



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

2002-0256

17

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  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 **FFF,GGG** 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 **FFF,GGG** 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)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

**PART II.A – APPLICABLE EXEMPTIONS**

APPENDICES  
**GGG, HHH**

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
Ellis W. Merschoff	Chief Information Officer	GGG-I-15; HHH-I	<input checked="" type="checkbox"/>		

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 FFF  
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	09/24/2001	Network Announcement re: Press Release Issued: NRC Reacts to Terrorists Attacks (3 pages)
2.	09/26/2001	Network Announcement re: Release of Safeguards Information (1 page)
3.	10/04/2001	Network Announcement re: Update on Web Site and ADAMS Review (1 page)
4.	10/12/2001	E-mail from Thomas Wolf to Mindy Landau re: DRAA items potentially affected by the release of information concern (1 page)
5.	10/12/2001	Network Announcement re: Public Web Site Now Available to the Staff (1 page)
6.	10/15/2001	E-mail from John Speed, Exelon Corporation to the PDR, re: Making the "News and Information" section of the web site available (1 page)
7.	10/15/2001	E-mail from Elizabeth Hayden to NRCWEB re: Press Releases for Tomorrow's Web (1 page)
8.	10/17/2001	Network Announcement re: Partial NRC Public Web Site Now Available to the Public (1 page)
9.	10/15/2001	E-mail from Mindy Landau to Francine Goldberg and Walter Oliu re: Re-posting of items to web page (1 page)
10.	10/18/2001	E-mail from Carl Konzman to Francine Goldberg re: NRR Safeguards Review Action List (1 page)
11.	10/19/2001	E-mail from Susan Frant to Mindy Landau re: 10 CFR Posting (1 page)
12.	10/24/2001	E-mail from James Myers to Frederick Combs, Mindy Landau, Paul Lohaus, and Walter Oliu, re: STP web site restore (1 page)
13.	10/30/2001	E-mail from Gloria Caton, ORNL, to Brian A. Kelly, IEM Inc., re: Device Registry Website (2 pages)

[Response #17]

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
14.	11/21/2001	Chairman's Daily, from OCIO, re: Sensitive Information in NUREG-Series Publications (1 page)
15.	12/21/2001	E-mail from Susan Frant to Francine Goldberg and Walter Oliu re: Sensitive information, specific waste documents (1 page)
16.	12/26/2001	E-mail from Carl Konzman to Francine Goldberg and Michael Case re: NUREG-1430, 1431, 1432, 1433, and 1434 Standard Tech Specs ( <del>5</del> 4 pages)
17.	01/23/2002	E-mail from Carl Konzman to NRCWEB re: Turkey Point SEIS posting to the Web (1 page)
18.	01/24/2002	E-mail from Francine Goldberg to Susan Frant and Dennis Rathbun re: Withdrawn Report Found on External Web, Sandia Site (1 page)
19.	02/08/2002	E-mail from NRR_INFOREVIEW to NRCWEB re: approved NUREGS - Ses and 1739, 1800, and 1801 for posting (1 page)
20.	02/21/2002	E-mail from Carl Konzman to Elizabeth Hayden, Francine Goldberg, and Joan Hoffman re: Request to post OPA Fact Sheets to External Web (1 page)
21.	02/21/2002	E-mail from Carl Konzman to Francine Goldberg and Walter Oliu re: Authorized for Release Generic Communications, Administrative Letters, Regulatory Issues Summaries (1999-2002), Events and Status Reports, and Part 21 Reports (1 page)
22.	02/22/2002	E-mail from Gilbert Millman to Francine Goldberg re: Approval for Reposting Division 8 Guides (3 pages)
23.	02/25/2002	E-mail from Gilbert Millman to Francine Goldberg re: Approval for Reposting Specific Division 1 Regulatory Guides (2 pages)
24.	02/26/2002	E-mail from Lars Solander to Joan Hoffman re: Posting to the Web the NRC Performance and Accountability Report for FY2001, NUREG-1542, Volume 7 (1 page)

[Response #17]

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
25.	02/27/2002	E-mail from Mindy Landau to Joan Hoffman re: Reposting Document Collections (1 page)
26.	03/12/2002	E-mail from Robert Lewis to Eileen Schultz re: Sandia Site (1 page)
27.	03/13/2002	E-mail from Carl Konzman to Francine Goldberg re: Information Notices begin redesign format process (1 page)
28.	03/14/2002	E-mail from Carl Konzman to Joan Hoffman re: NRR Response to Reposting Document Collections to NRC's Public Web Site (2 pages)
29.	03/15/2002	E-mail from Gilbert Millman to Lance Lessler re: List of approved docs (1 page)
30.	03/18/2002	E-mail from Carl Konzman to Francine Goldberg and Joan Hoffman re: Approved NUREGS reviewed by NRR (2 pages)
31.	03/19/2002	E-mail from Gilbert Millman to Joan Hoffman re: Response to CIO Request for Information on Reposting Documents (4 pages)
32.	03/19/2002	E-mail from Gilbert Millman, RES, to NRCWEB, re: Approval to Repost NUREG-1725 (1 page)
33.	03/26/2002	E-mail from Carl Konzman to Francine Goldberg, NRCWEB, NRRWebServices, and Walter Oliu re: Davis Besse Sensitivity Review Approval (1 page)
34.	03/26/2002	E-mail from Carl Konzman to Francine Goldberg, NRCWEB, NRRWebServices, and Walter Oliu re: Additional documents for Davis-Besse approved (1 page)
35.	03/27/2002	E-mail from Gilbert Millman to Joan Hoffman re: Approval to post NUREG-1725 and NUREG/CR-6695 (1 page)

