



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

2003-0032

9

RESPONSE TYPE FINAL PARTIAL

REQUESTER

James Riccio

DATE

APR 09 2003

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 U** 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 V & W** 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 V & W** 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 *
\$

- 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.

* 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)

The record identified on Appendix AA is copyrighted and is, therefore, not included in this response. Please contact the NRC Public Document Room on (301) 415-4737 if you would like to review the record.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

(6-1998)

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

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
W, X, Y, Z

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 253(b), 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 2.790(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(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)

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
Sandra Joosten	Executive Assistant, Office of the Secretary	App. W, X, Y, Z		✓	

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 AA
COPYRIGHTED RECORD

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	No date	Wall Street Journal article, "U.S. Backing for Nuclear-Power Project in South Africa Raises Hope and Dissent. (1 page)

**APPENDIX U
RECORDS ALREADY AVAILABLE IN THE PDR**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	02/14/01	ML010460119	Memo from Dennis Rathbun to the Commission, attaching Sen. Domenici's Speech to National Academy of Engineering. (6 pages)
2.	03/08/01	ML010710020	Memo from D. Rathbun to the Commission, subject: Senator Domenici Introduces Nuclear Energy Bill. (43 pages)
3.	05/01/01	ML011080144	Memo from W. Travers to the Commission, subject: Staff Readiness for Future Licensing Activities. (9 pages)
4.	6/4-5/01	ML020100230	NUREG/CP-0175: Proceedings of the Advisory Committee on Reactor Safeguards Workshop on Future Reactors. (316 pages) [NOTE: Cover page through pg 133: ML020100230; pg 135 through pg. 316: ML020100255.]
5.	07/23/01	ML012040364	Memo from T. King to A. Thadani, subject: Meeting with Exelon Generation Company, DOE, and Other Interested Stakeholders Regarding the Pebble Bed Modular Reactor. (4 pages)
6.	07/24/01	ML012220253	Slides - Future Licensing Workshop. (97 pages)
7.	08/10/01	ML012270438	Letter from Marvin Fertel, NEI, to Chairman Meserve regarding new plant licensing. (6 pages)
8.	11/20/01	ML013250109	Memo from Diane Jackson, subject:

- Summary of Pre-Application Meeting on the PBMR. (16 pages)
9. 08/31/01 ML012490160 Letter from Kevin Borton to USNRC, subject: Exelon Generation Company's Proposed Licensing Approach for the PBMR in the U.S. (94 pages)
10. 11/20/01 ML013250109
Duplicate of item 8. Memo from Diane Jackson, subject: summary of Pre-Application Meeting on PBMR. (16 pages)
11. 12/20/01 ML013540138 Memo from Annette Vietti-Cook to John Larkins, ACRS/ACNW and W. Travers, EDO, subject: SRM - Meeting with ACRS. (2 pages)
12. 03/27/02 ML021550392 Slides - Public Workshop - Leal and Financial Issues Related to Exelon's PBMR - SECY-01-0207. (52 pages)
13. 05/03/02 ML021330170 Letter from Andrew Kada, MIT, to Chairman Meserve and Secretary Abraham, regarding Exelon withdrawal from PBMR (2 pages)
14. 06/06/02 ML021710583 Letter from K. Borton, Exelon, to USNRC, subject: submittal of Preliminary Safeguards Criteria Regarding the PBMR. (14 pages)
15. 07/24/02 ML022170232 Slides - 136th Meeting of the Advisory Committee on Nuclear Waste Advanced Reactor Research Plan. (18 pages)

