



# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2017-0610

2

RESPONSE TYPE

INTERIM

FINAL

REQUESTER:

Peter Tyler

DATE:

12/26/2017

**DESCRIPTION OF REQUESTED RECORDS:**

All records of Congressional correspondence that request information or briefings received by the agency during the months of May and June 2016 and 2017, and all records of the agency responses to those requests

### PART I. -- INFORMATION RELEASED

You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>

- Agency records subject to the request are already available on the Public NRC Website, in Public ADAMS or on microfiche in the NRC Public Document Room.
- 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

#### NO FEES

AMOUNT\*

\*See Comments for details

- You will be billed by NRC for the amount listed.
- You will receive a refund for the amount listed.
- Fees waived.

- Minimum fee threshold not met.
- Due to our delayed response, you will not be charged fees.

### 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"). 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 by sending a letter or e-mail to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at <https://ogis.archives.gov/about-ogis/contact-information.htm>

### PART I.C COMMENTS ( Use attached Comments continuation page if required)

Enclosed with this final response is an ADAMS listing of responsive records that are already publicly available. In addition, the following responsive records were also located in ADAMS as already publicly available: ML17167A120, ML17173A265, ML17173A260, and ML17186A263.

(continue on next page)

Signature - Freedom of Information Act Officer or Designee

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

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2

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**PART I.C COMMENTS (Continued)**

Records with an ML Accession Number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737 or 1-800-397-4209, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).



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

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DATE:

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

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- 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 the 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. 4702(b), which prohibits the disclosure of contractor proposals, 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 confidential commercial or financial information that is being withheld for the reason(s) indicated.
  - 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 is considered to be another type or confidential business (proprietary) information.
  - 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 normally privileged in civil litigation.
  - Deliberative process privilege.
  - Attorney work product privilege.
  - Attorney-client privilege.
- Exemption 6: The withheld information from a personnel, medical, or similar file, 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 open enforcement proceeding.
  - (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
  - (D) The information consists of names 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

**PART II.B -- DENYING OFFICIALS**

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			EDO	SECY
Stephanie Blaney	FOIA Officer/OCIO	PII, predecisional and attorney-client info	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

Appeals must be made in writing within 90 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

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Accession Number ML16202A030  
Document Date 7/19/16 12:00AM  
Estimated Page Count 1  
Document Type Letter  
Document Title 07-19-16 Ack Ltr to Senator John McCain Concerning Current Fleet of Nuclear Power Plants.  
Author Name Dacus E  
Addressee Name McCain J  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16221A568  
Document Date 8/11/16 12:00AM  
Estimated Page Count 3  
Document Type Congressional Correspondence  
Document Title 08/11/16, Letter to Senator John McCain, from Victor McCree, responds to Constituent Correspondence Requesting Réponse to an Issue Posted on the NRC Blog Web Page.  
Author Name McCree V M  
Addressee Name McClain J  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML17193A142  
Document Date 7/10/17 6:00AM  
Estimated Page Count 1  
Document Type Letter  
Document Title 07-10-17 Acknowledgement Letter to Senator Dean Heller - Yucca Mt.  
Author Name Dacus E  
Addressee Name Heller D  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML17202G446  
Document Date 7/28/17 6:00AM  
Estimated Page Count 1  
Document Type Congressional Correspondence  
Letter  
Document Title 07-28-17 Letter to Senator Dean Heller from Chairman Svinicki, responds to his letter regarding questions about Yucca Mountain and future safety and economic security of the state of Nevada.  
Author Name Svinicki K L  
Addressee Name Heller D  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML17202G448  
Document Date 7/28/17 6:00AM  
Estimated Page Count 2  
Document Type Congressional Correspondence  
Letter  
Document Title 07-28-17 Letter to Senator Dean Heller from Chairman Svinicki, responds to his letter regarding questions about Yucca Mountain and future safety and economic security of the state of Nevada (Enclosure).  
Author Name Svinicki K L  
Addressee Name Heller D  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML17177A142  
Document Date 6/7/17 6:00AM  
Estimated Page Count 1  
Document Type - No Document Type Applies  
Document Title Chairman Svinicki EPW Nominee Hearing Statement 2017.  
Author Name  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML17177A158  
Document Date 6/7/17 6:00AM  
Estimated Page Count 1  
Document Type - No Document Type Applies  
Document Title Chairman Kristine Svinicki Official Biography.  
Author Name Svinicki K L  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16196A383  
Document Date 7/14/16 12:00AM  
Estimated Page Count 1  
Document Type Congressional Correspondence  
Document Title Acknowledgement Receipt of Letter to Congressman S.P. Maloney RE: Letter Submitted to NRC on 06/17/2016.  
Author Name Dacus E  
Addressee Name Maloney S P  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16208A430  
Document Date 8/15/16 12:00AM  
Estimated Page Count 2  
Document Type Congressional Correspondence  
Letter  
Document Title 08/15/16, Letter to Congressman Maloney from Chairman Burns responds to this letter with concerns regarding the restart of Indian Point Energy Center Unit 2 and the need for a safety review of Unit 3.  
Author Name Burns S G  
Addressee Name Maloney P  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16137A516  
Document Date 5/13/16 12:00AM  
Estimated Page Count 8  
Document Type Congressional Correspondence  
Document Title LTR-16-0274 Ed Whitfield, Chairman, Subcommittee on Energy and Power, Letter re: Questions for the Record from the April 20, 2016 Hearing entitled Fiscal Year 2017 Nuclear Regulatory Commission Budget.  
Author Name Shimkus J  
Whitfield E  
Addressee Name Burns S G  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16138A320  
Document Date 5/17/16 12:00AM  
Estimated Page Count 2  
Document Type Letter  
Document Title 05-17-16 Acknowledgement Letter to Hon. Whitfield-Hon Shimkus - QFRs from 4-20-16 Hearing Entitled: "Fiscal Year 2017 Nuclear Regulatory Commission Budget."  
Author Name Dacus E  
Addressee Name Whitfield E  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16172A070  
Document Date 6/15/16 12:00AM  
Estimated Page Count 28  
Document Type - No Document Type Applies  
Document Title 06/15/16 Responses to Questions for the Record from the 04/20/2016 FY 2017 NRC Budget Hearing Before the Committee on Energy and Commerce.  
Author Name  
Addressee Name Shimkus J M  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes



