



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

2012-0317

3

RESPONSE TYPE



FINAL



PARTIAL

REQUESTER

Charles Fitzpatrick

DATE

FEB 08 2013

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 H, I, J 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 H, I, J 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*

\$

\$732.68



You will be billed by NRC for the amount listed.



None. Minimum fee threshold not met.

* See comments for details



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. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
- 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 request will be available in ADAMS at ML12254A154

We have received your fee payment for the full amount.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

for

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

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES

J

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 practices 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).
 - 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 wrong doing or a violation of NRC requirements from investigators).
 - (C) Disclosure could 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
Catherine Haney	Director, NMSS	See Appendix J	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 H – ORNL comments
Records being released in their entirety**

No.	Date	Subject
1.	Undated	Chapter 1 ORNL comments (14 pgs)
2.	Undated	Chapter 2 ORNL comments (24 pgs)
3.	Undated	Chapter 3 ORNL comments (25 pgs)
4.	Undated	Chapter 4 ORNL comments (36 pgs)
5.	Undated	Chapter 5 ORNL comments (20 pgs)
6.	Undated	Chapter 6 ORNL comments (9 pgs)
7.	Undated	General Comments from ORNL Review of Draft NUREG (2 pgs)
8.	Undated	PUBLIC SUMMARY_ORNL_Comments (11 pgs)
9.	Undated	Richard Hale Comment check on Appendices II and V (4 pgs)
10.	Undated	Richard Hale Comment check on Chapters 2 and 5 (9 pgs)
11.	Undated	SFTRA_Appendix_IV_Rev_2-3_Jan-25-2012_ORNL Comments (80 pgs)
12.	Undated	SFTRA_Appendix_V_Rev_2-3_Jan-25-2012_ORNL Comments (34 pgs)
13.	Undated	SFTRA_Appendix_VI-Rev2-3_Jan-25-2012_ORNL Comments (11 pgs)
14.	Undated	SFTRA_Body_Rev2-3_Jan-25-2012_ORNL Comments (162 pgs)
15.	Undated	SFTRA_Chapter 3_Smith_Comments (25 pgs)
16.	Undated	SFTRA-App_III_Smith_Comments (72 pgs)
17.	Undated	SFTRA-Appendix II_ORNL_Comments (44 pgs)
18.	Undated	SFTRA-Appendix V_ORNL_Comments (35 pgs)
19.	Undated	SFTRA-APPENDIX_IV_rev_8-4-10_ORNL_Comments (74 pgs)
20.	Undated	Structural Comment Overview_Smith (4 pgs)

**Appendix I – Staff Comments
Records being released in their entirety**

No.	Date	Subject
1.	05/25/10	Email from REinziger, Subject: Preliminary release fraction review of Sandia Report (2 pgs)
2.	08/11/10	Email from REinziger, Subject: as I promised. See attachment (3 pgs)
3.	Undated	6.3 rev 2 4bree (1 pg)
4.	Undated	6.3 Effect of Transportation of Higher Burnup Spent Fuel jrc for Rev 2.4b (1 pg)
5.	Undated	Appendix V_final (2) (3)_comments by ATG (17 pgs)
6.	Undated	Appendix V_final (2) (3)jrc (16 DS pgs)
7.	Undated	Appendix IV_May 6 2010-Final 1_csb edits (33 pgs)
8.	Undated	AppendixII_1_10 jrc (21 pgs)
9.	Undated	AppendixII_1_10_comments by ATG (21 pgs)
10.	Undated	CHAPTER 5_ORNL_Comments_csb edits (11 pgs)
11.	Undated	Comments on latest Sandia Draft (1 pg)
12.	Undated	PoolSizeDuration-Sent_to_Chris_edits (1 pg)
13.	Undated	PUBLIC SUMMARY_ORNL_Commnetcsb edits (6 pgs)
14.	Undated	Richard Hale Comment check on Appendices II and V jrc (2 pgs)
15.	Undated	Richard Hale Comment check on Chapters 2 and 5 jrc (5 pgs)
16.	Undated	Sandia Report Comments (7 DS pgs)
17.	Undated	SFTRA_Appendix_II-final_for-Public agray (39 pgs)
18.	Undated	SFTRA_Appendix_II-final_for-Public jrc (42 pgs)
19.	Undated	SFTRA_Appendix_II-for-Public jrc (42 pgs)
20.	Undated	SFTRA_Appendix_II-for-Public AGray's additional comments Nov 22 (38 pgs)

21. Undated SFTRA_Appendix_II-for-Public AGray's comments (27 pgs)
22. Undated SFTRA_Appendix_IV-for-Public_csb edits (40 pgs)
23. Undated SFTRA-Appendix_IV_rev_8-4-10_csb edits (39 pgs)
24. Undated SFTRA_Appendix_V_Rev_2-3_Jan-25-2012_ORNL Comments jrc (17 pgs)
25. Undated SFTRA_Appendix_V-final_for-Public jrc (18 pgs)
26. Undated SFTRA_Appendix_V-for-Public AGray's comments (18 pgs)
27. Undated SFTRA_Appendix_VI-final_for-Public (2) jrc (7 pgs)
28. Undated SFTRA_Appendix_VI_Rev_2-3_Jan-25-2012_ORNL Comments jrc (6 pgs)
29. Undated SFTRA_Body_Final_2 jrc (73 DS pgs) (74 pgs)
30. Undated SFTRA_Body_Final_2 jrc_comments by ATG (74 pgs)
31. Undated SFTRA_Body_Final_2_csb edits (74 pgs)
32. Undated SFTRA_Body_Rev_2-3_Jan-25-2012_clean_clean jrc (75 pgs)
33. Undated SFTRA_Body_Rev_2-3_Jan-25-2012_ORNL Comments jrc (81 pgs)
34. Undated SFTRA_Body-final-for-Public_Chaps 5-6 jrc (17 pgs)
35. Undated SFTRA_Body-final-for-Public_wTOC jrc (85 pgs)
36. Undated SFTRA_Body-for-Public jrc (76 pgs)
37. Undated SFTRA_Body-for-Public_AGray's comments (85 pgs)
38. Undated SFTRA_Body-for-Public_csb edits (81 pgs)
39. Undated SFTRA_Chapters_1-6_rev_8_4_10 jrc (76 pgs)
40. Undated SFTRA_Chapters_1-6_rev_8_4_10_csb edits (80 pgs)
41. Undated SFTRA_Executive_Summary-for-Public_csb comments (2 pgs)
42. Undated SFTRA_Executive_Summary-for-Public_jrc comments (2 pgs)

APPENDIX J – Staff Comments
Records Being Withheld in Part

No.	Date	Description (Page Count) Exemption
1.	05/19/10	Email from REinziger, Subject: Draft SFTRA NUREG (1 pg) Exemption 6
2.	08/11/10	Email from REinziger, Subject: Sandia Project (4 pgs) Exemption 6