**APPENDIX V
RECORDS BEING RELEASED IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	3/23/00	Commissioner Merrifield vote on CORR 00-0041 - Revised - Letter to Madam Phumzile Mlambo-Ngcuke. (3 pages)
2.	09/18/00	Comm. Merrifield vote on CORR-00-0150 - Letter to Walter Simon, General Atomics. (1 page)
3.	10/25/00	NRC News - Remarks of Jeffrey Merrifield at the Water Reactor Safety Information Meeting. (7 pages)
4.	12/12/00	Comments of Commissioner Dicus on and attached to 10/31/00 memo from Comm. Merrifield regarding Staff Readiness for New Nuclear Plant Construction and the Pebble Bed Reactor. (3 pages) NOTE: 10/31/00 memo was identified in previous response on App. J.
5.	01/24/01	Comments of Commissioner Diaz on and attached to 10/31/00 memo from Comm. Merrifield regarding Staff Readiness for New Nuclear Plant Construction and the Pebble Bed Reactor. (2 pages)
6.	02/20/01	E-mail from J. Dorfman, CFO, to Brian Kildee, OGC, re Pebble Bed Reactor Project. (1 page)
7.	02/20/01	E-mail from Joel Dorfman, CFO, to B. Kildee, OGC, D. Dandois, CFO, and G. Jackson, OGC, re PBM Project. (1 page)
8.	02/21/01	E-mail from J. Dorfman, CFO, to M. Aitcheson, RES, and S. Park, CFO, regarding Reimbursable Agreement W/DOE for Pebble Bed. (1 page)
9.	04/10/01	In the News, April 10, 2001, compiled by NRC Office of Public Affairs. (2 pages)
10.	04/10/01	Memo from J. Dorfman, CFO, to J. Golder, CFO, K. Fitch, CFO, G. Jackson, CFO, and B. Kildee, OGC, subject: Mod 1 to Reimbursable Agreement with DOE Related to the PBMR. (1 page)

11. 04/11/01 E-mail from J. Dorfman to B. Kildee, subject: Memo to Commission - Preliminary Plan, Rev. 4-2.wpd. (1 page)
12. 04/11/01 E-mail from Angelina Chapeton, RES, to J. Dorfman, CFO, subject: Memo to Commission - Preliminary Plan. Rev. 4-2.wpd. (18 pages)
13. 05/31/01 Comm. Merrifield vote on SECY-01-0070. (2 pages)
14. 06/26/01 E-mail from J. Dorfman, CFO, to D. Hassell, OGC, subject: Setup Meeting for 6/28/01 - Resent to Add Research Folks. (1 page)
15. 10/01/01 E-mail from K. Fitch, RES, to P. Rabideau, CFO, subject: DAF/DPBA Comments on Draft SECY re Exelon PBMR White Papers. (1 page)
16. 12/06/01 Comments of Commission Dicus on copy of first page of SECY-01-0207 (which was identified in previous response, App. J). (1 page)
17. 12/07/01 E-mail from Brian McCabe to A. Vietti-Cook and K. Hart subject: Extension of SECY-01-0207. (1 page)
18. 12/19/01 Comments of Commissioner Merrifield on and attached to first page of SECY-01-0207. (2 pages)

**APPENDIX W
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	No date	Cable regarding Visit of Commissioner Jeffrey S. Merrifield, USNRC (March 3-10, 2001) to Shanghai, Hong-Kong. (8 pages) EX. 4 and EX. 5
2.	No date	Itinerary for Comm. Merrifield China trip. (2 pages) EX. 6
3.	No date	Handwritten comments on copy of Wall Street Journal article, "U.S. Backing for Nuclear Power Project in South Africa Raises Hope and Dissent. (1 page) EX. 5
4.	09/29/98	Handwritten comments on copy of The Modular Pebble Bed Reactor Concept - A Presentation of the 22.33/.033 Design Course for University of Cincinnati/Ohio State University. EX. 5 - handwritten notes only. The document was already released in App. I
5.	09/29/98	Handwritten comments on copy of the Modular Pebble Bed Reactor Concept, with attached slides. (65 pages) EX. 5 - handwritten notes only. 66
6.	11/07/00	Handwritten comments on copy of Memo from J. Craig to Commissioner Assistants, subject: The Modular Pebble Bed Reactor Concept. (1 page) EX. 5 - handwritten notes only.

