



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

2002-0256

15

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Sean Moulton / Cheryl Gregory

DATE

APR 02 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 **ZZ, AAA** 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 **ZZ, AAA** 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
AAA, BBB

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
Patricia G. Norry	Deputy Executive Director for Management Services	BBB-3-5, 7, 9-12, 14, 16-17, 22		✓	
Martin J. Virgilio	Director, Office of Nuclear Material Safety and Safeguards	AAA-5; BBB-19-22	✓		
Ellis W. Merschhoff	Chief Information Officer	AAA-1; BBB-1-4, 6-7, 15-18, 23	✓		
(continued on next page)					

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."

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

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PART II.B ~ DENYING OFFICIALS - continued

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL
James E. Dyer	Director, Office of Nuclear Reactor Regulation	AAA-2; BBB-20	EDO
Ashok C. Thadani	Director, Office of Research	AAA-2-3; BBB-8, 13	EDO
Roy P. Zimmerman	Director, Office of Nuclear Security & Incident Response	AAA-4	EDO

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	09/26/01	E-mail from Lynn Scattolini, OCIO, to Beth Hayden, OPA 7 J. Craig, EDO, subj: Regarding the availability OSRE documents (3 pages)
2.	09/27/01	E-mail to David Matthews from Edward Johannemann, NSIR - Subject: Web site Search (1 page)
3.	09/28/01	E-mail From: Michael Johnson, NRR, to Wayne Davis, OCIO, Subj: Requesting deletion of identified sensitive unclassified information (2 pages)
4.	10/01/01	E-mail From: Mindy Landau, EDO, to Kathy Gibson, Subj: Search on ADAMS to support the web review. (2 pages)
5.	10/01/01	E-mail From: Wayne Davis, OCIO, to Michael Collins; Dean Martin; Keith Shaw; Brenda Shelton (OCIO), Subj: Re: Change in the Public Availability for Emergency Plan Documents (3 pages)
6.	10/03/01	E-mail From: Wayne Davis, OCIO, to M. Landau, EDO, Subj: Status of Removing Emergency Plans from the ADAMS Public Library (2 pages)
7.	10/09/01	E-mail From: Lynn Scattolini, OCIO, to Wayne Davis, OCIO, Subj: Fwd: Documents to be removed from the web Attach: E-mail from M. Landau, EDO, to Lynn Scattolini, OCIO, Subj: Documents to be removed from the Web (4 pages)
8.	10/09/01	E-mail From: Mindy Landau To: Lynn Scattolini Subject: Re: Office of State Programs Sealed Source and Device Registry. Total Pages: 3

APPENDIX ZZ - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
9.	10/09/01	<p>E-mail From: Lynn Scattolini To: Wayne Davis Subject: Re: Web address for SDP Notebooks. Total Pages: 2</p> <p>ATTACHMENT 1: E-mail From: Mindy Landau To: Arthur Davis; Donald Hassell; Lynn Scattolini; Walter Oliu Subject: Identifies other locations besides the web address for SDP Notebooks. Total Pages: 2</p> <p>ATTACHMENT 2: E-mail From: Peter Wilson To: Mindy Landau Subject: Re: Locations other than the web where SDP Notebooks may reside. Total Pages: 2</p> <p><i>addressed at CCC-1 resp. #16</i></p>
10.	10/10/01	<p>E-mail From: Mindy Landau, EDO To: Lynn Scattolini; Walter Oliu; Wayne Davis, OCIO Subject: Fwd: Additional document to be deleted from ADAMS. Total Pages: 2</p> <p>ATTACHMENT: E-mail From: Jesse Arildsen To: Mindy Landau, EDO Subject: Re: Identification of additional document to be deleted from ADAMS. Total Pages: 2</p>
11.	10/12/01	<p>E-mail From: Wayne Davis, OCIO To: Michael Collins; Dean Martin; Keith Shaw; and Brenda Shelton (OCIO) Subject: Change in Public Availability for Documents related to the IPEEE Program. Total Pages: 3</p>
12.	10/12/01	<p>E-mail From: Mindy Landau To: Wayne Davis Subject: Fwd: DRAA items Potentially Affected by the release of information concern. Total Pages: 2</p>

