

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

2004-0226

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RESPONSE
TYPE☐

FINAL

☒

PARTIAL

REQUESTER

Thomas B. Cochran

DATE

OCT 20 2005

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**
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, 2120 L Street, NW, Washington, DC.
- ☒ **APPENDICES**
G 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.

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None. Minimum fee threshold not met.

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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)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

**RESPONSE TO FREEDOM OF INFORMATION
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PART II.A -- APPLICABLE EXEMPTIONS**APPENDICES
G**

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.

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
Dr. Carl J. Paperiello	Director, RES	Appendix G	✓		

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 G
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	January/2003	Sandia Report: Evaluation of spent Fuel Pool Accident Response to a Complete Loss-of-Coolant Inventory Using MELCOR 1.8.5. 42 pages total, 7 pages released EX. 2 & EX. 5
2.	July/2003	Sandia Report: Evaluation of Spent Fuel Pool Accident Response to a Complete Loss-of-Coolant Inventory Using MELCOR 1.8.5. 29 pages total, 6 released. EX. 5
3.	02/07/03	Analyses of Spent Fuel Pool Accident Consequences using MELCOR-predicted Source Term. 8 pages total, 5 pages released EX. 2 and EX. 5
4.	03/17/03	Memo from Ashok Thadani to Roy Zimmerman, subject: Preliminary Vulnerability Assessment Results. 27 pages EX. 2
5.	May/2003	Sandia Report: Analysis of Spent Fuel Pool Flow Patterns Using Computational Fluid Dynamics: Part 1 - Air Cases. 89 pages total, 10 pages released EX. 2 & Ex. 5
6.	04/28/03	Sandia Report: Analysis of Spent Fuel Pool Flow Paterns Using Computational Fluid Dynamics: Part 2 - Partial Water Cases. 53 pages total, 6 pages released EX. 5
7.	July/2003	Sandia Report: Analysis of Spent fuel Pool Flow Patterns Using Computational Fluid Dynamics: Supplement - Thermal Plume Reponse. 14 pages total, 6 pages released. EX. 2 and EX. 5
8.	June/2003	Sandia Report: MELCOR 1.8.5 Separate Effect Analyses of Spent Fuel Pool Assembly Accident Response. 94 pages total, 12 pages released EX. 2 and EX. 5
9.	October/2003	Sandia Report: Evaluation of a BWR Spent Fuel Pool Accident Response to Loss-of-Coolant inventory Scenarios using MELCOR 1.8.5. 293 pages total, 43 pages released EX. 2 & EX. 5

APPENDIX G
RECORDS BEING WITHHELD IN PART
(continued)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
10.	02/26/04	Memo from Farouk Eltawila to Glenn Tracy, subject: Scoping Analysis of a Non-Draindown Spent Fuel Pool Accident. 17 pages total, 15 pages released EX. 2
11.	August/2003	Slides: MELCOR Modeling of Nuclear Power Plant spent Fuel Pool Accidents. 18 pages total, 10 pages released EX. 2 and EX. 5
12.	Sept./2003	Slides regarding Spent Fuel Pool Modeling and Analyses. 38 pages total, 17 pages released. EX. 5
13.	October/2003	Slides regarding Accident Progression, source Term and Consequence Estimates. 26 pages total, 12 pages released. EX. 5
14.	January/2003	Slides regarding Assessment of NPP Vulnerabilities: Accident Progression, Source Term and consequence Estimates. 19 pages total, 6 pages released EX. 2 and Ex. 5
15.	02/13/03	Slides regarding Presentation to National Academy of Sciences - Spent Fuel Studies - Response of Fuel in Damaged Pool Events. 37 pages total, 9 pages released. EX. 2 and Ex. 5
16.	July/2003	Slides regarding Assessment of NPP Vulnerabilities: Accident Progression, Source Term and Consequence Estimates: BWR and PWR Analysis and Radiological Consequences. 10 pages total, 8 pages released. EX. 5
17.	Feb/2004	Sandia Report: Evaluation of a BWR Spent Fuel Pool Accident Response to Loss-of-Coolant Inventory Scenarios Using MELCOR 1.8.5, Revision 1, Draft. 325 pages total, 32 pages released. EX. 2 and EX. 5

**APPENDIX G
RECORDS BEING WITHHELD IN PART
(continued)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
18.	07/09/03	Presentation to ACRS - Spent fuel Pool Studies. 59 pages total, 12 pages released. Ex. 2 and EX. 5
19.	09/10/03	Presentation to ACRS - Spent Fuel Pool Studies. 28 pages total, 10 pages released EX. 5
20.	01/21/04	Slides: Status of SFP Evaluation. 17 pages total, 7 pages released EX. 5
21.	05/05/04	Slides: Presentation to the ACRS - Spent Fuel Pool Studies. 40 pages total, 8 pages released EX. 2 and EX. 5