



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

2002-0256

9

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Sean Moulton / Cheryl Gregory

DATE

JAN 13 2004

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 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 **DD,EE,FF*** 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 **DD,EE,FF*** 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)

* Appendix GG records [copies enclosed] are also being made available for public inspection and copying at the NRC Public Document Room.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

PART II.A - APPLICABLE EXEMPTIONS

APPENDICES
FF

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
Martin J. Virgilio	Director, Office of Nuclear Material Safety and Safeguards	FF-1	✓		
James E. Dyer	Director, Office of Nuclear Reactor Regulation	FF-2	✓		
Patricia G. Norry	Deputy Executive Director for Management Services Office of the Executive Director for Operations	FF-3		✓	

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 DD
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Meeting handout for NRC interoffice task group (4 pages)
2.	09/26/01	E-mail Network Announcement to Network Announcement, Re: Release of Safeguards Information (1 page)
3.	10/04/01	E-mail Network Announcement to Network Announcement, Re: Update of Web Site and ADAMS Review (1 page)
4.	10/12/01	E-mail M. Landau, EDO, to A. Madison, et al., Re: Web Review this Weekend (2 pages)
5.	10/18/01	E-mail W. Travers, EDO, to W. Travers, EDO, Re: EDO Updates (2 pages)
6.	10/22/01	E-mail J. Johnson, NRR, to R. Borchardt, NRR, et al., Re: Fwd: Guidance on release of information to the public w/att 10/18/01 e-mail M. Landau, EDO, to B. Mallet, RII, et al., w/att Draft Network Announcement (4 pages)
7.	10/22/01	E-mail J. Zwolinski, NRR, to M. Landau, EDO, Re: Guidance on release of information to the public (1 page)
8.	10/23/01	E-mail M. Landau, EDO, to R. Barrett, W. Reckley, NRR, Re: Public release of newly generated technical information (1 page)
9.	10/23/01	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Yellow announcement (1 page)
10.	10/23/01	E-mail W. Travers, EDO, to W. Travers, EDO, Re: EDO Update (1 page)
11.	10/24/01	E-mail J. Zwolinski, NRR, to B. Mallet, RIII, et al., Re: Fwd: Re-send of Draft criteria for public release of information w/att Draft Network Announcement (3 pages)
12.	10/25/01	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Some late comments to consider (1 page)
13.	10/29/01	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Status of guidance? (1 page)

[Response #9]

APPENDIX DD - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
14.	11/07/01	E-mail J. Zwolinski, NRR, to W. Reckley, NRR, Re: Fwd: Site location and map information for license renewal environmental reports (1 page)
15.	11/09/01	E-mail J. Zwolinski, NRR, to M. Landau, EDO, et al., Re: FSAR Wording (1 page)
16.	11/14/01	E-mail S. Morris, EDO, to M. Landau, EDO, Re: Fwd: Availability of NRC inspection reports w/att 11/14/01 e-mail S. Morris, EDO, to M. Landau, EDO, w/att 11/14/01 e-mail C. Brooks to S. Morris (3 pages)
17.	11/15/01	E-mail W. Travers, EDO, to W. Travers, EDO, Re: EDO Updates (1 page)
18.	11/27/01	E-mail M. Landau, EDO, to M. Masnik, NRR, Re: Fwd: Sensitive info screening update (1 page)
19.	12/04/01	E-mail C. Grimes, NRR, to M. Landau, EDO, Re: Latest COMMSECY to Commission (1 page)
20.	12/04/01	E-mail C. Grimes, NRR, to M. Landau, EDO, Re: Redact Impact (1 page)
21.	12/13/01	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Fwd: Upcoming meeting on withholding information (1 page)
22.	12/14/01	E-mail J. Craig, EDO, to J. Shea, EDO, et al., Re: Note to inform Commission re: staff plans to restore ROP web pages w/att Draft C-note (2 pages)
23.	12/19/01	E-mail S. Frant, NMSS, to C. Abrams, NMSS, et al., Re: Possible questions for mtg with CEQ (1 page)
24.	12/31/01	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Meeting-Thursday, Jan 3 at 1:00...(1 page)
25.	12/31/01	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Please review this website w/att draft congressman ltr (2 pages)

[Response #9]

