

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

2010-0022

1

RESPONSE  
TYPE

FINAL



PARTIAL

REQUESTER

Rose Santos

DATE

DEC - 2 2009

**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 \*

\$ 84.54

\* 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)**

The incoming request can be located in ADAMS at ML093000002.

Appendices B &amp; C on CD.

The fees for processing your request are as follows:

\$28.18 (.5 hours professional review @ \$56.36 per hour)

\$56.36 (1 hour professional search @ \$56.36 per hour)

\$84.54 TOTAL

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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

2010-0022

DEC - 2 2009

**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.
- ☐ Low 2 Internal matters of a relatively trivial nature.
- ☐ High 2 Disclosure would risk circumvention of a legal requirement.
- ☐ 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).
- ☐ Disclosure will harm an identifiable private or governmental interest.
- ☐ 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 |
| Kathryn O. Greene | Director, Office of Administration | Appendix C     | ✓                  |      |    |
|                   |                                    |                |                    |      |    |
|                   |                                    |                |                    |      |    |

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**

| No. | Date       | ADAMS Number | Description/Page Count                             |
|-----|------------|--------------|--|
| 1.  | 11/02/2001 | ML021910333  | Modification No. 001 Under Contract No. DR-01-0290 |
| 2.  | 12/10/2001 | ML021650302  | Modification No. 002 Under Contract No. DR-01-0290 |
| 3.  | 12/05/2001 | ML021910340  | Modification No. 003 Under Contract No. DR-01-0290 |
| 4.  | 02/11/2002 | ML021650182  | Modification No. 004 Under Contract No. DR-01-0290 |
| 5.  | 02/22/2002 | ML021650229  | Modification No. 005 Under Contract No. DR-01-0290 |
| 6.  | 03/14/2002 | ML021920354  | Modification No. 006 Under Contract No. DR-01-0290 |
| 7.  | 05/13/2002 | ML021650249  | Modification No. 007 Under Contract No. DR-01-0290 |
| 8.  | 05/08/2009 | ML021650258  | Modification No. 008 Under Contract No. DR-01-0290 |
| 9.  | 06/19/2002 | ML022200458  | Modification No. 009 Under Contract No. DR-01-0290 |
| 10. | 07/24/2002 | ML022200412  | Modification No. 011 Under Contract No. DR-01-0290 |
| 11. | 08/23/2002 | ML022670575  | Modification No. 012 Under Contract No. DR-01-0290 |
| 12. | 09/24/2002 | ML022840326  | Modification No. 014 Under Contract No. DR-01-0290 |
| 13. | 10/08/2002 | ML023240347  | Modification No. 015 Under Contract No. DR-01-0290 |
| 14. | 11/15/2002 | ML023450102  | Modification No. 016 Under Contract No. DR-01-0290 |
| 15. | 01/02/2003 | ML030300095  | Modification No. 017 Under Contract No. DR-01-0290 |
| 16. | 03/08/2003 | ML030720521  | Modification No. 018 Under Contract No. DR-01-0290 |
| 17. | 03/25/2003 | ML031290444  | Modification No. 019 Under Contract No. DR-01-0290 |
| 18. | 06/06/2003 | ML031920075  | Modification No. 020 Under Contract No. DR-01-0290 |
| 19. | 06/30/2003 | ML032600582  | Modification No. 021 Under Contract No. DR-01-0290 |
| 20. | 09/30/2003 | ML032870197  | Modification No. 022 Under Contract No. DR-01-0290 |
| 21. | 03/12/2004 | ML041340406  | Modification No. 024 Under Contract No. DR-01-0290 |
| 22. | 04/02/2004 | ML041340410  | Modification No. 026 Under Contract No. DR-01-0290 |
| 23. | 06/10/2004 | ML042010236  | Modification No. 027 Under Contract No. DR-01-0290 |
| 24. | 09/15/2004 | ML042810107  | Modification No. 030 Under Contract No. DR-01-0290 |
| 25. | 01/06/2005 | ML050740240  | Modification No. 034 Under Contract No. DR-01-0290 |
| 26. | 01/05/2005 | ML050690118  | Modification No. 035 Under Contract No. DR-01-0290 |
| 27. | 01/13/2005 | ML050680396  | Modification No. 036 Under Contract No. DR-01-0290 |
| 28. | 03/11/2005 | ML051020226  | Modification No. 038 Under Contract No. DR-01-0290 |
| 29. | 03/24/2005 | ML051020123  | Modification No. 039 Under Contract No. DR-01-0290 |
| 30. | 04/26/2005 | ML051520077  | Modification No. 040 Under Contract No. DR-01-0290 |
| 31. | 05/02/2005 | ML053070060  | Modification No. 041 Under Contract No. DR-01-0290 |
| 32. | 07/13/2005 | ML053070126  | Modification No. 042 Under Contract No. DR-01-0290 |
| 33. | 09/15/2005 | ML060050586  | Modification No. 043 Under Contract No. DR-01-0290 |
| 34. | 09/23/2005 | ML053330233  | Modification No. 044 Under Contract No. DR-01-0290 |
| 35. | 11/29/2005 | ML053640383  | Modification No. 046 Under Contract No. DR-01-0290 |
| 36. | 02/03/2006 | ML060750184  | Modification No. 047 Under Contract No. DR-01-0290 |
| 37. | 03/02/2006 | ML060750356  | Modification No. 048 Under Contract No. DR-01-0290 |
| 38. | 03/20/2006 | ML060890122  | Modification No. 049 Under Contract No. DR-01-0290 |
| 39. | 04/11/2006 | ML061180050  | Modification No. 050 Under Contract No. DR-01-0290 |
| 40. | 05/31/2006 | ML062010460  | Modification No. 051 Under Contract No. DR-01-0290 |
| 41. | 06/08/2006 | ML062000555  | Modification No. 052 Under Contract No. DR-01-0290 |
| 42. | 07/20/2006 | ML062080513  | Modification No. 053 Under Contract No. DR-01-0290 |
| 43. | 07/25/2006 | ML062080528  | Modification No. 054 Under Contract No. DR-01-0290 |
| 44. | 08/11/2006 | ML062340359  | Modification No. 055 Under Contract No. DR-01-0290 |
| 45. | 09/06/2006 | ML063320212  | Modification No. 056 Under Contract No. DR-01-0290 |
| 46. | 09/06/2006 | ML062620344  | Modification No. 057 Under Contract No. DR-01-0290 |
| 47. | 09/28/2006 | ML070810025  | Modification No. 058 Under Contract No. DR-01-0290 |
| 48. | 11/17/2006 | ML070930056  | Modification No. 059 Under Contract No. DR-01-0290 |

