

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

2006-0026

5

RESPONSE  
TYPE☐

FINAL

☒

PARTIAL

REQUESTER

Mark Wenclawiak

DATE

AUG 11 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  
**H, I** 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** 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.

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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-2006-0026 request is located in ADAMS at ML053080318.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

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

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**PART II.A -- APPLICABLE EXEMPTIONS****APPENDICES  
I**

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)
- Ex. 2: Disclosure would risk circumvention of a legal requirement. Ex. 4: Disclosure will harm an identifiable private or governmental interest.

**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
Jack Strosnider	Director, Office of Nuclear Material, Safety and Safeguards	Appendix I	<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"/>
			<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  
RECORDS BEING RELEASED IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	10/23/87	Well Location (1 page)
2.	11/21/94	Fax-Interim Storage (1 page)
3.	10/26/96	Region II Rits Audit Report (6 pages)
4.	06/23/97	RA Procedures (5 pages)
5.	02/29/00	Fuel Facility Event Evaluation of EN 36727 (9 pages)
6.	03/08/00	Region II Fuel Facilities Branch Inspection Plan (9 pages)
7.	03/09/00	David Ayers Bi-Weekly Operations Status Report (1 page)
8.	03/24/00	Letter from J. Rankar (Westinghouse) to USNRC, provides 30-day follow up report in accordance with the reporting requirements of 10 CFR 70.50 (c)(2) (4 pages) (ML003696351)
9.	05/25/00	Letter from P. Ting (NMSS) to J. B. Allen (Westinghouse) Subj: NRC Inspection Report 070-1151/2000-202 (18 pages) (ML003718550)
10.	06/15/00	David Ayers Bi-Weekly Operations Status Report (1 page)
11.	07/13/00	David Ayers Bi-Weekly Operations Status Report (1 page)
12.	07/27/00	David Ayers Bi-Weekly Operations Status Report (1 page)
13.	08/10/00	David Ayers Bi- Weekly Operations Status Report (1 page)
14.	08/25/00	Region II Fuel Facilities Branch Inspection Plan (8 pages)
15.	02/15/01	Drop-In Visit By Westinghouse Electric Company To Commissioner Jeffrey S. Merrifield (14 pages)
16.	04/27/01	Letter from W. S. Schwink (NMSS) to R. Monley (Westinghouse) Subj: Inspection Report 70-1151/01-201 (12 pages) (ML011220341)
17.	08/10/01	One Liners for 8/10/01 (1 page)
18.	01/22/02	Licensee Performance Review for Westinghouse Assessment Period: January 9, 2000 to December 29, 2001 (5 pages)

**APPENDIX H - continued  
RECORDS BEING RELEASED IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
19.	04/04/02	One Liners for 04/04/02 (1 page)
20.	05/30/02	One Liners for 05/30/02 (1 page)
21.	10/09/02	Comments on the Draft Environmental Assessment for the Westinghouse Request for License Amendment for Exemption from Fissile Material Package Standards (4 pages) (ML022820466)
22.	08/06/03	One Liners for 8/6/03 (1 page)
23.	09/17/03	One Liners for 9/17/03 (1 page)
24.	01/08/04	Westinghouse (1 page)
25.	03/19/04	Westinghouse ( 1 page)

**APPENDIX I**  
**RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	03/14/85	Safety Evaluation Report (31 pgs released; 1 pg withheld in entirety) [Ex. 2]
2.	04/30/90	Westinghouse Electric Corporation Energy Systems - Application for Renewal of a Special Nuclear Materials License for the Commercial Nuclear Fuel Division at the Columbia, South Carolina Fuel Fabrication Facility License Number SNM-1107 (81 pgs released; 2 pgs withheld in entirety) [Ex. 2]
3.	11/08/99	Westinghouse Letter, Safety Evaluation Report, License, Amendment 20 (13 pages) [Ex. 2]
4.	01/31/00	Changed pages; License Number SNM-1107; Docket 70-1151 (25 pages) [Ex. 4]
5.	02/04/00	Amendment 21 to license SNM-1107 for Westinghouse Electric Company LLC (WELCO) (9 pages) [Ex. 2]
6.	03/04/00	Letter from E. J. Leeds (NMSS) to R. A. Williams (Westinghouse), Subj: 19 Reviews for Safety Condition S-2 (34 pages) [Ex. 2 & 4]
7.	03/16/00	Westinghouse Electric Company, LLC - Revision (TAC NO.L31250) Amendment 23 (12 pages) [Ex. 2]
8.	03/21/00	Letter from R. A. Williams (Westinghouse) to USNRC, Subj: Safe Geometry Dissolver System License Annex Change (5 pgs released; 18 pgs withheld in entirety) [Ex. 4]
9.	12/15/00	Letter forwarding copies of an upgrade of the Chemicals Receipt, Handling, and Storage System Intergrated Safety Assessment (4 pgs released; 40 pgs withheld in entirety) [Ex. 4]
10.	12/21/00	Letter from R. A. Williams (Westinghouse) to USNRC, subj: Interm License Annex Pelleting System for the Westinghouse Columbia Fuel Fabrication Facility (3 pgs released; 77 pgs withheld in entirety) [Ex. 4]
11.	01/01/01	Letter from R. A. Williams (Westinghouse) to USNRC, subj: Non-Substantive License Annex Changes (3 pgs released; 196 pgs withheld in entirety) [Ex. 4]

**APPENDIX I - continued**  
**RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
12.	03/07/01	Letter from R. A. Williams (Westinghouse) to USNRC, Subj: forwarding Plant Ventilation System License Annex (4 pgs released; 197 pgs withheld in entirety) [Ex. 4]
13.	07/18/01	Letter from M. N. Leach (NMSS) to R. A. Williams (Westinghouse), Subj: Westinghouse Electric Company, LLC Amendment 29 TAC No. L31509 License Application Revision No. 19 Nuclear Absorber Mixing/Erbia Blending (19 pgs released; 22 pgs withheld in entirety) [Ex. 2]
14.	09/07/01	Letter from N. B. Parr (Westinghouse) to USNRC, Subj: Application for Renewal of Special Nuclear Materials License No. SNM-1107 for Westinghouse Electric Company, LLC, South Carolina Fuel Fabrication Facility (32 pgs released; 2 pgs withheld in entirety) [Ex. 2]
15.	04/26/02	Letter from D. M. Gillen (NMSS) to N. B. Parr (Westinghouse), Subj: Westinghouse Electric Company LLC-(TAC No. L31562) Amendment 30-Authorize the use of ICRP 68ALI/DAC (15 pages) [Ex. 2]
16.	06/11/02	Letter from D. M. Gillen (NMSS) to N. B. Parr (Westinghouse), Subj: Westinghouse Electric Company, LLC., Amendment 31-Request to Update Safety Evaluation Report FOP Authorizing Nuclear Absorber Mixing (49 pages) [Ex. 2]
17.	12/00/04	Environmental Report SNM-1107/70-1151 Westinghouse Electric Company Columbia, SC (153 pgs released; 2 pgs withheld in entirety) [Ex. 2]