

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

2013-0240

2

RESPONSE
TYPE☐

FINAL

☒

PARTIAL

REQUESTER

Diane Curran

DATE

DEC 02 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.
- ☒

GROUP B

 Agency records subject to the request that are identified in the specified group are already available for public inspection and copying at the NRC Public Document Room.
- ☐

GROUP

 Agency records subject to the request that are contained in the specified group are being made available for public inspection and copying at the NRC Public Document Room.
- ☐

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*

\$

* See comments
for details☐

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.

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)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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

DATE

DEC 02 2013

PART II.A -- APPLICABLE EXEMPTIONS

GROUP

C

Records subject to the request that are contained in the specified group 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 4702(b), 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)
Outside of Scope

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	APPELATE OFFICIAL		
			EDO	SECY	IG
Marc Dapas	Regional Administrator, Region IV	Appendix C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Sheron	Director, Office of Nuclear Regulatory Research	Appendix C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glenn Tracy	Director, Office of New Reactors	Appendix C	<input checked="" 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 B
RECORDS ALREADY PUBLICLY AVAILABLE

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION</u>
1	May-11	N/A - Available on internet	Institute for Policy Studies article titled "Spent Nuclear Fuel Pools in the U.S.: Reducing the Deadly Risks of Storage)
2	09/22/2011	ML11292A160	Transcript of the ACRS Radiation Protection and Nuclear Materials Subcommittee Meeting, September 22, 2011
3	09/29/2011	ML110620086	Final Division of Safety Systems Interim Staff Guidance DSS-ISG-2010-01
4	12/08/2011	ML113360284	Development and Evaluation of Cask Demonstration Programs, NRC-02-07-006
5	03/08/2012	ML12115A085	Advisory Committee on Reactor Safeguards 592nd Meeting: Open Session
6	03/12/2012	N/A - Available on internet	Science Magazine article titled, "Nuclear Fuel in a Reactor Accident"
7	04/12/2012	ML12128A200	Handouts - Presentation Slides, Regulatory Issue Resolution Protocol Pilot: Marine Atmosphere Stress Corrosion Cracking (Associated Package: ML12128A133)
8	04/25/2012	ML12108A216	Letter to G. Jaczko From J. Sam Armijo, Subject: Spent Fuel Pool Scoping Study
9	05/11/2012	ML121320310	Full Scope Site Level 3 PAR Preliminary Project Plan: Version for Public Release
10	05/14/2012	ML12136A024	NEI Marine Atmosphere Stress Corrosion Cracking (SCC) (Associated Package: ML12136A013)
11	07/27/2012	ML12212A216	Calvert Cliffs, Independent Spent Fuel Storage Installation - Response to Request for Supplemental Information RE: License Renewal Application (TAC NO. L24475)
12	09/11/2012	ML12255A067	Technical Information Needs Affecting Potential Regulation of Extended Storage and Transportation of Spent Nuclear Fuel
13	11/30/2012	ML12312A452	Attachment 1: Integrated Site Risk (Associated Packages: ML13112A400 & ML12312A448)

14	12/18/2012 ML13022A314	Handout: Status of Ongoing NRC Research: Stress Corrosion Cracking of Spent Nuclear Fuel Dry Storage Canisters (NRC) (Associated Package: ML13022A236)
15	01/22/2013 ML13018A120	Final Paper Entitled, "Scooping Study of Effect of Salts in Non-Coastal Particulate Matter on Stress Corrosion Cracking of Type 304 Stainless Steel" to presented at NACE 2013
16	02/08/2013 ML12340A003	US NRC-Sponsored Research on Stress Corrosion Cracking Susceptibility of Dry Storage Canister Materials in Marine Environments - 13344
17	02/28/2013 ML13029A490	US NRC-Sponsored Research on Stress Corrosion Cracking Susceptibility of Dry Storage Canister Materials in Marine Environments.
18	03/21/2013 ML12340A005	Non-Coastal Particulates Public Abstract
19	03/21/2013 ML13016A127	Coastal Salt Effects on the Stress Corrosion Cracking of Type 304 Stainless Steel Final
20	03/21/2013 ML13078A006	Slides and viewgraphs - NACE2013-Non-Chloride-SCC
21	03/21/2013 ML13078A007	Slides and Viewgraphs - NACE 2012 SCC of Stainless Steel
22	04/22/2013 ML13112A444	Technical Analysis Approach Plan for Level 3 PRA Project (Rev 0a, Working Draft)
23	05/03/2013 ML13123A271	Quad Cities Nuclear Power Station Inspection Report