 Presentation to the ACRS Reactor Fuels Subcommittee (9 pages)
19. 10/23/00 E-Mail from J Schaperow to R Palla, Subject: Final Memo on SFP Consequence Calculations with enclosure (5 pages)
20. 10/26/00 E-Mail from J Schaperow to G Hubbard et al., Subject: SFP Accident consequence Memo with enclosure (6 pages)
21. 11/2/00 Consequence Assessment for Spent Fuel Pool Accidents Presentation to the ACRS (17 pages)
22. 5/25/99 Memorandum to G Holahan from C Rossi, Subject: Technical Support for spent Fuel Pool Zirconium Fire Consequence Analysis (8 pages)
23. 1/5/01 E-Mail from J Shea to S Richards, Subject: SFP TWG Comm Plan Q/A's (1 page)
24. 4/13/00 E-Mail from A Cronenberg to GKelly et al., Subject: Spent Fuel Pool Exemptions (1 page)
25. Undated Draft Memorandum to W Travers from A Vietti-Cook, Subject: Staff Requirements - Briefing on Part 50 Decommissioning Issues (1 page)
26. 11/9/99 Notation Vote Response Sheet, G Dicus, Subject: SECY-99-168, "Improving Decommissioning Regulations for Nuclear Power Plants (2 pages)
27. Undated Memorandum to Chairman Meserve et al., Subject: Draft Final Technical Study on Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants (4 pages)

**APPENDIX F  
RECORDS WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	4/18/00	Response by SPSB to fax by P Atherton on the Draft Final Decommissioning Risk Assessment with enclosures (17 pages) EX. 6