**APPENDIX X
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Draft letter from Chairman Richard Meserve to Madam Phumzile Miambo-Nguke concerning the visit to South Africa by the Department of Energy, (DOE) Department of State, (DOS) the Idaho National Engineering and Environment Laboratory and the Nuclear Regulatory Commission (NRC). 1 page Exemption 5
2.	3/4/00	Notes form Chairman Meserve's briefing regarding the NRC letter to South Africa Regulatory Program for Pebble Bed Modular Reactor. 2 pages Exemption 5
3.	3/15/00	Chairman Meserve's edits to Draft DOE/NRC letter to South Africa. 3 pages. Exemption 5
4.	3/20/00	Email from Karen Henderson to Jeanne Shoemaker, regarding SECY-00-004. 2 pages Exemption 5
5.	3/20/00	Draft edited letter to Madam Phumzile Mlambo-Ngcuke concerning the visit to South Africa by the DOE, NRC, DOS and the Idaho National Engineering and Environmental Laboratory to evaluate Eskom's Pebble Bed Modular Reactor Project (PBMR). 1 page Exemption 5
6.	3/20/00	Chairman Meserve's edits on correspondence package CR-00-0041. 19 pages Exemption 5
7.	3/23/00	Copy of correspondence Package -CR-00-0041-revised sent to Commission office for review -Eskom's Pebble Bed Modular Reactor Project. 9 pages Exemption 5
8.	undated	Draft memorandum William Travers from Annette Vietti-Cook regarding Staff Requirement-SECY-01-0207- Legal and Final Issues Related to Exelon's Pebble Bed Modular Reactor (PBMR). 1 page Exemption 5
9.	Undated	Chairman's Meserve's edits to draft DOE/NRC letter to South Africa. 4 pages Exemption 5
10.	Undated	Draft letter from Chairman Meserve to Madam Phumzile Mlambo-

**APPENDIX X
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
		Ngcuke concerning visit to South Africa by the DOE, DOS, NRC, and the Idaho National Engineering and Environmental Laboratory to evaluate Eskom's Pebble Bed Modular Project. 4 pages Exemption 5
11.	9/14/00	Draft Letter to Walter Simon, concerning NRC's possible Participation regarding the NRC's possible participation the safety and licensing evaluation of the Pebble Bed Modular Reactor by National Nuclear Regulator of the Republic of South Africa. 2 pages Exemption 5
12.	9/22/00	Chairman Meserve's vote and edits on CR-00-0150 concerning Walter Simon's interest in working with South Africa on the safety and licensing evaluation of Pebble Bed. 8 pages Exemption 5
13.	Undated	Chairman Meserve's draft response to Walter Simon regarding the NRC's possible participation in the safety and licensing evaluation of the Pebble Bed Reactor. 1 page Exemption 5
14.	1/25/01	Email from Alan Levin to Chairman Meserve concerning COMJSM-00-0003. 1 page Exemption 5
15.	1/29/01	Chairman Meserve's draft comments and edit on COMJSM-00-0003. 2 pages Exemption 5
16.	2/1/01	Email from Alan Levin to Andrew Bates, Annette Vietti-Cook, Barbara Gabriel, Bill Hill, Bradley Jones, Brian McCabe, and Cathy Jaegers regarding Draft SRM-COMJSM-00-0003. 1 page Exemption 5
17.	2/1/01	Draft Staff Requirements Memorandum-COMJSM-00-0003-Staff Readiness for New Nuclear Plant construction and Pebble Bed Reactor. 4 pages Exemption 5
18.	2/2/01	Email from Ken Hart to Reactor Tas concerning draft SRM-COMJSM-00-0003- Pebble Bed Reactor. 1 page Exemption 5

