

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

2016-0062

1

RESPONSE TYPE  INTERIM  FINAL

REQUESTER  
Criscione, Lawrence

DATE  
October 29, 2015

**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.
- |       |
|-------|
| GROUP |
|-------|

 Agency records subject to the request that are identified in the specified group are already available in public ADAMS or on microfiche in the NRC Public Document Room.
- |       |
|-------|
| GROUP |
|-------|

 Agency records subject to the request that are contained in the specified group are being made available in public ADAMS.
- |       |
|-------|
| GROUP |
|-------|

 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\*  
\$ 

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- 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**

- We did not locate any agency records responsive to your request. *Note:* Congress allowed agencies to treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). See 5 U.S.C. 552(c). This is a standard notification that we give to all requesters; it should not be taken as an indication that any of these excluded records do, or do not, exist.
- We have withheld certain information in the records from disclosure pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- Because this is an interim response to your request, you may not appeal this determination at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination on your request.
- You may appeal this final determination within 30 calendar days of the date of this response, by writing to the FOIA Officer, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001. Please be sure to mark your letter/envelope or email that it is a "FOIA Appeal."

**PART I.C COMMENTS ( Use attached Comments continuation page if required)**

A copy of your incoming request will be placed in the NRC's Public Electronic Reading Room as ML#15302A014. Records with an ML Accession Number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

The report you requested, Evaluation of Missouri River Mainstem Dams and Potential Flood Hydrographs at Fort Calhoun and Cooper Nuclear Plants, was authored by the U.S. Army Corps of Engineers, using its own data and reflecting its analysis. [cont'd]

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

*Roger D. Andoh*

**RESPONSE TO FREEDOM OF  
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ACT (PA) REQUEST (Continued)**

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PART I.C COMMENTS (Continued)

After receiving an identical request for this report earlier this year, NRC consulted with, the U.S. Army Corps of Engineers. The NRC defers to, the U.S. Army Corps of Engineers, which has made the determination that this report, consisting of approximately 250 pages, should be withheld in its entirety, in reliance on FOIA exemptions 7E and/or 7F. There are no reasonably segregable non-exempt portions in the report. The denying official is COL Joel R Cross, District Commander, Omaha District, U.S. Army Corps of Engineers.

The U.S. Army Corps of Engineers has provided the following administrative appeal rights: Should you wish to appeal this determination, you may do so by writing to the Secretary of the Army (ATTN: General Counsel). An appeal must be received within 60 calendar days of the date of this response. The envelope containing the appeal should bear the notation: "Freedom of Information Act Appeal" and should be sent to: U.S. Army Engineer District, Omaha, ATTN: CENWO-OC, 1616 Capitol Avenue, Omaha, Nebraska 68102-4901.