

March 30, 2000

Mr. Jim Warren
Executive Director
NC Waste Awareness & Reduction Network
P. O. Box 61051
Durham, NC 27715-1051

IN REPLY REFER
TO FOIA-2000-003A
(FOIA-99-367)

Dear Mr. Warren:

I am responding to your e-mail communication of February 4, 2000, to Dr. William Travers and the Freedom of Information Act staff of the U. S. Nuclear Regulatory Commission (NRC) in which you appealed the agency's response of December 29, 1999, to your FOIA request (FOIA-99-367). This response denied, in part, a record identified on Appendix A and denied two records, in total, which are identified on Appendix B.

Acting on your appeal, I have carefully reviewed the record in this case and have determined that some information may be made available to you. Therefore, your appeal is partially granted and partially denied.

The previously withheld portions of the record identified on Appendix A will continue to be withheld from public disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.17(a)(5) of the Commission's regulations. This predecisional information contains the candid, unconfirmed views of an inspector, not the views of the NRC. The release of this information to the public could be confusing as it could cause individuals reviewing the information to attribute to the agency the unadopted views and opinions of an agency employee. Release of this information would also tend to inhibit the open and frank expression of ideas essential to the deliberative process.

The records identified in Appendix B are being released to you in their entirety. Copies of these records are enclosed. The decision to allow these disclosures is made as a matter of administrative discretion and is in no way intended to waive any claim of exemption privileges that NRC may invoke in the future to deny access to similar documents or information.

This is a final agency action on these records. As set forth in the FOIA (5 U.S.C. 552(a)(4)(b)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business or in the District of Columbia.

Sincerely,

/RA/

Frank J. Miraglia, Jr.
Deputy Executive Director
for Reactor Programs

Enclosures: As stated

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Sincerely,

/RA/

Frank J. Miraglia, Jr.
Deputy Executive Director
for Reactor Programs

Enclosures: As stated

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APPENDIX A

DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION/EXEMPTION
1.	5/17/99	E-Mail from J. Brady to B. Bonser, B. Mallett, and C. Evans, subject: "Regarding NRC Concerns UCS Allegations Regarding Spent Fuel Storage at Harris," (4 pgs.) - PORTIONS WITHHELD, EX. 5.

APPENDIX B

**RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with*)**

NUMBER	DATE	DESCRIPTION/PAGES
1.	Undated	DRAFT Memo to J. Shea from N.B. Le, subject: Shearon Harris, Unit 1 - Spent Fuel Pool Survey, (10 pgs.).
2.	4/9/96	Memo to J. Shea from N.B. Le, subject: Shearon Harris, Unit 1 - Spent Fuel Pool Survey, (10 pgs.).