**APPENDIX X
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
19.	2/6/01	Email from Ken Hart to Reactor Tas regarding comments on draft SRM-COMJSM-00-0003 -Pebble Bed Reactor. 4 pages Exemption 5
20.	2/7/01	Email from Alan Levin to Chairman Meserve regarding COMJSM-00-0003. 1 page Exemption 5
21.	2/7/01	Email from Alan Levin to Anthony McMurtray, David Graves, Edwin Hackett, Isabelle Schoefeld, James Beall, Jeffrey Sharkey, Jose Ibarra and Joseph Shea regarding SRM on COMJSM-00-0003-Pebble Bed Reactor. 1 page Exemption 5
22.	2/7/01	Email from Brian McCabe to Alan Levin re COMJSM-00-0003. 1 page Exemption 5
23.	04/26/01	Memo from Annette Vietti-Cook to Jesse Funches, subject: Staff Requirements - COMSECY-01-0010 - Fees Related to Research Activities Supporting First-of-a-Kind Applications for a License or Certification. (1 page) Exemption 5
24.	2/7/01	Email from Chairman Meserve to Alan Levin regarding COMJSM-00-0003. 1 page Exemption 5
25.	2/7/01	Email from Ken Hart to Reactor Tas forwarding staff comments on COMJSM-00-0003 Version B. 2 pages Exemption 5
26.	Undated	Original Version of Final SRM-Staff Requirements-COMJSM-00-0003 -Staff Readiness for New Nuclear Plant Construction and the Pebble Beed Reactor. 4 pages Exemption 5
27.	Undated	Chairman Meserve's draft comments on COMJSM-00-0003. 1 page Exemption 5
28.	5/11/01	Memorandum to Chairman Meserve from Alan Levin regarding vote on SECY-01-0070-Plan for pre-application activities on the Pebble Bed Modular Reactor (PBMR). 3 pages Exemption 5

**APPENDIX X
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
29.	Undated	Draft comments of Chairman Meserve on SECY SECY-01-0070. 1 page Exemption 5
30.	6/7/01	Draft SRM on SECY-01-0070 to Chairman Meserve. 2 pages Exemption 5
31.	6/7/01	Draft Final SRM-01-0070 -Plan for pre-application activities on the Pebble Bed Modular Reactor (PBMR). 2 pages Exemption 5
32.	6/8/01	Email from Alan Levin to Commissioner Assistants, Secretaries, and SECY regarding draft SRM-SECY-01-0070. 1 page Exemption 5
33.	6/15/01	Letter from Alan Levin to Chairman Meserve regarding Version B of the SRM on SECY-01-0070. 2 pages Exemption 5
34.	6/15/01	Email from Alan Levin to Isabelle Schoefeld, James Beall, Jeffrey Sharkey, et al; regarding SRM on SECY-01-0070 (PBMR). 1 page Exemption 5
35.	6/15/01	Email from Ken Hart to Reactor Tas regarding SRM on SECY-01-0070 (PBMR). 2 pages Exemption 5
36.	6/19/01	Draft Final SRM-SECY-01-0070- Plan for pre-application activities on the Pebble Bed Modular Reactor. 1 page Exemption 5
37.	11/29/01	Note from Marian Zabler to Chairman Meserve, through Michael Tschiltz concerning SECY-01-0207. 2 pages Exemption 5
38.	12/12/01	Draft comments of Chairman Meserve on SECY-01-0207. 1 page Exemption 5
39.	1/11/02	Email from Marian Zabler to COM/RAM stff, EDO staff, and Commission staff regarding Draft SRM for SECY-02-0207.' 1 page Exemption 5