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Accession Number ML17177A134  
Document Date 6/1/17 6:00AM  
Estimated Page Count 2  
Document Type Letter  
Document Title 06-01-17 Ltr from Sen. Barrasso re Invite Kristine L. Svinicki to testify on June 7, 2017.  
Author Name Barrasso J  
Addressee Name Svinicki K L  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16196A366  
Document Date 6/17/16 12:00AM  
Estimated Page Count 2  
Document Type Congressional Correspondence  
Document Title LTR-16-0374: Representative Sean Patrick Maloney, Letter re: Concern with Restarting Operations at Indian Point Unit 2 without having Completed a Comprehensive Root Cause Analysis that includes Metallurgical Testing of the Failed Baffle Bolts.  
Author Name Maloney S P  
Addressee Name Burns S G  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16124A153  
Document Date 5/2/16 12:00AM  
Estimated Page Count 1  
Document Type Letter  
Document Title 05-02-16 Ltr from Director, OCA, to Hon James M. Inhofe forwarding Responses to QFRs from 4-21-16 Hearing.  
Author Name Dacus E  
Addressee Name Inhofe J M  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16144A283  
Document Date 5/18/16 12:00AM  
Estimated Page Count 28  
Document Type Letter  
Document Title 05-18-16 Acknowledgement Ltr to Senator Ron Wyden, et al - Rulemaking.  
Author Name Colgary J J  
Dacus E  
Addressee Name Wyden R  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16147A198  
Document Date 5/25/16 12:00AM  
Estimated Page Count 1  
Document Type Congressional Correspondence  
Document Title 05/25/2016 Acknowledgement Letter to Senator Inhofe Regarding His Letter Forwarding Follow-up Questions from 04/21/2016 Committee Hearing.  
Author Name Dacus E  
Addressee Name Inhofe J M  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16147A217  
Document Date 5/25/16 12:00AM  
Estimated Page Count 1  
Document Type Congressional Correspondence  
Document Title 05/25/16 Acknowledgement Letter to Senator James Inhofe Regarding Forwarded Follow-Up Questions From 04/06/2016 Committee Hearing.  
Author Name Dacus E  
Addressee Name Inhofe J M  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16188A303  
Document Date 8/24/16 12:00AM  
Estimated Page Count 23  
Document Type Commission SECY Paper  
Document Title SECY-16-0100: Enclosure - Staff Review and Response to National Academy of Sciences Study of the Lessons Learned from the Fukushima Nuclear Accident for Improving Safety and Security of U.S. Nuclear Power Plants  
Author Name  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16245A918  
Document Date 10/7/16 12:00AM  
Estimated Page Count 3  
Document Type Congressional QAs  
Document Title Response to Remaining Questions Senator Edward J. Markey Letter Dated June 30, 2016 (Enclosure 1).  
Author Name Burns S G  
Addressee Name Markey E J  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16250A381  
Document Date 10/7/16 12:00AM  
Estimated Page Count 1  
Document Type Congressional Correspondence  
Letter  
Document Title 10/07/16, Letter to Sen Markey from Chrm Burns provides remaining responses to his letter regarding the recent study from the NAS entitled, Lessons Learned from he Fukushima Nuclear Accident for Improving Safety and Security of US Nuclear Plants, Phase 2  
Author Name Burns S G  
Addressee Name Markey E J  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML13231A069  
Document Date 8/22/13 12:00AM  
Estimated Page Count 23  
Document Type Meeting Briefing Package/Handouts  
Slides and Viewgraphs  
Document Title 8/22/2013, Public Meeting Presentation Slides Re: Expedited Transfer of Spent Fuel to Dry Cask Storage.  
Author Name  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML13282A632  
Document Date 11/12/13 12:00AM  
Estimated Page Count 26  
Document Type Commission Action Memoranda (COM)  
Non-Concurrence Process  
Document Title COMSECY-13-0030 - Enclosure 2 - Non-Concurrence Process Record for NCP-2013-013  
Author Name Wagner B  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML13290A497  
Document Date 10/17/13 12:00AM  
Estimated Page Count 333  
Document Type Meeting Transcript  
Document Title Transcript of the 608th ACRS Meeting, October 2, 2013 [OPEN] Pages 1-333.  
