



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

2002-0337

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

James P. Riccio

DATE

APR 14 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 **N, O, P** 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 **N, O, P** 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 *Carol Ann Reed*

PART II.A – APPLICABLE EXEMPTIONS

APPENDICES
P, Q

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	P-1		✓	
Jessie L. Funches	Chief Financial Officer	Q-1		✓	
Janice Dunn Lee	Director, Office of International Programs	Q-2		✓	

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 N
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	03/28/01	ML010870573	Memo J. Craig, EDO, to Commissioner Assistants, transmitting letters from General Atomics to NRC, DOE, & NEI, Re: Gas-Turbin-Modular Helium Reactor...(4 pages)
2.	08/21/01	ML012330131	Note to Commissioner Assistants from John W. Craig, AO/OEDO, transmitting Draft memo from A. Thadani, RES, to W. Travers, EDO, re Summary of the NRC Delegation Visit to Germany on Safety Aspects of High Temperature Gas Cooled Reactor Design Technology (40 pages)
3.	03/11/02	ML020720215	Memo A. Thadani, RES, to W. Travers, EDO, Re: Trip Report for OECD/NEA Workshop on Advanced...(6 pages)
4.	03/11/02	ML020870098	Building a Safety Case for Advanced Reactor Designs (4 pages)
5.	04/04/02	ML020980130	Memo J. Craig, EDO, to Commissioner Assistants, Re: Preapplication Review of the Gas Turbine-Modular Helium Reactor (2 pages)
6.	04/18/02	ML021690179	HTGR Nuclear Analysis: Areas for Potential Cooperation Between NRC & European Commission (4 pages)
7.	04/19/02	ML021690168	Slides: High-Temperature Gas-Cooled Reactor Safety & Technical Research Issues Presentation by S. Rubin (31 pages)
8.	06/04/02	ML021570221	Note to Commissioner Assistaants from John W. Craig, AO/OEDO Subj: Office of Research Advanced Reactor Research Plan (1 page) Attach: 03/28/02 Memo from Farouk Eltawila, RES, J. T. Larkins, ACRS, to Subj: Draft Advanced Reactor Research Plan (2 pages) Attach: 03/2002 Advanced Reactor Research Plan (114 pages)

**APPENDIX 0
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	05/10/01	Note from Tom King, RES, to Isabelle Schoenfeld, OEDO, re: Background Material on the Gas Turbine-Modular Helium Reactor (GT-MHR) for the Chairman's May 22, 2001 Meeting With Representatives from General Atomic (GA) (37 pages)
2.	06/04/01	Slides - Office of Nuclear Regulatory Research Advanced Reactor Activities (14 pages)
3.	08/22/01	Slides - Commissioner Briefing, NRC Delegation Visit to Germany on the Safety Aspects of HTGR Technology (24 pages)
4.	11/27/01	E-mail from Anthony Hsia, RES, to Isabella Schoenfeld, OEDO, et al., Subj: Changes to the proposed ACRS meeting agenda (1 page)
5.	02/13/02	Note to Commissioners, et al, from John Larkins, ACRS, transmits <u>revised</u> trip report of D. A. Powers to Attend the High-Temperature Gas-Cooled Reactor Safety and Research Issues Workshop, Rockville, MD, October 10-12, 2001 (1 page) Attach: 10/2001 Trip Report of D. A. Powers to Attend the High-Temperature Gas-Cooled Reactor Safety and Research Issues Workshop, Rockville, MD, October 10-12, 2001 (15 pgs)
		ML020450645
6.	02/19/02	E-mail J. Ibarra, RES, to L. Fields, NRR, Re: Fwd. GA/NRC Letter (1 page)
7.	03/14/02	E-mail from Jose Ibarra, RES, to Thomas Bergman, RES, Subj: RES Intention for the GT-MHR (1 page)
8.	04/04/02	Note to Commissioner Assts from John Craig, OEDO, Preapplication Review of the Gas Turbine-Modular Helium Reactor (GT-MHR) (2 pgs)

**APPENDIX 0 - continued
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
9.	04/18/02	E-mail, R. Tripathi, RES, to A. Rubin, A. Cabbage, NRR, et al., Re: NRC-E.C. Meeting, Summary Report, Workshop on High-Temperature Gas-Cooled Reactor Safety and Research Issues (1 page) ML013650004 Attach: Summary Report, Workshop on High-Temperature Gas-Cooled Reactor Safety and Research Issues (54 pages)
10.	04/29/02	E-mail, R. Lloyd, RES, to A. Cabbage, NRR, E. Trager, RES, et al., Re: Utility Advisory Board Meeting (1 page)
11.	05/00/02	Letter from F. Eltawila, RES, to W.A. Simon, General Atomics, re: Plans for Gas Turbine-Modular Helium Reactor Preapplication Interactions (Project No. 716) (7 pages)
12.	05/01/02	E-mail from John Flack, RES, to Amy Cabbage, NRR, et al., Subj: Re:Utility Advisory Board meeting (1 page)
13.	05/06/02	E-mail, R. Lloyd, RES, to L. Fields, NRR, Re: May 21 st GA Meeting (2 pages)
14.	05/14/02	E-mail, R. Lloyd, RES, to L. Fields, NRR, Re: Fwd. GT-MHR Letter (1 page)
15.	05/29/02	E-mail from Thomas Bergman, RES, to C. Grimes, NRR, et al., Subj: Fwd: ADVANCED REACTOR (1 page) Attach: 05/28/02 Email from James Lyons, NRR, to Amy Cabbage, RES, et al., Subj: Fwd: Advanced Reactor (1 page) Attach: 05/24/02 Email from Farouk Eltawila, RES, to Gary Holahan, et al., Subj: Advanced Reactor (23 pages)
16.	07/12/02	E-mail from Joseph Shea to James Beall, Your request re: Exelon report (1 pg)

**APPENDIX P
RECORDS BEING WITHHELD IN PART
(* Indicates copyrighted information)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	08/16/02	Note to Commissioner Assts from John Craig, OEDO, Drop In Meeting with PBMR Co. (2 pgs) [Ex. 5]

**APPENDIX Q
RECORDS BEING WITHHELD IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	07/16/01	Note to Commissioner Assts from Jesse Funches, CFO, Pebble Bed Modular Reactor Fee Issue (6 pgs) [Ex. 5]
2.	12/06/01	Memo A. Thadani, RES, to W. Travers, EDO, Re: Summary of NRC Delegation Visit to China & Japan...(29 pages) [Ex. 4]