

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST**

2021-000114

1

RESPONSE  
TYPE☐

INTERIM

☒

FINAL

**REQUESTER:**

Paul Blanch

**DATE:**

03/19/2021

**DESCRIPTION OF REQUESTED RECORDS:**

A copy of the emergency plan cited in USNRC Docket # 72-1040 Holtec Project 5021 Holtec Report # HI-2115090, Section 12.2.10.3

**PART I. -- INFORMATION RELEASED**

- ☐ The NRC has made some, or all, of the requested records publicly available through one or more of the following means: (1) <https://www.nrc.gov> ; (2) public ADAMS, <https://www.nrc.gov/reading-rm/adams.html>; (3) microfiche available in the NRC Public Document Room; or FOIA Online, <https://foiaonline.gov/foiaonline/action/public/home>.
- ☐ 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 Part I.D -- Comments) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☒ See Part I.D -- Comments.

**PART I.A -- FEES**

AMOUNT

**\$0.00**

- ☐ You will be billed by NRC for the amount indicated.
- ☐ You will receive a refund for the amount indicated.
- ☐ Fees waived.
- ☒ Since the minimum fee threshold was not met, you will not be charged fees.
- ☐ Due to our delayed response, you will not be charged search and/or duplication fees that would otherwise be applicable to your request.

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- ☒ We did not locate any agency records responsive to your request. *Note:* Agencies may 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 given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- ☐ We have withheld certain information 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 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.
- ☒ You may appeal this final determination within 90 calendar days of the date of this response. If you submit an appeal by mail, address it to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Mail Stop T-6 A60M, Washington, D.C. 20555-0001. You may submit an appeal by e-mail to [FOIA.resource@nrc.gov](mailto:FOIA.resource@nrc.gov). You may fax an appeal to (301) 415-5130. Please be sure to include on your submission that it is a "FOIA Appeal." Only a pre-registered user may file an appeal through FOIA Online, <https://foiaonline.gov/foiaonline/action/public/home>. A user who has not registered an account prior to filing the initial FOIA request may still submit an appeal by one of the above mentioned options.

**PART I.C -- REFERENCES AND POINTS OF CONTACT**

You have the right to seek assistance from the NRC's FOIA Public Liaison by submitting your inquiry at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>, or by calling the FOIA Public Liaison at (301) 415-1276.

If we have denied your request, you have the right to seek dispute resolution services from the NRC's Public Liaison or the Office of Government Information Services (OGIS). To seek dispute resolution services from OGIS, you may e-mail OGIS at [ogis@nara.gov](mailto:ogis@nara.gov), send a fax to (202) 741-5789, or send a letter to: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. For additional information about OGIS, please visit the OGIS website at <https://www.archives.gov/ogis>.



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**PART I.D -- COMMENTS**

Upon receipt of your request on March 4, 2021, we tasked the Office of Nuclear Material Safety and Safeguards (NMSS) to conduct a search for responsive records. The NMSS staff notes the specified docket and report cited in the FOIA: "USNRC Docket # 72-1040 Holtec Project 5021 Holtec Report # HI-2115090" are associated with the Holtec HI-STORM UMAX Certificate of Compliance. The certificate of compliance, and the associated rulemaking that approved the design, may impose requirements on the content of a site's emergency plan but does not contain the plan itself. Each site would have its own emergency plan under the site's specific docket. Although no records were located that are directly responsive to your request, the staff has identified a publicly available document located in ADAMS at ML20255A126 that may be partially responsive. This publicly available emergency plan is for a site -- San Onofre - that uses the UMAX system. The staff also notes that emergency plans submitted to the agency are high-level documents and do not contain the specific details referenced in your FOIA request. Documents with the implementing details are retained at the facility, which would be available for NRC inspection. We hope you find this information helpful.

Signature - Freedom of Information Act Officer or Designee

**Stephanie A. Blaney**

Digitally signed by Stephanie A. Blaney  
Date: 2021.03.19 10:59:45 -04'00'