



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

2008-0071

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

JAMES P. RICCIO

DATE

JAN - 9 2008

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 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 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)

The incoming FOIA/PA-2008-0071 is located in ADAMS at ML060590485.

Records with an ML accession number are available in the NRC's Public Electronic Reading Room at www.nrc.gov/reading-rm/adams/html. For assistance in obtaining any records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or email at pdr@nrc.gov

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

APPENDIX A
RECORDS ALREADY PUBLICLY AVAILABLE

| <u>NO.</u> | <u>DATE</u> | <u>ACCESSION NUMBER</u> | <u>DESCRIPTION/(PAGE COUNT)</u> |
|------------|-------------|-----------------------------|---|
| 1. | 12/20/06 | ML070040025 | Letter to Chairman Klein from M.S. Fertel of NEI, Subject: Public Availability of NEI Letter Dated December 8, 2006 (you have copy) |
| 2. | 3/23/07 | ML070871132 | Cr. McGaffigan vote sheet (6 pages) |

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

| <u>NO.</u> | <u>DATE</u> | <u>DESCRIPTION/(PAGE COUNT)</u> |
|------------|-------------|--|
| 1. | 12/08/06 | Letter to Chairman Dale Klein from Marvin Fertel, NEI, Subject: Severe Accident Provisions (6 pages) |
| 2. | undated | Draft staff response to December 8 letter (3 pages) |
| 3. | 12/28/06 | Email Re: Talking points (3 pages) |
| 4. | 1/4/07 | Email Re: NEI Letter and 73.62 rulemaking (4 pages) |