[Response #17]

APPENDIX FFF - continued  
 RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
36.	04/05/2002	E-mail from Carl Konzman to Francine Goldberg and Walter Oliu re: Balance of Document Collections Reviewed for Sensitivity (2 pages)
37.	04/16/2002	E-mail from Conchita See to Joan Hoffman re: NUREG-1437, S6 posting to the Web (1 page)
38.	04/19/2002	Correspondence Control Ticket #G20020238 re: correspondence from Steve Abbot, Homeland Security Office (2 pages)
39.	04/25/2002	E-mail from Conchita See to Joan Hoffman re: NUREG-1437, Supplement 8 posting to the Web (2 pages)
40.	04/26/2002	E-mail from PDR to NRCWeb, ADAMSIM, Wayne Davis, Joan Hoffman re: NUREG-1738, Spent Fuel Pool Study for public release (1 page)
41.	04/30/2002	E-mail from Conchita See to Joan Hoffman Re: Please approve for sensitivity review of NUREG-0654 and NUREG-0654 addenda Final report (1 page)
42.	04/30/2002	E-mail from Conchita See to Joan Hoffman Re: North Anna DSEIS to Web (1 page)
43.	04/30/2002	E-mail from Conchita See to Joan Hoffman Re: NUREG-1738 posting to the Web (1 page)
44.	05/01/02	E-mail from Gilbert Millman to NRCWEB re: Approval to post NUREG/CR-6656 and 6767 (2 pages)
45.	05/02/2002	Correspondence Control Ticket #G20020268 re: correspondence from Steve Abbot, Homeland Security Office (2 pages)
46.	05/06/2002	E-mail from James Wilson to Joan Hoffman Re: NUREG-1437, Supplement B (1 page)
47.	05/08/2002	E-mail from Eileen Schultz to NRCWEB re: NMSS Newsletters (1 page)

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

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
48.	05/13/2002	E-mail from NRRWebServices to Duke Wheeler and Merilee Banic re: NUREG-1437 - Supplement 10 and Addendum to NUREG-1650 (1 page)
49.	05/15/2002	E-mail from Gilbert Millman to NRCWEB re: Additional input for posting NUREG-1717 (1 page)
50.	05/23/2002	E-mail from NRR_INFOREVIEW to PUBS Re: publication of NUREG-1759, Supplement 1 (1 page)

**APPENDIX GGG  
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	10/14/2001	E-mail from NRCWEB to Kim Custer re: emergency procedures for Three Mile Island (1 page) [Ex. 6]
2.	10/15/2001	E-mail from NRCWEB to Karen Krohn re: NRC web pages remaining in Google.com (1 page) (Ex. 6)
3.	10/15/2001	E-mail from NRCWEB to Sidney Jones re: NRC web pages remaining in Google.com (1 page) (Ex. 6)
4.	10/15/2001	E-mail from NRCWEB to Paul Gallagher re: NRC web pages remaining in Google.com (1 page) (Ex. 6)
5.	10/15/2001	E-mail from Erastus Z. Allen to PDR re: sources of NRC maps (1 page) [Ex. 6]
6.	10/15/2001	E-mail from Kirsten Spector to PDR re: removal of Seabrook power plant aerial pictures (1 page) (Ex. 6)
7.	10/18/2001	E-mail from NRCWEB to S. Jacobs re: NRC web pages remaining in Google.com (1 page) (Ex. 6)
8.	10/30/2001	E-mail from NRCWEB to Ed Liden re: STS NUREGs and CLIIP information (1 page) [Ex. 6]
9.	10/30/2001	E-mail from Rod Warren to NRCWEB re: closure of NRC's web site (1 page) [Ex. 6]
10.	12/07/2001	E-mail from NRCWEB to Pam Price, HCA Healthcare, re: availability of regulatory guides (1 page) (Ex. 6)
11.	12/07/2001	E-mail from NRCWEB to Jim Hill re: response from "Contact the Web Site Staff" regarding availability of individual plant performance indicators (1 page) (Ex. 6)
12.	01/02/2002	E-mail from NRCWEB to Scott Orlanski re: response from "Contact the Web Site Staff" regarding availability of FRERP on NRC's web site (1 page) (Ex. 6)

[Response #17]

APPENDIX GGG - continued  
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
13.	01/08/2002	E-mail from NRCWEB to James Curry re: response from "Contact the Web Site Staff" regarding availability of Regulatory Guides (1 page) (Ex. 6)
14.	02/19/2002	E-mail from NRCWEB to Bernie Haertjens re: response from "Contact the Web Site Staff" regarding comments on the new NRC web site (1 page) (Ex. 6)
15.	05/06/2002	E-mail from Justin Blair to NRCWEB re: response from "Contact the Web Site Staff" regarding availability of diagram of the Palo Verde Nuclear Power Plant (1 page) (Ex. 6)

APPENDIX HHH  
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	11/XX/2001	Draft Policy Issue re: Initial Scoping Paper on the NRC's Response to Terrorist Acts (86 pages) [Ex. 5]