**APPENDIX X
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
40.	1/14/02	Memorandum (Final SRM) from Annetee Vietti-Cook to William Travers concerning Staff Requirements -SECY-01-0207-Legal and Final Issues Related to Exelon's Pebble Bed Modular Reactor (PBMR). 2 pages Exemption 5
41.	10/29/02	Briefing package for drop in visit by William Magwood, IV, DOE. 6 pages Exemption 5
42.	3/20/00	Brad Jones to Commissioner Greta Dicus regarding staff analysis for CR-00-0041 (Revised). 1 page Exemption 5
43.	11/16/00	Tom Hiltz to Commissioner Dicus regarding staff analysis for COMJSM-00-0003. 1 page Exemption 5
44.	5/30/01	Tom Hiltz to Commissioner Dicus regarding staff analysis for SECY-01-0070. 1 page Exemption 5
45.	12/5/01	Brad Jones to Commission Dicus regarding staff analysis for SECY-01-0207 2 pages Exemption 5
46.	3/21/00	Response from Commission Nils Diaz to Corr-00-0041, Revised, proosed letter to Madam Phumzile Mlambo-Ngcuke. 3 pages Exemption 5
47.	9/25/00	Draft comments by Commissioner Diaz regarding Corr-00-0150, proposed letter to Walter Simon, General Atomics. 1 page Exemption 5
48.	9/25/00	Response from Commission Diaz to Corr-00-0150, proposed letter to Walter Simon. 1 page Exemption 5
49.	2/6/01	Email from M. Lopez-Otin to A. Levin, et al., regarding draft SRM for COMJSM-00-0003. 1 page. Exemption 5
50.	4/4/01	Response from Commission Diaz to Corr-01-0054, proposed letter to Phumzile Mlambo-Ngcuke. 1 page Exemption 5

APPENDIX X
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
51.	6/13/01	Email from M. Lopez-Otin to A. Levin, et al., regarding draft SRM for SECY-01-0070. 1 page Exemption 5
52.	6/18/01	Email from M. Lopez-Otin to A. Levin, et al., regarding draft SRM on SECY-01-0070. 1 page Exemption 5
53.	12/7/01	Handwritten note from R. Davis to file regarding discussion of proposed response to SECY-01-0207 with Commissioner Diaz. 1 page Exemption 5
54.	1/14/02	Handwritten note from R. Davis to file regarding discussion of proposed response to SECY-01-0207 with Commissioner Diaz. 1 page Exemption 5
55.	1/14/02	Email from R. Davis to A. Levin, et al., response to draft SRM for SECY-01-0207. 1 page Exemption 5

**APPENDIX Y
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
		Commissioner Jeffrey Merrifield
1.	3/21/00	Vote on CORR: 00-0041 Letter to Madam Phumzile Mlambo-Ngcuke, Minister of Minerals and Energy, South Africa, concerns expert team's finding regarding the Eskom's Pebble Bed Modular Reactor project (PBMR). (2 pages) EX. 5
2.	12/27/01	Email from Margaret Doane to various staff members, subject: Draft SRM-01-0207 (PBMR). (1 page) EX. 5
3.	2/2/01	Email from Brian McCabe to various staff members, subject: Draft SRM-COMJSM-00-0003 (PBMR). (3 pages) EX. 5
4.	6/12/01	Email from Brian McCabe to various staff members, subject: Draft SRM-SECY-01-0070 (PBMR). (2 pages) EX. 5

**APPENDIX Z
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	2/1/01	Series of E-mail messages regarding: Draft SRM-COMJSM-00-0003, Pebble Bed Reactor, with draft SRM attached. (14 pages) EX. 5
2.	6/12-19/01	Series of E-mail messages regarding: Draft SRM-SECY-01-0070, PBMR, with handwritten notes, and draft Staff Requirements Memorandum attached. (10 pages) EX. 5
3.	4/2/01	Commissioner Merrifield's vote on Corr 01-0054, letter to Phumzile Mlambo-Ngcuke, South Africa Minister of Minerals and Energy, concerns the PBMR. (2 pages) EX. 5
4.	3/28/01	Notation on calendar; briefing from Staff regarding fees related to RES activities on MOX/Pebble Bed. (1 page) EX. 5
5.	3/16/01	Memorandum to Commissioners from Jesse Funches, fees related to research activities supporting first-of-a-kind applications for license or certification. (5 pages) EX. 5
6.	3/5/01	Notes by Brian McCabe, regarding technical site visit to the Institute of Atomic Energy and the Institute for Nuclear Engineering Technology in China. (8 pages) EX. 5
7.	3/21/00	Commissioner Merrifield's vote on Corr 01-0041, letter to Mlambo-Ngcuke. (2 pages) EX. 5