



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

2001-0190

3

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Jim Warren

DATE

MAY 2 2001

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 **E** 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 **F,G,H** 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, ~~2420 L Street, NW, Washington, DC.~~
- APPENDICES **F,G,H** 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)

*Records with a ML Accession Number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by e-mail to pdr@nrc.gov.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed *Carol Ann Reed*

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
H

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 H	✓		

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 ALREADY AVAILABLE IN THE PDR

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NO.</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	09/16/96	9609200094	Strategic Assessment Issue Paper (15 pages)
2.	12/17/96	9612230054	Memo J. Taylor, EDO, to Commissioners Re: Changes to the Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors, SECY-96-256 (21 pages)
3.	06/16/97	ML992930038	Memo L. Callan, EDO, to Commissioners, Re: Rulemaking Plan for Emergency Planning Requirements..., SECY-97-120 (16 pages)
4.	06/30/99	ML992800087	Memo W. Travers, EDO, to Commissioners, Re: Improving Decommissioning Regulations for Nuclear Power Plants, SECY-99-168 (18 pages)
5.	12/21/99	ML003752190	Memo from A. Vietti-Cook, SECY, to W. Travers, EDO, Re: Staff Requirements-SECY-99-168-Improving Decommissioning (2 pages)
6.	02/15/00	ML003683371	Memo from R. Dudley, NRR, to Attached List, Re: Transmittal of Draft Final Technical Study of Spent Fuel Pool Accident... (283 pages)
7.	06/28/00	ML003721626	Memo W. Travers, EDO to NRC Commissioners, Re: Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning, SECY-00-0145 (83 pages)
8.	11/08/00	ML003769163	Ltr from D. Powers, ACRS, to R. Meserve, NRC, Re: Draft Final Technical Study of Spent Fuel Pool Accident Risk at Decommissioning.. (4 pages)
9.	12/20/00	ML003762910	Memo from W. Travers, EDO, to Commissioners, Re: Final Technical Study on Spent Fuel Pool Accident Risk...(92 pages)
10.	01/10/01	ML010110343	Ltr from R. Beedle, NEI, to S. Collins, NRR, Re: Industry performed an evaluation of the behavior of spent fuel stored...(23 pages)
11.	01/17/01	*website	NRC News Release No. 01-005, NRC Report Rates Risk of Fire at Decommissioning... *[http://www.nrc.gov/OPA] (2 pages)
12.	01/17/01	ML010240273	Federal Register Notice: Availability of Technical Study of Spent Fuel Pool Accident Risk at Decommissioning..(3 pages)

13. 01/18/01 ML003775366 Ltr from W. Travers, EDO, to G. Apostolakis, ACRS, Re: Draft Final Technical Study of Spent Fuel Pool Accident Risk... (3 pages)
14. 01/18/01 ML010190499 E-mail from J. Warren, NC-WARN, to T. Murphy, P. Lam, Board, Re: Nuclear Waste Risk Eye-Opening (5 pages)
15. 02/06/01 ML010380023 Viewgraphs: Public Meeting on 02/06/01 (9 pages)
16. 02/13/01 ML010440106 Public Meeting Summary w/NEI on 02/06/01 by D. Wrona, NRR (6 pages)
17. 03/21/01 ML010750461 Transcript of 480th ACRS Meeting

**APPENDIX F
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	Undated	Note from J. Lehning, NRR, to Tim (Collins), NRR, Re: Attached Relative Activity Scales (21 pages)
2.	Undated	Supporting Data for Report: Drafts of charts, graphs, handwritten notes (32 pages)
3.	Undated	Viewgraphs: Spent Fuel Pool Accident Risk at Decommissioning Plants, F. Miraglia, et al., (13 pages)
4.	Undated	Handwritten notes: Commission Meeting (6 pages)
5.	Undated	Viewgraphs: Next Steps (3 pages)
6.	Undated	Draft 3.2, Characteristics of SFP Design & Operations for a Decommissioning Plant (7 pages)
7.	Undated	Draft Current Decommissioning Plants (8 pages)
8.	Undated	Ltr from R. Shadis, New England Coalition on Nuclear Pollution, to Commissioners, Re: Technical Study of Spent Fuel Pool...(2 pages)
9.	Undated	Additional Security Related Speaker Notes (Background Notes for Commission Meeting) no longer "Official Use Only" (8 pages)
10.	09/21/00	Assumption of 3.5 Cores in Thermal Hydraulic Analysis (2 pages)
11.	09/25/00	E-mail from K. Parczewski, NRR, to T. Collins, NRR, Re: Transport of Ruthenium Oxides (1 page)
12.	10/06/00	Draft 2.0, Thermal-Hydraulic Analysis (3 pages)
13.	10/11/00	Summary of Telecon with FEMA Related to Emergency Planning for Decommissioning Nuclear Power Plants (2 pages)
14.	01/17/01	Q & A's Related to the Release of the Technical Study on Spent Fuel Pool Accident Risk at Decommissioning...(5 pages)
15.	02/06/01	Handwritten notes & Viewgraph: 02/06/01 NEI/NRC Meeting (3 pages)
16.	02/16/01	Notes on the Technical Study of Spent Fuel Pool Accident Risk at Decommissioning...from R. Shadis, New England Coalition on Nuclear Pollution, to Chairman Meserve, NRC (7 pages)
17.	02/20/01	E-mail from D. Curran, Harmon & Curran, to A. Gordon, Board & Parties, Re: Comments on Technical Study (9 pages)
18.	02/20/01	Viewgraphs: Risk Informing Decommissioning Policy, 02/20/01 Commission Meeting, R. Beedle, NEI (5 pages)
19.	02/20/01	Viewgraphs: Spent Fuel Pool Accident Risk at Decommissioning Plants, Commission Meeting, D. Lochbaum, Union of Concerned Scientists (13 pages)
20.	12/21/00	E-Mail from C Tinkler to B Mendelsohn, Subject: Effect of Cladding Not Being Fresh (1 page)
21.	9/27/00	Memorandum to Gholahan from F Eltawila, Subject: Risk-Informed Requirements for Decommissioning (9 pages)

