



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

2002-0256

16

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Sean Moulton / Cheryl Gregory

DATE

APR 05 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 **DDD** 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 **CCC** 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 **CCC** 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 attachment to the record identified at CCC-4 is copyrighted and is not being provided. Arrangements to view copyrighted records can be accomplished by contacting the NRC's Public Document Room (PDR) at 301-415-4737 or 1-800-397-4209, or by e-mail to pdr@nrc.gov.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

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

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**PART IIA - APPLICABLE EXEMPTIONS**

APPENDICES  
**EEE**

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 IIB - 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
Ellis W. Merschoff	Chief Information Officer	EEE-1-10	✓		

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 CCC  
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	10/09/2001	E-mail from Peter Wilson, NRR, to Mindy Landau, EDO, Subj: Re: Web Address for SDP Notebooks (2 pages)
2.	10/15/2001	E-mail from Walter Oliu to NRCWEB re: Posting of interim version of NRC web site (1 page)
3.	10/17/2001	Network Announcement, Subj: Partial NRC Public Web Site Now Available to the Public (1 page)
4.	10/18/2001	*E-mail from Walter Oliu to Francine Goldberg re: Classified Data Disclosed? U. S. Military Requested NRC Web Shutdown (1 page) Attachment Copyright: The Energy Daily, Vol. 29, No. 201, entitled, "Classified Data Disclosed? U.S. Military Requested NRC Web Shutdown" (2 pages)
5.	10/18/2001	E-mail from Francine Goldberg to Ed Baker, et al., re: Review of Web Site in Response to Terrorist Attack (1 page)
6.	10/18/2001	E-mail from Walter Oliu to Mindy Landau re: FOIA Site, keeping Citizens Guide to NRC Information on the site (1 page)
7.	10/24/2001	E-mail from NRCWEB to Kemp William re: availability of NUREG-1556, Vol. 5 (1 page)
8.	10/24/2001	E-mail from James Myers, OSTP, to C. Combs, et al., OSTP, Subj: STP Web Site Restored (1 page)
9.	10/25/2001	Network Announcement re: More Content Now Available on NRC Public Web Site (1 page)
10.	10/25/2001	E-mail from NRCWEB to Isella Jose re: About NRC Information Notices reports (1 page)
11.	10/25/2001	E-mail from NRCWEB to David Ayres re: availability of event notices (1 page)
12.	10/25/2001	Network Announcement, Subj: More Content Now Available on NRC Public Web Site (1 page)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
13.	10/31/2001	E-mail from Walter Oliu to Francine Goldberg and Lynn Scattolini re: Updated Chronology of Web Lite and ADAMS Pages (1 page)
14.	11/01/2001	E-mail from NRCWEB to Greg Landry re: CFRs and other Regulatory Guidance documentation (1 page)
15.	11/02/2001	E-mail from NRCWEB to Roy A. Jacobus, DOE, re: availability of "basic reference" (1 page)
16.	11/02/2001	E-mail from NRCWEB to Ronald Zelac re: availability of SECYs (1 page)
17.	11/07/2001	E-mail from NRCWEB to Frank Aguirre re: availability of "Radioactive Sealed Sources and Devices" page (1 page)
18.	11/08/2001	E-mail from T. Smith, OCIO, to Francine Goldberg, OCIO, Subj: Re: 11/7 Questions/Comments from Stakeholders (1 page)
19.	12/03/2001	Network Announcement re: Release 1 of the NRC's Redesigned Public Web Site Now Available (1 page)
20.	12/04/2001	E-mail from NRCWEB to Steven Crockett re: availability of Commission Activities documents (1 page)
21.	12/04/2001	E-mail from Francine Goldberg, OCIO to E. Hayden, OPA, et al., Subj: Meeting on the incoming Web e-mails (19 pages)
22.	12/05/2001	E-mail from NRCWEB to Steven Benson re: availability of NRC notices and Part 21 issues (1 page)
23.	12/05/2001	E-mail from NRCWEB to Cathy Bennett re: availability of "students corner" (1 page)
24.	12/05/2001	E-mail from NRCWEB to Dick Trim re: availability of CFR collection (1 page)
25.	12/05/2001	E-mail from NRCWEB to Kim Blood re: availability of Radionuclide Transport in the Environment NUREG (1 page)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
26.	12/06/2001	E-mail from NRCWEB to David Boone re: availability of NRC's web site (1 page)
27.	12/12/2001	E-mail from PDR to F. Goldberg, OCIO, Subj: Re: Most Requested Documents (1 page)
28.	12/12/2001	E-mail from NRCWEB to <a href="mailto:mstraka@scientech.com">mstraka@scientech.com</a> re: availability of Regulatory Guides (1 page)
29.	12/12/2001	E-mail from NRCWEB to Capt. Scott Nemmers re: availability of 10 CFR in pdf format (1 page)
30.	12/12/2001	E-mail from NRCWEB to <a href="mailto:ftgay@southernco.com">ftgay@southernco.com</a> re: availability information notices, generic letters in the reference library (1 page)
31.	12/13/2001	E-mail from NRCWEB to James Slider re: availability of reactor ROP indicator displays (1 page)
32.	12/27/2001	Network Announcement re: Release 2 of the NRC's Redesigned Public Web Site Now Available (1 page)
33.	01/02/2002	E-mail from NRCWEB to Susan Spicer re: availability of Commission Legal Issuance (1 page)
34.	01/02/2002	E-mail from NRCWEB to Kim Nahay re: availability of Plant Assessment Results (1 page)
35.	01/03/2002	E-mail from NRCWEB to Trudy Hill re: availability of NUREG-1556 (1 page)
36.	01/03/2002	E-mail from NRCWEB to Marjorie Zeff re: availability of Regulatory Guides (2 pages)
37.	01/08/2002	E-mail from NRCWEB to Michael Waterman re: availability of Standard Review Plan Chapter 7 (2 pages)
38.	01/09/2002	E-mail from NRCWEB to Fred Scudery re: availability of NRC Form 313 (1 page)

