



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

2008-0046

22

RESPONSE TYPE FINAL PARTIAL

REQUESTER

JOHNATHAN K. TYCKO

DATE

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 AB** 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, 11555 Rockville Pike, Rockville, MD 20852-2738.
- APPENDICES AD** 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 *

\$ 517.61

* 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)

The incoming FOIA/PA-2008-0046 is located in ADAMS at ML073190589.

Records with an ML accession number are available in the NRC's Public Electronic Reading Room at www.nrc.gov/reading-rm/adams/html. For assistance in obtaining any records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or email at PDR.Resource@nrc.gov

The fees for processing your request is as follows:

(66 professional search hours @ \$51.49 per hour = \$3398.34)
 (156 professional review hours @ \$51.49 per hour = \$8032.44)
 (2929 reproduced pages @ \$.20 per pages = \$585.80)

We received your advanced payment of \$11498.97 on 12/04/2007.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing
Donna L. Sealing

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

2008-0046

AUG 29 2008

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
AC, AD

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.
 - Low 2 Internal matters of a relatively trivial nature.
 - High 2 Disclosure would risk circumvention of a legal requirement.
- 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).
 - Disclosure will harm an identifiable private or governmental interest.
- 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
Eric J. Leeds	Director, NRR	Appendix AC, AD	✓		
James L. Caldwell	Regional Administrator, RIII	Appendix AC	✓		

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 AB
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION / (PAGE COUNT)</u>
1.	01/31/2004	ML040350598	WCAP-16163-P, Revision 0, "Improved Flow Measurement Accuracy Using Crossflow Ultrasonic Flow Measurement Technology (21 pages).
2.	12/31/2004	ML082130109	"Assurance that Crossflow Technology, Installation, and Operation Maintain Design and Licensing Basis." (20 pages).
3.	05/31/2006	ML061570162	LTR-PS-06-24 P- Attachment, Statistical Comparison of Crossflow Test Data to Other High Precision Flow Instrumentation (23 pages).
4.	08/18/2005	ML052350672	Supporting Material for NRC Meeting Regarding Crossflow Ultrasonic Flow Measurement System Status, Crossflow Status Upgrade September 12, 2005, Proprietary Version (25 pages).
5.	09/12/2005	ML052560455	Westinghouse - Proprietary Meeting Slides 9/12/05, Crossflow (TAC No. MC1913) (23 pages).
6.	11/17/2005	ML053610205	Westinghouse Slides, "CROSSFLOW Ultrasonic Flow Measurement System." (39 pages).
7.	03/29/2006	ML061010244	LTR-NRC-06-13 P - Attachment "CROSSFLOW Ultrasonic Flow Measurement System - NRC Staff Meeting." (57 pages).
8.	05/31/2006	ML061570129	CENPD-397-P, Rev 1, Project Content for CROSSFLOW Topical Report Revision (12 pages)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / (PAGE COUNT) / (EXEMPTIONS)</u>
1.	Undated	Westinghouse Briefing, CROSSFLOW Technology, (30 pages), EX 4.
2.	Undated	LIC-03-0122 Attachment 3, Calorimetric Uncertainty Evaluation (53 pages) EX 4.
3.	01/31/2002	Westinghouse Electric Company, LLC, Description of CrossflowXT Ultrasonic Flow Measurement System (6 pages) EX 4.
4.	04/11/2003	Revision 1, Change Number 110341 to Calculation CN-PS-02-25-P, "Determination of Uncertainty in Pilgrim Station Core Thermal Power Evaluation with Revised Crossflow Ultrasonic Feedwater Flow Measurement." Attachment 2, Letter Number 2.03.042 (164 pages) EX 4.
5.	09/26/2003	Westinghouse - Proprietary Meeting Slides - Crossflow root cause meeting September 26, 2003 (TAC MB1365) (38 pages) EX 4.
6.	10/31/2004	Enclosure 1-P to WOG-04-541 Comparison of CROSSFLOW and ASME Flow Section Feedwater Flow Measurement System, CROSSFLOW Status Update (35 pages) EX 4.
7.	06/30/2005	Westinghouse Owners Group Proprietary Guide, Information Copy of Crossflow Ultrasonic Flow Meter User Guidelines - WCAP-16437-P (TAC No. MC1913) (137 pages) EX 4.
8.	11/17/2005	Westinghouse Slides, "CROSSFLOW Ultrasonic Flow Measurement System." (15 pages) EX 4.
9.	04/28/2006	Westinghouse Slides for Crossflow UFM Meeting on 04/28/2006 (22 pages) EX 4.
10.	04/28/2006	Westinghouse Slides for Crossflow UFM Meeting on 04/28/2006 - Analytical Modeling of UFM (24 pages) EX 4.
11.	04/28/2006	Westinghouse Slides for Crossflow UFM Meeting o 04/28/206 - Performance Monitoring of UFM (60 pages) EX 4.
12.	04/28/2006	Presentation Material Used at April 28, 2006 Crossflow Meeting (107 pages) EX 4.
13.	06/01/2006	LTR-NRC-06-39 P, Response to NRC Draft Status Report on Crossflow Ultrasonic Flowmeter, June 2006 (81 pages) EX 4.

14. 05/03/2007 Presentation Materials Used at May 2-3, 2007 Meeting at ARL/PSU - Crossflowtm Ultrasonic Flow Measurement System Review Meeting (118 pages) EX 4.
15. 03/31/2005 LIC-05-0023, Attachment 6, Appendix B to Attachment 2, Feedwater Flow Measurement Using the Crossflow Ultrasonic Flowmeter at Fort Calhoun Nuclear Station, (Proprietary Calculation CN-PS-03-37, Rev 1) (351 pages) EX 4.
16. 5/31/2000 CENPD-397-P-A, Rev 01, Improved Flow Measurement Accuracy Using CROSSFLOW Ultrasonic Flow Measurement Technology (121 pages) (EX 4.

APPENDIX AD
RECORDS BEING RELEASED IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / (PAGE COUNT) / (EXEMPTIONS)</u>
1.	12/8/2003	Ltr from Hauser to Printz, Exelon Nuclear Byron and Braidwood Nuclear Statons <u>EXELON Frequency Spectrum Analysis Records</u> (4 pages) EX 4.
2.	05/03/2004	Ltr to Dembek, NRR, from J. Gresham, Westinghouse, "Comments on the Draft Report of the Ultrasonic Flow Meter Task Group." (3 pages) EX 4.