22. 10/20/00 E-Mail from C Tinkler to J Staudenmeier, Subject: Spent Fuel with enclosures (12 pages)
23. 11/7/00 Memorandum to S Collins from A Thadani, Subject: Response to User Need Request for Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Plants (4 pages)
24. 1/31/0 E-Mail from C Tinkler to D Diec, Subject: Meeting with NEI on Bob Henry Report on TWG Study-Reminder (1 page)

**APPENDIX G
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	3/14/01	Public Involvement in Decommissioning the Maine Experience (10 pages)
2.	3/7/01	E-Mail from R Lee to J Schaperow, Subject: Ruthenium Release White Paper with enclosure (6 pages)
3.	3/6/01	E-Mail from C Tinkler to D Jackson et al., Subject: TWG Swedish govt question with enclosure (2 pages)
4.	2/7/01	SFP Risk (8 pages)
5.	2/20/01	E-Mail from D Curran to A Gordon, Subject: Comments on Technical Study (12 pages)
6.	2/16/01	Source Term Data (1 page)
7.	2/20/01	Slides (4 pages)
8.	2/20/01	Before the NRC, Commission Meeting, Notes on the Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Stations Completed October, 2000 - Issued January 2001 (9 pages)
9.	Undated	Ltr to Chairman Meserve from R Shadis (2 pages)
10.	2/20/01	D Lochbaum Slides (3 pages)
11.	2/6/01	NEI/Public Meeting on Decommissioning Rulemaking (1 page)
12.	2/6/01	Comments on Spent Fuel Pool Analyses for Postulated Accident Conditions (5 pages)
13.	2/6/01	Industry Recommendations on Spent Fuel Pool Risk Study (4 pages)
14.	2/5/01	Handwritten Notes (1 page)
15.	2/5/01	Handwritten Notes (2 pages)
16.	1/10/01	Ltr to S Collins from R Beedle, NEI (12 pages)

17. 1/5/01 E-Mail from J Schaperow to G Hubbard, Subject: SFP TWG Comm Plan Q/A's (1 page)
18. 11/14/00 Handwritten Notes (1 page)
19. Undated Mean Consequences (Accident frequencies about 1E-6/year or less) (1 page)
20. 11/14/00 Tables, Results based on NUREG-1465 (modified) Source Term (5 pages)
21. 11/14/00 Handwritten Notes (1 page)
22. 11/14/00 Tables, Results based on NUREG-1465 (modified) Source Term (4 pages)
23. Undated Mean Consequences (Accident frequencies about 1E-6/year or less) (1 page)
24. Undated Mean Consequences (Accident frequencies about 1E-6/year or less) (1 page)
25. 11/9/00 Handwritten Notes (3 pages)
26. 11/9/00 Results based on NUREG-1465 (modified) source term (8 pages)
27. 11/2/00 Consequence Assessment for spent Fuel Pool Accidents to ACRS (17 pages)
28. 11/2/00 Slides Presented to ACRS (6 pages)
29. 11/2/00 Slides Presented by Hendricks, NEI (4 pages) –
30. 10/18/00 Consequence Assessment for Spent Fuel Pool Accidents to ACRS (22 pages)
31. 10/18/00 Slides by Hendricks, NEI (6 pages)
32. Undated Graph (1 page)
33. 11/00 1 CD containing MACCS output files for 30 runs

APPENDIX H
RECORDS WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Security Issues (1 page) EX. 4