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APPENDIX CCC - continued  
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
39.	01/09/2002	E-mail from NRCWEB to Fred Scudieri re: availability of NRC Form 313 (1 page)
40.	01/11/2002	E-mail from NRCWEB to Donald Irwin re: availability of OE Decisions (1 page)
41.	01/11/2002	E-mail from NRCWEB to Russ Province re: availability of generic letters (1 page)
42.	01/15/2002	E-mail from NRCWEB to Marcia Hartman re: availability of information notices (1 page)
43.	01/18/2002	E-mail from Walter Olu to NRCWEB re: release of NUREG-1650 (1 page)
44.	01/25/2002	E-mail from NRCWEB to Scott McCasland re: availability of NRC Form 3 (1 page)
45.	02/01/2002	E-mail from NRCWEB to Wray Wong re: availability of ISGs regarding dry cask storage (1 page)
46.	02/04/2002	Network Announcement re: Release 3 of the NRC's Redesigned Public Web Site Now Available (1 page)
47.	02/07/2002	E-mail from NRCWEB to Marjorie Zeff re: availability of Regulatory Guide 4.2, NUREG-1555, NUREG-0800 (1 page)
48.	02/12/2002	E-mail from NRCWEB to George Plechy re: availability of 10 CFR part 21 Isitings (2 pages)
49.	02/12/2002	E-mail from NRCWEB to Frank Guros re: availability of NUREG-1531 (1 page)
50.	02/22/2002	E-mail from NRCWEB to Jacques Verlaeken re: availability of ACRS letters (1 page)
51.	03/04/2002	E-mail from NRCWEB to Greg Minier re: availability of Significant Enforcement Actions (1 page)

APPENDIX CCC - continued  
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
52.	03/05/2002	Network Announcement re: Release 4 of the NRC's Redesigned Public Web Site Now Available (1 page)
53.	03/20/2002	E-mail from NRCWEB to Terushige Hosotani re: availability of SECY papers (1 page)
54.	03/27/2002	E-mail from NRCWEB to <a href="mailto:rragon@tec.army.mil">rragon@tec.army.mil</a> re: did we remove the location of reactors from our web site? (1 page)
55.	03/28/2002	E-mail from NRCWEB to Jon Tanner re: availability of NUREG/CR-6463 (2 page)
56.	04/03/2002	E-mail from NRCWEB to Jim Riccio re: availability of 2001 ACRS transcripts (1 page)
57.	05/23/2002	Collections of Documents by Type (6 pages)

APPENDIX DDD  
RECORDS ALREADY PUBLICLY AVAILABLE

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	01/17/2002	<a href="http://www.nrc.gov/reading-rm/doc-collections/commission/speeches/2002">http://www.nrc.gov/reading-rm/doc-collections/commission/speeches/2002</a>	Press Conference of Chairman Richard Meserve at the National Press Club Luncheon, power plant security, (17 pages)
2.	11/16/2001	ML012840018	SECY-01-0204 Policy Issue-Information, Improving the NRC Public Web Site (13 pages)



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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	09/21/2001	E-mail from Francine Goldberg, OCIO, to J. Craig, EDO, Subj: Issues with Potential Stakeholder Interest (1 page) [Ex. 5]
2.	10/10/2001	Log of OCIO IM Procedures to Respond To Requests from Agency Staff Performing Security Review (as follow up to terrorist Activities) (6 pages) [Ex.2 & 5]
3.	10/11/2001	Log of OCIO Response to Requests from Agency Staff Performing Security Review as a Follow Up to Terrorist Actions (9 pages) [Ex.2 & 5]
4.	11/14/2001	E-mail from Lynn Scattolini to Jack Davis and Vonna Ordaz re: OCIO Comments on Policy Issue Paper #3 (1 page) [Ex. 5]
5.	11/15/2001	E-mail from Francine Goldberg to Jack Davis, re: OCIO comments on Policy Issue Paper #3 (1 page) [Ex. 5]
6.	01/23/2002	E-mail from James Schaeffer, OCIO, to Bonnie Schnetzler, OCIO, Subj: RTA Response (2 pages) [Ex.5]
7.	01/28/2002	E-mail from Stuart Reiter, OCIO, to A. Levin, et al., OCIO, Subj: Fwd: RTA Task Force Near-Term Communications Plan (11 pages) [Ex. 2 & 5]
8.	02/22/2002	E-mail from Mindy Landau to Francine Goldberg re: Notice of Authorization to Release (1 page) [Ex. 5]
9.	Undated	Draft Policy Issue 3: Balancing National Security Interests with Public Information Needs (4 pages) [Ex.5]
10.	Undated	NMSS General Concerns and Recommendations about NRC External Website (16 pages) [Ex. 2 & 5]

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