



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

2006-0110

1

RESPONSE TYPE FINAL PARTIAL

REQUESTER

David Lochbaum

DATE

APR 21 2006

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, 11555 Rockville Pike, Rockville, MD 20852-2738.
- APPENDICES **A,** 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)

The incoming FOIA/PA -2006-0110 request is located in ADAMS at ML060410706.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols *Russell A. Nichols*

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

2006-0110 Resp 1

APR 21 2006

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
B, C

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 253b, 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 2.390(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(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
Dr. Carl J. Paperiello	Director, Office of Research	Appendix B & C	✓		

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
(If copyrighted Identify with *)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	01/13/06 [9:18am]	E-mail from Mike Billone, Argonne National Laboratory (ANL) to Chris Brown (NMSS), et al., Subj: News to Me (5 pgs)
2.	01/13/06 [9:57am]	E-mail from P. Clifford (NRR) to F. Akstulewicz (NRR), Re: Fwd: News to Me (1 pg)
3.	01/13/06 [10:25am]	E-mail from Mike Billone (ANL) to Harold Scott (RES), et al., Subj: Contingency Plan (4 pgs)
4.	01/13/06 [12:34pm]	E-mail from F. Eltawila (RES) to R. Meyer (RES), et al., Subj: ANL (1 pg)
5.	01/13/06 [1:17pm]	E-mail from R. Einziger (NMSS) to G. Bjorkman, et al., Subj: In light of the recent development at ANL, I think we need to meet to assess our alternatives for pr (1 pg)
6.	01/13/06 [2:58pm]	E-mail from Julie Simpson (ORNL) to R. Meyer (RES), Subj: Meeting request (2 pgs) Attach: 01/16/06 article from The Argonne News, entitled "Safety concerns stem from a trio of 'root causes'" - (3 pgs) http://www.anl.gov/Media_Center/Argonne_News/2006/an060116.htm#story5
7.	01/13/06 [5:20pm]	E-mail from Mike Billone (ANL) to Harold Scott (RES), et al., Subj: Let the Smoke Clear (1 pg)
8.	01/17/06 [11:42am]	E-mail from Mike Billone (ANL) to Harold Scott (RES), Subj: Plann for Continued Work (1 pg)
9.	01/17/06[1:00pm]	E-mail from P. Clifford (NRR) to F. Akstulewicz (NRR), et al., Re: Fwd: News to Me (1 pg)
10.	01/18/06 [10:19am]	E-mail from Robert Einziger (NMSS) to Marissa Bailey (NMSS), Subj: Fwd: News to Me (2 pgs)
11.	01/18/06 [4:09pm]	E-mail from Ralph Meyer (RES) to Paul Clifford (NRR) & Robert Einzinger (NMSS), Subj: Draft Notes for Phone Calls (2 pgs)

APPENDIX A - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted Identify with *)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
12.	01/20/06 [11:37am]	E-mail from Mike Billone (ANL) to Ralph Meyer (RES), Subj: FW: Updated Path Foward (2 pgs)
13.	01/20/06 [6:06pm]	E-mail from Rosa Yang (EPRI) to Bert Dunn (Framatome), et al., Subj: RE: Calls to Argone (2 pgs) Attach: 01/20/06 Draft Notes for Telephone Call to Philip J. Finck (2 pgs)
14.	01/25/06 [1:22pm]	E-mail from F. Eltawila (RES) to Joyce Donald (ANL), Subj: RE: Phone Call about NRC Program in AGHCF (3 pgs)
15.	01/26/06 [3:07pm]	E-mail from Joyce Donald (ANL) to Ralph Meyer (RES), Subj: Re: A Little More on Background (1 pg)
16.	01/27/06 [11:00am]	E-mail from Mike Billone (ANL) to Ralph Meyer (RES), Subj: Reality (1 pg)
17.	01/27/06 [12:31pm]	E-mail from Mike Billone (ANL) to Ralph Meyer (RES), Subj: RE: AGHCF and IML (28 pgs)
18.	01/27/06 [5:21pm]	E-mail from Ralph Meyer (RES) to Carl Paperiello (RES) Subj: Nuclear Fuel Article on ANL Hot Cell (1 pg)
19.	01/30/06 [8:09am]	E-mail from Ralph Meyer (RES) to F. Eltawila (RES), Subj: Fwd: Re: NRC Program in AGHCF (1 pg)
20.	01/30/06 [6:17pm]	E-mail from F. Eltawila (RES) to R. Meyer (RES), Subj: Fwd: REPLY RE: PROPOSED D-NOTE - Unavailability of Argonne facility (2 pgs)
21.	01/31/06 [10:20am]	E-mail from H. Scott (RES) to R. Meyer (RES), Subj: ANL work on SFPO need (1 pg)
22.	01/31/06 [10:23am]	E-mail from Samuel Lee (NRR) to Ralph Meyer (RES), Subj: Fwd: REPLY RE: PROPOSED D-NOTE - Unavailability of Argonne facility (2 pgs)
23.	01/31/06 [11:41am]	E-mail from Robert Daum (ANL) to Mike Billone (ANL), et al., Subj: Studsvik Unloading - Update (1 pg)