APPENDIX DD - continued
 RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
26.	12/31/01	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Fwd: NUREG-1430, 1431, 1432, 1433, 1434 Standard Tech Specs w/attachments (1) 12/26/01 e-mail C. Konzman, NRR, to G. Suh, NRR, et al.; (2) 12/26/01 e-mail C. Konzman, NRR, to F. Goldberg, CIO; (3) 12/26/01 e-mail T. Smith, CIO, to C. Konzman, NRR, et al (4 pages)
27.	01/07/02	E-mail W. Travers, EDO, to HQ distribution and Regional distribution, Re: EDO Updates (1 page)
28.	01/09/02	E-mail M. Landau, EDO, to C. Reed, CIO, et al., Re: Guidance on release of information to the public (1 page)
29.	01/16/02	E-mail M. Landau, EDO, to C. Reed, CIO, Re: Fwd Draft SRM on COMSECY-01-0030-Guidance on Release of information to the public (1 page)
30.	01/23/02	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Follow-up to last weeks mtg (1 page)
31.	01/24/02	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Please review this (2 pages)
32.	01/24/02	E-mail M. Landau, EDO, to F. Goldberg, CIO, et al., Re: Revised version of memo to offices (2 pages)
33.	01/28/02	E-mail M. Landau, EDO, to C. Reed, CIO, et al., Re: Fwd SRM-COMSECY-01-0030-Guidance to staff...(2 pages)
34.	01/28/02	E-mail M. Landau, EDO, to A. Silvius, NSIR, et al., Re: Meeting on SRM re Release of Information (1 page)
35.	01/30/02	E-mail M. Landau, EDO, to M. Kotzalas, NRR, Re: Fwd Release of Info to public, including web site (1 page)
36.	01/31/02	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Today's meeting (1 page)
37.	01/31/02	Agenda Meeting on Definition of SHSI; application to release criteria 01/31/02 (1 page)

**APPENDIX DD - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
38.	02/04/02	E-mail M. Landau, EDO, to A. Silvius, NSIR, et al., Re: Meeting this Thursday on Release of Info (1 page)
39.	02/06/02	Handout for NRC Interface Task Group (2 pages)
40.	02/06/02	E-mail M. Landau, EDO, to A. Silvius, NSIR, et al., Re: Agenda for tomorrow's meeting on release...(2 pages)
41.	02/11/02	E-mail M. Landau, EDO, to 9/11inforeview, Re: Meeting tomorrow on release criteria review...(1 page)
42.	02/12/02	E-mail M. Landau, EDO, to G. Klinger, NRR, Re: Review process for release of info to the public (1 page)
43.	02/12/02	Handout: Major activities to implement SHSI-Review Process (2 pages)
44.	03/14/02	E-mail W. Reckley, NRR, to B. Sheron, NRR, Re: Fwd: Withholding sensitive homeland security information w/attachments (1) e-mail 03/14/02 M. Landau, EDO, to A. Vietti-Cook, SECY; et al., (2) Draft Commission Memo (7 pages)
45.	03/15/02	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Fwd Davis-Besse UFSAR availability w/att e-mail 03/15/02 D. Lochbaum, Public, to PDR (3 pages)
46.	03/18/02	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Withholding sensitive info (1 page)
47.	04/15/02	E-mail M. Landau, EDO, to D. Engel, OGC, et al., Re: Meeting tomorrow (1 page)
48.	Undated	Document that begins with "Guidance 1, 2, 3" (4 pages)
49.	11/20/01	Briefing to EDO on Public Access to Sensitive NRC Documents. (7 pages)
50.	01/09/02	E-mail from Mindy Landau to various addressees on Guidance on Release of Information to the Public. (4 pages)

[Response #9]

APPENDIX DD - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
51.	01/10/02	E-mail from Donald Hassell to Mindy Landau on Guidance on Release of Information to the Public. (1 page)
52.	02/12/02	E-mail from Mindy Landau to Donald Hassell on One More Thing... (1 page)
53.	03/13/02	Draft Memorandum from William Travers to the Commission on Withholding Sensitive Homeland Security Information from the Public. (5 pages)
54.	03/21/02	E-mail from Mindy Landau to Marvin Itzkowitz and Mary Pat Siemien on Document on Withholding SHSI. (8 pages)
55.	04/02/02	E-mail from Donald Hassell to Mindy Landau on FOIA request. (1 page)
56.	04/17/02	E-mail from Landau to 9/11 inforeview on Summary of yesterday's meeting on SHSI. (2 pages)
57.	04/22/02	E-mail from Landau to Michael Weber and Roy Zimmerman on Status of SHSI and Andrew Card Response. (1 page)

**APPENDIX EE
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	01/31/02	ML020300485	Memorandum from Williams Travers to those on the Attached List on Review of Documents for Public Release. (3 pages)

**APPENDIX FF
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	09/25/01	Email from M. Landau to B. Mendelsohn, C. Hendren, S. Alexander Re: Web review: NMSS (1 page) [Ex. 5]
2.	12/04/01	E-mail M. Landau, EDO, to W. Reckley, NRR, Re: Latest COMMSECY to Commission [Withhold 3 pgs, Ex. 5; Release 1 page]
3.	12/04/01	E-mail M. Landau, EDO, to C. Poslusny, NMSS, et al., Re: Latest COMMSECY to Commission [Withhold 3 pgs, Ex. 5; Release 1 page]