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APPENDIX ZZ - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
13.	10/16/01	E-mail From: Mindy Landau To: Wayne Davis Subject: Please pull from ADAMS NUREG/CR-6672 Reexamination of Spent Fuel Shipment Risk Estimates. Total Pages: 2
14.	10/25/01	E-mail From: Mindy Landau To: Wayne Davis Subject: Fwd: Release of Safeguards Information thru BRS. Total Pages: 2 ATTACHMENT: E-mail From: Harold Scott To: Mindy Landau Subject: Release of safeguards information thru BRS. Total Pages: 2
15.	10/25/01	E-mail From: Alan Madison To: George Hubbard; Mindy Landau Subject: Removal of NUREG 1738 and other versions of the report from Website and ADAMS. Total Pages: 2
16.	10/31/01	E-mail From: Wayne Davis To: Mindy Landau Subject: Fwd: Re: Action/Confirmation - Remove Documents. Total Pages: 2 ATTACHMENT 1: E-mail From: Mindy Landau To: Wayne Davis Subject: Fwd: Re: Action/Confirmation - Remove Documents. Total Pages: 2 ATTACHMENT 2: E-mail From: Susan Frant To: Dan Rom Subject: Move forward to remove certain Dam Safety Inspection Reports from ADAMS. Total Pages: 2

*see
BBB-13
resp. #15*

*See
22-17
resp. #15*

APPENDIX ZZ - continued
 RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
17.	10/31/01	E-mail From: Don Rom To: Wayne Davis Subject: Response to request identification of specific ADAMS accession numbers. Total Pages: 2
18.	10/31/01	E-mail From: Mindy Landau To: Lynn Scattolini Subject: Re: CD-ROM FSARs. Total Pages: 2
19.	12/10/01	E-mail From: Mindy Landau To: Thomas Smith; Wayne Davis Subject: Fwd: Re: Sensitive NUREG. Total Pages: 2 ATTACHMENT: E-mail From: Mabel Lee To: Mindy Landau Subject: Withdraw NUREG/CR-0442 from public access. Total Pages: 2
20.	Undated	Former LPDRs (Other than Regional Depositories) (5 pages)
21.	Undated	Attachment A (Libraries with Microfiche Collections of NRC Documents Released January 1, 1981-October 31, 1999 (10 pages)

APPENDIX AAA
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	09/26/0	<p>E-mail From: Mindy Landau To: John Craig; Lynn Scattolini; Stuart Reiter Subject: Identifying categories of documents to be removed from public access including the NRC WEB, ADAMS, and the Public Document Room. Total Pages: 4 [Ex. 5]</p>
2.	10/09/01	<p>E-mail From: Mindy Landau To: Lynn Scattolini; Walter Oliu; Wayne Davis Subject: Fwd: Information that is on the web and ADAMS to be removed. Total Pages: 2 released ATTACHMENT 1: E-mail From: David Matthews To: Mindy Landau Subject: Re: Concurrence on the removal of documents from the web and ADAMS. [2 pages Ex. 5] ATTACHMENT 2: E-mail From: Alan Rubin To: Mindy Landau Subject: Identifying information related to the Individual Plant Examination for External Events (IPEEE) that reveals potential vulnerabilities or plant weakness. [2 pages Ex. 5]</p>
3.	10/12/01	<p>E-mail From: Lynn Scattolini To: Wayne Davis Subject: Fwd: DRAA items potentially affected by the release of information concern. Total Pages: 2 released ATTACHMENT 1: E-mail From: Mindy Landau; To: Joan Hoffman; Lynn Scattolini; Walter Oliu Subject: Fwd: List of DRAA documents for release from RES. Total Pages: 2 released ATTACHMENT 2: E-mail From: Thomas Wolf To: Mindy Landau Subject: Compilation of DRAA items that potentially may be affected by the release of information. Total Pages: 3 released</p>

