

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

2007-0336

1

RESPONSE
TYPE

FINAL



PARTIAL

REQUESTER

THERESA SUTTER

DATE

OCT 12 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**
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**
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 *

\$ 53.40

* 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)

You amended your request to include ADM Office Instructions from NRR. The complete listing of NRR Office Instructions (to include ADM Instructions) that are in the draft or final stages are listed at Appendix C.

The incoming FOIA/PA-2007-0336 is located in ADAMS at ML072630452.

The fees for processing your request is as follows:

--\$127.72 (2 1/2 professional search hours @ \$51.49 per hour)

We received your advanced payment of \$181.12 on 9/4/2007.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

OCT 12 2007

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

2007-0336

PART II.A -- APPLICABLE EXEMPTIONS**APPENDICES
B**

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
R. William Borchardt	Director, NRO	Appendix B	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input 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.	9/26/07	ML071980027	REG-100, Acceptance Review Process for Design Certification and Combined License application, 22 pages
2.	9/26/07	ML072210984	REG-100, Attachment C, 7 pages
3.	9/26/07	ML072600270	REG-100, Attachment D, 5 pages
4.	9/26/07	ML072430683	REG-100, Reference G, List of SAR Review Areas Potentially Involving More Detailed Review, 20 pages
5.	9/26/07	ML072250354	REG-100, Reference H, Environmental Acceptance Review Checklist for Early Site Permit and Combined License Applications, 64 pages
6.	9/26/07	ML072670453	REG-100, Reference in Attachment C, COLA Referencing ABWR - Finality Matrix, 87 pages
7.	9/26/07	ML072670458	REG-100, Reference in Attachment C, COLA Reference AP1000 - Finality Matrix, 5 pages

APPENDIX B
RECORDS BEING WITHHELD IN THEIR ENTIRETY
(If copyrighted identify with *)

<u>NO.</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1. ADM-101	Freedom of Information Act (FOIA) Requests, 4 pages, Exemption 2
2. ADM-103	NRO Office Moves, 4 pages, Exemption 2
3. ADM-109	NRO Policy on Property Management, 5 pages, Exemption 2
4. ADM-110	Radiation Protection Procedures for Office of New Reactors (NRO) Personnel, 10 pages, Exemption 2
5. ADM-111	NRO BankCard Program, 7 pages, Exemption 2
6. ADM-112	Reporting General Time, 5 pages, Exemption 2
7. APP-100	Awards and Recognition, 13 pages, Exemption 2
8. COM-105	Protocol to Ensure Appropriate Technical, Regulatory and Policy Consistency Between the Office of New Reactors and the Office of Nuclear Reactor Regulation, 15 pages, Exemption 2
9. IMS-100	Controlled Correspondence/Records Management, 12 pages, Exemption 2
10. ORG-102	Delegation of Signature Authority 7 Obtaining Office Concurrence, 13 pages, Exemption 2
11. PER-104	NRO New Employee Orientation and Training Program, 23 pages, Exemption 2
12. PER-105	Qualification and Training Program, 153 pages, Exemption 2
13. PER-106	Team Leader Supervisory Duties, 3 pages, Exemption 2

APPENDIX C (LIST)
NRO Office Instructions in Draft or Final Stages

<u>NO.</u>	<u>DESCRIPTION</u>
1.	ADM-104 Information Technology Management
2.	ADM-107, Correction Action Initiative
3.	ADM-113, Unescorted Site Access at Nuclear Power Plants
4.	ORG-100, Roles and Responsibilities
5.	FIN-100, Operating Plan
6.	FIN-102, Time and Labor Policy
7.	FIN-103, Administrative Control of Funds
8.	PER-100, General HC OI
9.	PER-101, Knowledge Management
10.	PER-102, Resource Model/Staffing Plan
11.	PER-103, Recruiting and Hiring
12.	PER-104, New Employee Orientation
13.	IMS-102, Information Technology
14.	COM-100, Public Outreach and Communications Plans
15.	COM-101, Meetings with Applicants, Vendors, and Licensees
16.	COM-102, Speeches, Presentations, and Papers
17.	COM-103, NRO Web Site
18.	COM-104, NRC Organizational Interfaces
19.	TRN-100, Training (External)
20.	REG- , Design Certification
21.	REG- , Early Site Permits
22.	REG- , Combined Operating License
23.	REG- , Limited Work Authorizations

- 24. REG- , Support to Hearing Process
- 25. REG- , Pre-Application Interactions and Reviews
- 26. REG- , Topical Reports and Other Supporting Documents
- 27. REG- , NRC Audits to Support Licensing Activities
- 28. REG- , Post-COL Licensing Activities
- 29. REG- , Integration of Risk Insights into NRO Decision-making,
- 30. REG- , Backfit - Reviews