**APPENDIX GG
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	09/24/01	Email from M. Landau to B. Mendelsohn Re: Web update (1page)
2.	09/25/01	Email from M. Landau to B. Mendelsohn, C. Hendren, D. Matthews, P. rathbun, S. Alexander, S. Frant Re: Review of NRC's Website (1 page)
3.	09/25/01	Email from M. Landau to B. Mendelsohn, C. Hendren, E. Johannemann, S. Alexander Re: Briefing on Web Review at 9:00 a.m. (1page)
4.	09/26/01	Network Announcement "Release of Safeguards Information (1 page)
5.	10/04/01	Network Announcement "Update on Web Site and ADAMS Review" (1 page)
6.	10/09/01	[opa]Web Review Effort - Search For Sensitive or Vulnerable Information (15 pages)
7.	10/12/01	Network Announcement "Public Web Site Now Available to the Staff" (1 page)
8.	10/12/01	Email from M. Landau to A. Madison, A. DiPalo, B. Mendelsohn, B. Smith, D. Lam, F. Jacobs, J. Donohew, J. Kennedy.....Re: Web Review this Weekend (2 page)
9.	10/12/01	Email from M. Landau to M. Layton re: RESPONSE - ACTION: Now Due to M. Landau by 3:00 pm Sunday 10/14 (1 page)
10.	10/12/01	Email from B. Smith, EDO to D. Cool, E. Brach, J. Greeves, M. Weber, S. Frant, NMSS re: "Review of Web and ADAMS Content (2 pages)
11.	10/15/01	Summary of Recommended Items for Web Deletion By NRR/NMSS/RES Staff 3 (3 pages)
12.	10/16/01	E-mail from Mindy Landau, EDO, to Carol Gallagher, ADM, Cynthia Carpenter, NRR, Michael Lesar, ADM, and Patricia Holahan, NMSS, subject "Re:Rulemaking site on the web," with responses from Holahan on 10/16/01 and Lesar and Landau on 10/17/01. (8 pages)

[Response #9]

**APPENDIX GG - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
13.	10/17/01	E-mail from Mindy Landau, EDO, to Carol Gallagher, ADM, Cynthia Carpenter, NRR, Michael Lesar, ADM and Patricia Holahan, NMSS, subject "Proposal for the Rulemaking Web Site," (3 pages)
14.	10/18/01	E-mail from Mindy Landau, EDO, to Francine Goldberg, CIO, Michael Lesar, ADM and Walter Olliu, CIO, subject "Re: Items on the priority list for posting," with replies from Lesar and Olliu (7 pages)
15.	10/25/01	Memo from W. Travers to Commission Re: Recommendations for Withdrawal of Papers Now Pending Commission Review (5 pages)
16.	10/30/01	E-mail from M. Landau to B. Hayden, T. Smith, W. Davis Re: ADAMS & PDR Question (1 page)
17.	12/07/01	Memo to Chairman Meserve from W. D. Travers, EDO Re: Sealed Source and Device Registry Web Site Access (21 pages)
18.	01/09/02	E-mail from M. Landau to C. Reed, et al., Re: Guidance on Release of Information to The Public (3 pages)
19.	01/28/02	E-mail to B. Hayden, F. Goldberg, from M. Landau Re: SRM COMSECY-01-0030 Guidance to Staff on Release Of Info to Public (1 page)
20.	01/31/02	For Discussion at 01/31/02 Meetings on the January 25, 2002 SRM on COMSECY-01-0030 (2 pages)
21.	02/18/02	E-mail from Gilbert Millman to Farouk Eltawila/Scott Newberry re release to web of risk-informed reg guides (6 pages) 2
22.	03/25/02	E-mail to John Hickey, P. Rathbun from M. Landau Re: Releasing lists of licensees (1 page)
23.	03/27/02	E-mail from Mindy Landau, EDO, to Michael Lesar, ADM, subject "Ruleforum comments" (2 pages)

[Response #9]

APPENDIX GG - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
24.	Undated	Summary Table of Documents Reviewed by NMSS Through 12/14/41 (3 pages)
25.	Undated	Draft Network Announcement - Release of Information to the Public (2 pages)
26.	Undated	Draft Network Announcement (2 pages)
27.	Undated	Draft Network Announcement Re: Criteria to be Used When Deciding to Release Info to the Public (2 pages)
28.	Undated	Document Availability and Access Since 10/11 Web Site Shut Down (2 pages)