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APPENDIX AAA - continued
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
		ATTACHMENT 3: 10/12/01 Note to: Mindy Landau From: Tom Wolf Subject: DRAA Documents and DataBases Potentially Affected by Release of Information Concern. Forwards list of documents. [12 pages, Ex. 2 & 5]
4.	11/21/01	E-mail to Sam1 from Deann Raleigh, Scientech - Subject: Access daily reports [Ex. 6] (19 pages)
5.	03/13/02	Memorandum from Martha Williams, NMSS and A.Lynn Silvious, ADM to Martin Virgilio and Michael Springer on Trip Report - Meeting at International Atomic Energy Agency on Confidentiality of Nuclear Safety Information. [Ex. 5, 12 pages; 7 pgs released]

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	09/27/01	E-mail From: Lynn Scattolini To: Glenn Tracy Subject: Regarding the review of OSRE inspection documents to determine their availability. Total Pages: 4 [Ex. 5]
2.	09/27/01	E-mail From: Vonna Ordaz To: Glenn Tracy; Wayne Davis Subject: Regarding Region I OSRE inspection reports. Total Pages: 2 [Ex. 5]
3.	09/28/01	E-mail From: Mindy Landau To: Elizabeth Shelburne and Lynn Scattolini Subject: Inquiring if "Abnormal Operating Procedures (ABNs)" are in ADAMS Total Pages: 2 [Ex. 5]
4.	10/01/01	E-mail From: Wayne Davis To: Mindy Landau Subject: Forwarding list of EP documents for review. Total Pages: 2 ATTACHMENT: List of EP Documents. Total Pages: 24 [Ex. 5]
5.	10/01/01	E-mail From: Mindy Landau To: Wayne Davis Re: Subject: Questions regarding the removal of the EP documents from the ADAMS Public Library and changes to the Profile. Total Pages: 2 [Ex. 5]
6.	10/01/01	E-mail From: Mindy Landau To: Wayne Davis Re: Subject: Response to suggestions for review and future indexing of EP lists and documents. Total Pages: 2 [Ex. 5]

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APPENDIX BBB - continued
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
7.	10/01/01	<p>E-mail From: Wayne Davis To: Mindy Landau Subject: Forwarding two (2) documents containing the search results of PARS for Abnormal Operating Procedures or AOP. Total Pages: 2 ATTACHMENT 1: "PARS Text Has Abnormal Operating Procedures" Contains the results of searching the full text of documents on PARS using the phrase "abnormal operating procedures". Total Pages: 39 ATTACHMENT 2: "Documents with (AOP) in the text in PARS" Contains the search results of searching the full text of documents for the charters, "AOP" on PARS. Total Pages: 16</p> <p>[Ex. 2 & 5]</p>
8.	10/09/01	<p>E-mail From: Mindy Landau To: Lynn Scattolini; Walt Oliu; and Wayne Davis Subject: Fwd: E-mail identifying two documents to be removed from the from the web and ADAMS. Total Pages: 2 ATTACHMENT: E-mail From: Alan Rubin To: Mindy Landau Subject: Identifying two accession numbers of IPEEE documents. Total Pages: 2</p> <p>[Ex. 2 & 5]</p>
9.	10/09/01	<p>E-mail From: Mindy Landau To: Wayne Davis Subject: Re: Printout of IPEEE documents to be removed. Total Pages: 2 [Ex. 5]</p>
10.	10/10/01	<p>E-mail From: Mindy Landau To: Lynn Scattolini; Walter Oliu; Wayne Davis Subject: Re: Remove another document portion. Total Pages: 2 [Ex. 2]</p>

