



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

2003-0016

1

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Norman Stone

DATE

NOV 12 2002

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
- 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)

As indicated to your during a November 8, 2002, telephone conference call, between Mrs. Rammling, of my staff, and members of the Office of Nuclear Reactor Regulation staff, NRC does not have a 1.1 version of the CARES computer codes.

As was explained to you during the November 8 telephone call and earlier conversations, one government agency cannot make a Freedom of Information Act (FOIA) request to another government agency. The statute 5 U.S.C. § 551(2) specifically excludes one federal agency from making a FOIA request of another Federal agency. As a subcontractor to Department of Energy this precludes your making a FOIA request to the NRC on DOE's behalf.

You were informed that a 1.3 version of the CARES computer codes has been developed for the personal computer. However, staff within NRC's Office of Research have stated that the 1.3 version is not available for release as it is still being tested.

(continued)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

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

2003-0016

1

DATE

NOV 12 2003

PART I C COMMENTS (Continued)

Although staff was unable to provide an expected release date, they indicated that once all testing is complete a copy of the 1.3 version will be provided to the Oak Ridge National Laboratory (ORNL). As you indicated, Ms. Barbara Snow is the contact at the Oak Ridge National Laboratory, Radiation Safety Information Computational Center, telephone number 865-574-6176, and that is whom you would need to contact in order to obtain a copy of version 1.3.

This completes NRC action on your request.