



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

2007-0115

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RESPONSE TYPE



FINAL



PARTIAL

REQUESTER

Bruce Hinkley

DATE

MAR - 9 2007

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 **A** 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 **B,C** 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, 11555 Rockville Pike, Rockville, MD 20852-2738.
- APPENDICES **B,C** 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 *

\$ 63.33

* See comments for details



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.

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)

Records identified on Appendix A are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by e-mail to pdr@nrc.gov.

The fees for processing your request are:

15 minutes professional search @ \$50.16 per hr. = \$12.45
 30 minutes professional review @ \$50.16 per hr. = \$25.08
 Duplication o 129 pages @ \$0.20 per page = \$25.80
 Total = \$63.33

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols
Russell A. Nichols

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
C

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 253b, 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 2.390(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(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
Timothy F. Hagan	Director, Office of Administration	Appendix C	<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 A
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	08/31/2006	ML063210047	Delivery Order NRC-02-06-001/33 pages
2.	09/08/2006	ML062980188	NRC-02-06-001, Modification 1/2 pages
3.	10/30/2006	ML063070045	NRC-02-06-001, Modification 2/19 pages
4.	12/28/2006	ML070220330	NRC-02-06-001, Modification 4/2 pages
5.	06/26/2006	ML062000477	Delivery Order DR-02-06-009/39 pages
6.	09/20/2006	ML063210115	DR-02-06-009, Modification 1/1 page
7.	01/05/2007	ML070220416	DR-02-06-009, Modification 4/1 page
8.	12/15/2003	ML040060600	NRC-03-03-037, Modification No. 001/12 pages
9.	04/16/2004	ML041170247	NRC-03-03-037, Modification No. 002/7 pages
10.	10/26/2004	ML043240569	NRC-03-03-037, Modification No. 003/2 pages
11.	01/16/2006	ML060370329	NRC-03-03-037, Modification No. 004/3 pages
12.	04/19/2006	ML061180062	NRC-03-03-037, Modification No. 005/2 pages
13.	05/22/2006	ML062000506	NRC-03-03-037, Modification No. 006/2 pages
14.	08/18/2006	ML062620061	NRC-03-03-037, Modification No. 007/2 pages
15.	12/22/2006	ML070220430	NRC-03-03-037, Modification No. 008/2 pages
16.	02/14/2006	ML061280317	DR-33-05-397, Modification 1/2 pages
17.	09/30/2005	ML053330427	DR-33-05-397, Task Order 1/15 pages
18.	03/09/2006	ML061210331	DR-33-05-397, Mod 1 to T001/3 pages

19.	09/30/2005	ML053330429	DR-33-05-397, Task Order 2/10 pages
20.	03/09/2006	ML061210330	DR-33-05-397, Mod 1 to T002/4 pages
21.	05/24/2006	ML062010356	DR-33-05-397, Task Order 3/15 pages
22.	09/15/2006	ML062970363	DR-33-05-397, Mod 1 to T003/1 page
23.	09/25/2006	ML063070148	DR-33-05-397, Mod 2 to T003/1 page
24.	08/28/2003	ML032950152	Contract Award, NRC-33-03-341/44 pages
25.	09/05/2003	ML032550226	NRC-33-03-341, Modification 1 /2 pages
26.	12/03/2003	ML033420043	NRC-33-03-341, Modification 2/2 pages
27.	12/09/2003	ML040060520	NRC-33-03-341, Modification 3 /9 pages
28.	01/20/2004	ML040410235	NRC-33-03-341, Modification 4/2 pages
29.	04/09/2004	ML041420232	NRC-33-03-341, Modification 5 /3pages
30.	04/16/2004	ML041140204	NRC-33-03-341, Modification 6/8 pages
31.	07/22/2004	ML042150166	NRC-33-03-341, Modification 7/2 pages
32.	12/10/2004	ML050880124	NRC-33-03-341, Modification 8/2 pages
33.	01/27/2005	ML050810195	NRC-33-03-341, Modification 9/2 pages
34.	01/31/2005	ML050870387	NRC-33-03-341, Modification 10/5 pages
35.	04/05/2005	ML051520041	NRC-33-03-341, Modification 12/2 pages
36.	08/29/2005	ML052570468	NRC-33-03-341, Modification 13/2 pages
37.	10/14/2005	ML053050339	NRC-33-03-341, Modification 14/2 pages
38.	11/01/2005	ML053330243	NRC-33-03-341, Modification 15/2 pages
39.	11/21/2005	ML053640041	NRC-33-03-341, Modification 16/2 pages
40.	02/06/2006	ML060750152	NRC-33-03-341, Modification 17/2 pages
41.	04/24/2006	ML061180066	NRC-33-03-341, Modification 18/4 pages
42.	07/20/2006	ML062080506	NRC-33-03-341, Modification 19/5 pages

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| 43. | 07/14/2006 | ML062080505 | NRC-33-03-341, Modification 20/2 pages |
| 44. | 06/26/2006 | ML061980613 | NRC-33-03-341, Modification 21/2 pages |
| 45. | 09/15/2006 | ML063030404 | NRC-33-03-341, Modification 23/2 pages |
| 46. | 09/29/2006 | ML063030406 | NRC-33-03-341, Modification 26/2 pages |

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT</u>
1.	11/07/06	DR-02-06-001, Modification 3/2 pages
2.	10/16/06	DR-02-06-009, Modification 2/1 page
3.	10/17/06	DR-02-06-009, Modification 3/1 page
4.	03/21/05	NRC-33-03-341, Modification 11/2 pages
5.	07/28/06	NRC-33-03-341, Modification 22/3 pages
6.	11/15/06	NRC-33-03-341, Modification 27/2 pages

**APPENDIX C
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT/EXEMPTION</u>
1.	04/16/83	NRC-03-03-037/63 pages/Exemption 4
2.	09/30/05	DR-33-05-397/35 pages/Exemption 4
3.	09/29/06	DR-33-05-397, Task Order 4/12 pages/Exemption 4
4.	08/03/06	NRC-33-03-341, Modification 24/3 pages/Exemption 4
5.	09/21/06	NRC-33-03-341, Modification 25/5 pages/Exemption 4