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APPENDIX BBB - continued
 RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
11.	10/12/01	E-mail From: Mindy Landau To: Lynn Scattolini; Walter Oliu and Wayne Davis Subject: Request to remove Nureg/CR-2859 from ADAMS. Total Pages: 2 [Ex. 2]
12.	10/12/01	E-mail From: Wayne Davis To: Michael; Dean Martin; Keith Shaw; and Brenda Shelton Subject: Change in Public Availability for Risk Informed Notebooks and SDP. Total Pages: 3 ATTACHMENT: Report identifying Risk Informed Inspection Notebook document that have been removed from ADAMS. Total Pages: 10 [Ex. 2]
13.	10/15/01	E-mail From: Mindy Landau To: Wayne Davis Subject: Release of Safeguards information thru BRS. Total Pages: 2 ATTACHMENT: E-mail From: Harold Scott To: Mindy Landau Subject: Release of Safeguard information thru BRS. Total Pages: 2 [Ex. 2]
14.	10/16/01	E-mail From: Mindy Landau To: Wayne Davis Subject: Remove NUREG/CR-0181 from ADAMS. Total Pages: 2 [Ex. 2]
15.	10/29/01	E-mail From: Wayne Davis To: Francine Goldberg; Mindy Landau; Lynn Scattolini Subject: One additional comment on draft announcement "Release of Information to the Public". Total Pages: 2 [Ex. 5]

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APPENDIX BBB - continued
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
16.	10/29/01	E-mail From: Wayne Davis To: Lynn Scattolini; Thomas Smith Subject: Removing FSARs from PARS. Total Pages: 2 ATTACHMENT 1: E-mail From: Mindy Landau To: Wayne Davis Subject: FARS should be removed from the public library. Total Pages: 2 ATTACHMENT 2: E-mail From: David Matthews To: Mindy Landau Subject: Should FSARs be deleted from the public library? Total Pages: 2 [Ex. 5]
17.	10/29/01	E-mail From: Wayne Davis To: Mindy Landau Subject: Clarify exactly what is meant by FSAR. Total Pages: 2 [Ex. 5]
18.	11/01/01	E-mail From: Mindy Landau To: Wayne Davis Subject: Request to delete ADAMS document. Total Pages: 2 ATTACHMENT: E-mail From: David P. Loveless To: Mindy Landau Subject: Forwards accession number to be deleted. Total Pages: 2 [Ex. 5]
19.	11/07/01	E-mail From: Mindy Landau To: Patricia Rathbun Subject: Re: Nevada Report on Repository Shipments. Total Pages: 2 [Ex. 5]

APPENDIX BBB - continued
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
20.	11/19/01	E-mail From: Margie Kotzalas To: PDR Subject: Fwd: Public request for copy of NUREG/CR-4858C Total Pages: 2 ATTACHMENT: E-mail From: Chester Poslusny To: Margie Kotzalas Subject: Recommend that NUREG/CR-4858C not be released to the PDR. Total Pages: 2 [Ex. 2]
21.	11/26/01	E-mail From: Mindy Landau To: Thomas Smith; Wayne Davis Subject: Fwd: Action/Confirmation - Remove from ADAMS. Total Pages: 2 ATTACHMENT: E-mail From: Dan Rom To: Mindy Landau Subject: Removal of potentially Sensitive Information from ADAMS. Total Pages: 2 [Ex. 2]
22.	12/04/01	E-mail From: Mindy Landau To: Thomas Smith; Wayne Davis Subject: Remove document that relates to Yucca Mountain. Total Pages: 2 ATTACHMENT: E-mail From: Jeff Ciocco To: Gloria Higgs; Rosetta Virgillo Subject: Please remove this document. Total Pages: 2 [Ex. 2 & 6]

APPENDIX BBB - continued
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
23.	04/22/02	E-mail From: William Reckley To: Mindy Landau; Wayne Davis Subject: Re: ML021090541 - QA program/UFSAR availability. Total Pages: 2 [Ex. 5]