

April 14, 2011

Note to file:

From: Tara Inverso, Project Manager
Rulemaking Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

The Argonne National Laboratory (ANL) document, ANL-6136, "Water Chemistry and Fuel Element Scale in EBWR," attached to this e-mail, was sent to the Nuclear Regulatory Commission (NRC) as an attachment to an April 4, 2011, e-mail from Mr. Mark Leyse to Tara Inverso (ML111040056). In this e-mail, Mr. Leyse requested that this document be placed in Agencywide Documents Access and Management System (ADAMS) and made publicly available.

After consulting with the office of the General Counsel, the staff has decided not to enter ANL-6136 into ADAMS, nor to make it publicly available. The NRC is not under any obligation to enter documents provided into ADAMS as a publicly available document. In addition, the ANL document was prepared for the AEC, the predecessor agency of both the NRC and the U.S. Department of Energy (DOE). It is unclear whether this document is part of the NRC's official agency records, or the DOE's records under the Energy Reorganization Act. The NRC is not currently undertaking any regulatory action which relies upon this document; hence, there is no NRC need to determine whether this document is an official agency record of the NRC. Finally, the NRC has not determined (and, under the current circumstances, has no obligation to determine) whether there are any legal restrictions that would prevent the NRC from designating the document as publicly available.

On April 12, 2011, Tara Inverso sent an e-mail to Mr. Leyse ML111040065 informing him of the NRC's response to his request.