Author Name  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML13346A241  
Document Date 11/19/13 12:00AM  
Estimated Page Count 205  
Document Type Meeting Transcript  
Document Title Transcript of the Advisory Committee on Reactor Safeguards Materials, Metallurgy, and Reactor Fuels  
Subcommittee - November 19, 2013 - [Open]  
Author Name Brown C L  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML13346A739  
Document Date 12/18/13 12:00AM  
Estimated Page Count 10  
Document Type Committee Letter Report  
Document Title Staff Evaluation and Recommendation for Japan Lessons-Learned Tier 3 Issue on Expedited Transfer of  
Spent Fuel  
Author Name  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML14008A249  
Document Date 1/6/14 12:00AM  
Estimated Page Count 142  
Document Type Transcript  
Document Title M140106A: Briefing on Spent Fuel Pool Safety and Consideration of Expedited Transfer on Spent Fuel to Dry Casks.  
Author Name  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML14014A084  
Document Date 12/4/13 12:00AM  
Estimated Page Count 184  
Document Type Meeting Transcript  
Document Title Transcript of 610th ACRS Open Meeting, December 4, 2013, Pages 1-70.  
Author Name  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML14017A375  
Document Date 1/16/14 12:00AM  
Estimated Page Count 12  
Document Type Letter  
Document Title G20140060/LTR-14-0039 - Diane Curran, Harmon, Curran, Spielberg and Eisenberg, LLP, et al., Ltr re: Expedited Transfer of Spent Fuel from Reactor Storage Pools.  
Author Name Curran D  
Goldstein M  
Addressee Name Apostolakis G  
Macfarlane A M  
Magwood W D  
Ostendorff W C  
Svinicki K L  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16201A078  
Document Date 8/23/16 12:00AM  
Estimated Page Count 1  
Document Type Congressional Correspondence  
Letter  
Document Title 08/23/16 Letter to Senator Markey from Chairman Burns, Response to his Letter Regarding the Recent Study from the National Academy of Sciences "Lessons Learned from the Fukushima Nuclear Accident for Improving Safety and Security of U.S. Nuclear Plants.  
Author Name Burns S G  
Addressee Name Markey E J  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16201A257  
Document Date 8/23/16 12:00AM  
Estimated Page Count 6  
Document Type Congressional QAs  
Document Title Response to Questions from Senator Edward J. Markey's Letter Dated June 30, 2016 (Enclosure).  
Author Name Burns S G  
Addressee Name Markey E J  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16242A403  
Document Date 1/8/14 12:00AM  
Estimated Page Count 7  
Document Type Letter  
Document Title Draft Letter with Edits to John Stetkar, ACRS from Mark Satorius, EDO Responds to ACRS Letter on the Staff Evaluation and Recommendation for Japan Lessons Learned Tier 3 Issue on Expedited Transfer of Spent Fuel.  
Author Name Satorius M A  
Addressee Name Stetkar J W  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16242A405  
Document Date 10/2/13 12:00AM  
Estimated Page Count 2  
Document Type - No Document Type Applies  
Document Title Remarks by Donald Helton, Office of Research at the October 2, 2013, ACRS Full Committee Meeting on Expedited Fuel Movement.  
Author Name Helton D  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16242A409  
Document Date 1/6/14 12:00AM  
Estimated Page Count 18  
Document Type Slides and Viewgraphs  
Document Title UCS Perspective on Expedited Transfer of Spent Fuel to Dry Casks Slides for the Commission Briefing on Spent Fuel Pool Safety, January 6, 2014.  
Author Name Lyman E S  
Addressee Name  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes

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Accession Number ML16203A200  
Document Date 7/28/16 12:00AM  
Estimated Page Count 3  
Document Type Congressional Correspondence  
Letter  
Document Title 07/28/16 Letter Representative Lou Barletta from V. M. McCree responds to his letter from a constituent  
on Talen Energy and Township Zoning Board undermining the action of citizens of Salem Township.  
Author Name McCree V M  
Addressee Name Barletta L  
Availability Publicly Available  
Official Record? Yes  
Replicated Yes