APPENDIX A - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
24.	01/31/06 [2:48pm]	E-mail from Ralph Meyer (RES) to Mike Billone (ANL) Subj: Re: ANL Progress fro January 2006 (2 pgs)
25.	01/31/06 [5:03pm]	E-mail from J. Voglewede (RES) to F. Eltawila (RES), Subj: Argonne and Commission Meeting on Fuel Reliability (1 pg)
26.	02/02/06 [9:38am]	E-mail from M. Billone (ANL) to H. Scott (RES), et al., Subj: RE: ANL Contingency Planning (2 pgs)
	02/01/06 [8:35am]	E-mail from H. Scott (RES) to J. Voglewede (RES)
	02/01/06 [12:50pm]	E-mail from J. Voglewede (RES), to R. Meyer (RES)
27.	02/02/06 [10:48am]	E-mail from R. Meyer (RES), to H. Scott (RES), et al., Subj: RE: ANL Contingency Planning (2 pgs)
	02/02/06 [9:37am]	E-mail from M. Billone (ANL)
	02/01/06 [8:35pm]	E-mail from H. Scott (RES)
	02/01/06 [12:50pm]	E-mail from J. Voglewede
28.	02/02/06 [5:02pm]	E-mail from R. Meyer (RES) to F. Eltawila (RES), Subj: Talking Points on AGHCF (2 pgs)
29.	02/06/06 [1:43pm]	E-mail from H. Scott (REs) to R. Meyer (RES), Subj: December memo to T Martin (1 pg)
	[ML053470123]	12/21/05 Memo from F. Eltawila (RES) to T. O. Martin (NRR), Subj: Executive Summary of Deficiencies in Acceptance Criteria for Loss-of-Coolant Accidents (7 pgs)
30.	02/08/06 [9:27am]	E-mail from M. Billone (ANL) to R. Meyer (RES), Subj: RE: ANL Progress for January 2006 (3 pgs)
	02/08/06 [8:01am]	E-mail from R. Meyer (RES) to Billone (ANL)
	01/31/06 [2:51pm]	E-mail from Mike Bilonw (ANL)
	01/31/06 [1:48 pm]	E-mail from R. Meyer (RES) to Billone (ANL)
	01/31/06 [2:36pm]	E-mail from M. Billone (ANL)
31.	02/08/06 [3:59pm]	E-mail from M. Billone (ANL) to H. Scott (RES), Subj: RE: Zry, M5, ZIRLO (2 pgs)
	02/07/06 [9:30am]	E-mail from H. Scott (RES) to Billone (ANL)

**APPENDIX A - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted Identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
32.	02/09/06 [3:25am]	E-mail from Janzon Cecilia (Studsvik Nuclear AB) to R. Meyer (RES), Subj: SV: North Anna ZIRLO(TM) maaterial for ANL testing (2 pgs) 01/17/06 [14:24] E-mail from R. Meyer (RES) to J. Cecilia (Studsvik) 01/13/06 [4:16am] E-mail from J. Cecilia (Studsvik)
33.	02/09/06 [9:27am]	E-mail from M. Billone (ANL) to R. Meyer (RES), Subj: RE: Draft Letter (2 pgs) 02/09/06 [7:47am] E-mail from R. Meyer (RES) to Billone (ANL)
34.	02/09/06 [11:25am]	E-mail from Mike Billone (ANL) to R. Meyer (RES), Subj: RE: SV: North Anna ZIRLO(TM) maaterial for ANL testing (2 pgs) 02/09/06 [7:07am] E-mail from R. Meyer (RES) to Janzon Cecilia (Studsvik Nuclear AB) 02/09/06 [3:25am] E-mail from Janzon Cecilia (Studsvik Nuclear AB) 01/17/06 [14:24] E-mail from R. Meyer (RES) to Janzon Cecilia (Studsvik) 01/13/06 [4:16am] E-mail from Janzon Cecilia (Studsvik)
35.	02/09/06 [4:01pm]	E-mail from M. Billone (ANL) to R.Meyer (RES), Subj: FW: Diagram for Commissioner (2 pgs) 02/09/06 [1:22pm] E-mail from R. Meyer (RES) to Billone (ANL)
36.	02/09/06 [5:47pm]	E-mail from F. Eltawila (RES) to R. Meyer (RES), Subj: Re: Final Notes on ANL Hot Cell Program (1 pg)
37.	02/09/06 [6:24pm]	E-mail from Mike Billone (ANL) to R. Meyer (RES), Subj: RE: final Notes on ANL Hot Cell Program (2 pgs) 02/09/06 [4:30pm] E-mail from R. Meyer (RES) to Billone (ANL)
38.	02/10/06 [9:46am]	E-mail from M. Billone (ANL) to R. Meyer (RES), Subj: RE: Final Notes on ANL Hot Cell Program (2 pgs) 02/10/06 [7:21am] E-mail from R. Meyer (RES) to Billone (ANL) 02/09/06 [6:24pm] E-mail from M. Billone (ANL) 02/09/06 [4:30pm] E-mail from R. Meyer (RES) to Billone (ANL)
39.	02/10/06 [10:11am]	E-mail from M. Billone (ANL) to R. Meyer (RES) Subj: FW: Today's Revision (6 pgs)
40.	02/10/06 [10:26am]	E-mail from R. Meyer (RES) to Patrick Baranowsky (NRC) Subj: Notes for Commissioner on Argonne Hot Cells (6 pgs)

