

September 19, 2006

Mr. Scott M. Cullen
Grace Policy Institute
28 W. 44th Street, Suite 1504
New York, NY 10036

IN RESPONSE REFER
TO FOIA/PA-2006-009A
(FOIA/PA-2006-0175)

Dear Mr. Cullen:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your undated letter to the Freedom of Information Act/Privacy Act (FOIA/PA) Officer. You appealed the agency's June 23, 2006, decision regarding your April 11, 2006, FOIA request (FOIA/PA-2006-0175). Specifically, this response addresses the records identified in Appendix C and Appendix D/1 thru D/21. Ms. Vietti-Cook on behalf of NRC separately addressed record D/22 in a letter dated August 8, 2006.

Acting on your appeal, I have reviewed the record in this case and have determined that some additional information in two records may be made available to you. Therefore, I have partially granted and partially denied your appeal. The released portions of records C/2 and D/9 are enclosed.

The records being withheld are mostly draft outlines of a working paper and draft SECY papers that were prepared to shape the Commission's deliberations. Release of this information would inhibit the staff's candor in formulating policy positions for Commission decision making. Since these records relate to the Commission's evaluation of the power reactor ownership structures and these papers were not finalized, they are being withheld from public disclosure pursuant to Exemption 5 (5 U.S.C. 552(b)(5)) and 10 CFR 9.17(a)(5) of the Commission's regulations.

This is NRC's final decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business. Judicial review can also be had in the district in which the agency's records are situated or in the District of Columbia.

Sincerely,

/RA/

William F. Kane
Deputy Executive Director for Reactor
and Preparedness Programs
Office of the Executive Director for Operations

Enclosures: As stated

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Sincerely,

/RA/

William F. Kane
 Deputy Executive Director for Reactor
 and Preparedness Programs
 Office of the Executive Director for Operations

Enclosures: As stated

Distribution: FOIA Subj, MJPool, VTharpe
 DEDR, PDR

Enclosures: Appendix C and D
 ADAMS Accession No.: ML062620454

DOCUMENT NAME: A:2006-009A *see previous concurrence

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**APPENDIX C
RECORDS WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	11/21/03	E-Mail from Dean, ICF Consulting to Uleck, NRC re: Memorandum (1 page) Release; attaching Memorandum to Uleck, NRC from Dean and Bailey, ICF Consulting, proposed Focus of ICF's Work on the Implications for Nuclear Reactor Decommissioning Financial Assurance of Different forms of Business Organization (5 pages) (1 page released) Ex. 5
2.	2/4/04	E-Mail from Dean, ICF Consulting to Uleck, NRC re: Organization Study (1 page) Release; attaching ICF Consulting Working Paper dated 2/4/04, Evaluation of Power Reactor Ownership Structures and Their Effect on NRC's Power Reactor Decommissioning Financial Assurance Requirements (47 pages) Ex. 5

APPENDIX D
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Draft Memo, Re: FRAS Staff paper Assessing Whether Licensing Limited Liability Companies... w/handwritten notes (8 pages) Ex 5
2.	Undated	Draft Memo, Re: FRAS Staff paper Assessing Whether Licensing Limited Liability Companies... w/handwritten comments (4 pages) Ex 5
3.	Undated	Draft memo, Re: Staff Paper Assessing the Financial Risk of Licensing Limited Liability Companies Compared to...(3 pages) Ex 5
4.	Undated	Draft memo to the Commissioners from W. Travers, EDO, Re: Role of Limited Liability Companies in Providing...(5 pages) Ex 5
5.	Undated	Draft memo to the Commissioners from W. Travers, EDO, Re: Recently Raised Issues Regarding the Role of Limited Liability Companies...(6 pages) Ex 5
6.	Undated	Statement of Work NRC-03-039, Task Order No. 6, Reevaluation of NRC Regulations to Address Changes Resulting...(2 pages) Ex 5
7.	01/08/03	Draft memo to the Commissioners from W. Travers, EDO, Re: Recently Raised Issues Regarding the Role of Limited Liability Companies... w/handwritten notes (8 pages) Ex 5
8.	02/2003	Draft memo to the Commissioners from W. Travers, EDO, Re: Recently Raised Issues Regarding the Role of Limited Liability Companies... w/handwritten notes (14 pages) Ex 5
9.	02/2003	Draft memo to the Commissioners from W. Travers, EDO, Re: Recently Raised Issues Regarding the Role of Limited Liability Companies... w/handwritten notes (8 pages) Ex 5
10.	04/11/03	Reevaluating NRC Regulations to Meet Effects of Deregulation... Proposed Work Plan w/handwritten notes (11 pages) Ex 5
11.	04/11/03	Reevaluating NRC Regulations to Meet Effects of Deregulation... Proposed Work Plan (12 pages) Ex 5
12.	06/09/03	Reevaluating NRC Regulations to Meet Effects of Deregulation... Proposed Work Plan w/handwritten notes (14 pages) Ex 5
13.	06/09/03	Reevaluating NRC Regulations to Meet Effects of Deregulation... Proposed Work Plan (13 pages) Ex 5
14.	06/26/03	Reevaluation of NRC Regulations to Address Changes Resulting from Rate Deregulation... Proposed Work Plan w/handwritten notes (14 pages) Ex 5

15. 06/26/03 Reevaluation of NRC Regulations to Address Changes Resulting from Rate Deregulation... Proposed Work Plan w/handwritten notes (13 pages) Ex 5
16. 07/11/03 Reevaluation of NRC Regulations to Address Changes Resulting from Rate Deregulation... Proposed Work Plan w/SOW, Task 6 (15 pages) Ex 5
17. 08/18/03 Ltr J. Fields, ADM, to ICF Incorporated, Re; Request for proposal for Task order No. 6..., w/attached Statement of Work, Task Order No. 6, Reevaluation of NRC Regulations to Address Changes Resulting...(5 pages) Out of scope and Ex 5
18. 08/26/03 Ltr P. Bailey, ICF Consulting, to NRC, Re; Technical & Cost Proposal, Task Order No. 6, "Reevaluation of NRC Regulations to Address Changes Resulting from Rate Deregulation... Proposed Work Plan w/handwritten notes (26 pages) Ex 5
19. 08/26/03 Technical & Cost Proposal, Task Order No. 6, "Reevaluation of NRC Regulations to Address Changes Resulting from Rate Deregulation... Proposed Work Plan w/handwritten notes (18 pages) Ex 5
20. 12/31/03 Draft Report on Evaluation of Effects of Deregulation...(13 pages) Ex 5
21. 10/12/04 Draft Memo, Re; Staff paper Assessing Whether Licensing Limited Liability Companies... w/handwritten notes (3 pages) Ex 5
22. Undated Markup by C. Jackson, Chairman's office of draft Affirmation Notice for SECY-03-0195 (2 pages) Ex. 5