**APPENDIX A - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
41.	02/10/06 [12:43pm]	E-mail from M. Billone (ANL) to J. Voglewede (RES), et al., Subj: Approval to Receive M5 Rods (1 pg) Attach: 02/10/06 Letter from D. Joyce (ANL) to Idaho National Laboratory (1 pg)
42.	02/10/06 [4:29pm]	E-mail from Gerald A. Potts, Global Nuclear Fuel (GNF) to R. Meyer (RES) Subj: RE: Alternate Alloy (2 pgs) 02/10/06 [3:18pm] E-mail from R. Meyer (RES) to G. A. Potts 02/10/06 [9:12am] E-mail from G. A. Potts 02/10/06 [9:05am] E-mail from R. Meyer (RES) to G. A. Potts 02/10/06 [8:46am] E-mail from G. A. Potts
43.	02/13/06 [10:05am]	E-mail from M. Billone (ANL) to H. Scott (RES) Subj: Draft text of 189 (1 pg)
44.	02/13/06 [4:54pm]	E-mail from M. Billone (ANL) to H. Scott (RES) Subj: SpellChecked Version (15 pgs) Attach: Advanced Fuel Cladding Response to Limiting Conditions: Detailed Work Scope, Milestones, Schedules and Budget Comments
45.	02/14/06 [12:34pm]	E-mail from M. Billone (ANL) to R. Meyer (RES), Subj: RE: Notes for Commissioner on Argonne Hot Cells (1 pg) 02/10/06 [9:26am] E-mail from R. Meyer to Patrick Baranowsky
46.	02/14/06 [1:36pm]	E-mail from H. Scott (RES) to F. Eltawila & R. Meyer (RES), Subj: ANL expenditure rate (1 pg)
47.	02/14/06 [10:21pm]	E-mail from H. Scott (RES) to R. Meyer (RES), Subj: McGaff... on hot cells (1 pg)

**APPENDIX B
RECORDS BEING RELEASED IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / (PAGE COUNT) - EXEMPTION</u>
1.	01/15/06 [11:07am]	E-mail from Ralph Meyer (RES) to F. Eltawila (RES) Subj: Argonne and NRR (1 pg) Ex. 6
2.	01/27/06 [5:35pm]	E-mail from R. Rosner (ANL) to R. Meyer (RES), Subj: Re: NRC Program in AGHCF (3 pgs) Ex. 6 01/27/06 [3:34am] E-mail from R. Rosner (ANL) 01/26/05 [3:37am] E-mail from R. Rosner 01/24/06 [11:03pm] E-mail from R. Rosner Attach: [ML060200283] 01/24/06 Letter from C. J. Paperiello (RES) to R. Rosner (ANL) (3 pgs)
3.	02/10/06 [8:05pm]	E-mail from M. Billone (ANL) to H. Scott (RES), Subj: RE: 189 revised (2 pgs) Ex. 6
4.	01/19/06 [9:13am]	E-mail from Robert Einziger, NMSS, to P. Clifford & R. Meyer (RES), Subj: Finck notes (2 pg) Attach: Notes for Phone Call to Philip J. Fink (2 pgs withheld in entirety) Ex. 5

**APPENDIX C
RECORDS BEING WITHHELD IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / (PAGE COUNT) - EXEMPTION</u>
1.	01/18/06 [8:41am]	E-mail from J. Voglewede (RES) to R. Meyer (RES), Subj: Re: Draft for Quick Comment (2 pgs) Ex. 5
2.	01/18/06 [4:42pm]	E-mail from M. Billone (ANL) to R. Meyer (RES), Subj: RE: Draft Notes for Phone Calls (2 pgs) Ex. 5 01/18/06 [3:09pm] E-mail from R. Meyer to P. Clifford (NRR) & R. Einziger (NMSS)
3.	01/19/06 [8:02am]	E-mail from P. Clifford (NRR) to R. Meyer (RES), Subj: Draft Notes for Phone Calls (1 pg) Ex. 5 01/18/06 [4:09pm] E-mail from R. Meyer (RES)
4.	01/20/06	Personal Notes of R. Meyer (RES) (3 pgs) Ex. 5
5.	Undated	Draft letter to S. Bodman (DOE) (6 pgs) Ex. 5
6.	Undated	Draft letter to S. Bodman (DOE) with NRR comments (3 pgs) Ex. 5
7.	Undated	Draft letter to S. Bodman (DOE) with NMSS comments (3 pgs) Ex. 5