**Appendix A**  
**Records Already Publicly Available**

| No. | Date       | ADAMS Number | Description/Page Count                                 |
|-----|------------|--------------|--|
| 49. | 01/17/2007 | ML070360449  | Modification No. 060 Under Contract No. DR-01-0290     |
| 50. | 04/11/2007 | ML071060302  | Modification No. 061 Under Contract No. DR-01-0290     |
| 51. | 06/06/2007 | ML071580107  | Modification No. 062 Under Contract No. DR-01-0290     |
| 52. | 06/08/2007 | ML071640240  | Modification No. 063 Under Contract No. DR-01-0290     |
| 53. | 06/26/2007 | ML071780099  | Modification No. 064 Under Contract No. DR-01-0290     |
| 54. | 06/29/2007 | ML071860024  | Modification No. 065 Under Contract No. DR-01-0290     |
| 55. | 11/07/2007 | ML073120043  | Modification No. 066 Under Contract No. DR-01-0290     |
| 56. | 11/07/2007 | ML073120045  | Modification No. 067 Under Contract No. DR-01-0290     |
| 57. | 01/07/2008 | ML080090094  | Modification No. 069 Under Contract No. DR-01-0290     |
| 58. | 01/31/2008 | ML080360182  | Modification No. 070 Under Contract No. DR-01-0290     |
| 59. | 03/20/2008 | ML080810186  | Modification No. 071 Under Contract No. DR-01-0290     |
| 60. | 04/18/2008 | ML081130221  | Modification No. 073 Under Contract No. DR-01-0290     |
| 61. | 05/21/2008 | ML082520631  | Modification No. 074 Under Contract No. DR-01-0290     |
| 62. | 07/03/2008 | ML082350728  | Modification No. 075 Under Contract No. DR-01-0290     |
| 63. | 12/30/2008 | ML090230059  | Modification No. 077 Under Contract No. DR-01-0290     |
| 64. | 4/16/2009  | ML091100284  | Modification No. 078 Under Contract No. DR-01-0290     |
| 65. | 09/28/2009 | ML092650665  | Modification No. 081 Under Contract No. DR-01-0290     |
| 66. | 09/07/2002 | ML082520625  | Modification No. 013 Under Contract No. DR-01-0290     |
| 67. | 09/27/2003 | ML082520626  | Modification No. 023 Under Contract No. DR-01-0290     |
| 68. | 01/30/2004 | ML082520627  | Modification No. 025 Under Contract No. DR-01-0290     |
| 69. | 11/10/2004 | ML082520628  | Modification No. 032 Under Contract No. DR-01-0290     |
| 70. | 12/21/2004 | ML082520629  | Modification No. 033 Under Contract No. DR-01-0290     |
| 71. | 02/02/2005 | ML082520630  | Modification No. 037 Under Contract No. DR-01-0290     |
| 72. | 06/10/2004 | ML042010232  | Modification No. 028 Under Contract No. DR-01-0290     |
| 73. | 09/28/2001 | ML012850130  | Part 1 – Task Order No. DR-01-0290                     |
| 74. | 09/28/2001 | ML012850184  | Part 2 – Task Order No. DR-01-0290                     |
| 75. | 09/28/2001 | ML012850255  | Part 4 - Task Order No. DR-01-0290                     |
| 76. | 06/01/2002 | ML082520636  | Modification No. 010 to Delivery Order No. DR-01-0290. |
| 77. | 06/28/2004 | ML082520637  | Modification No. 029 to Delivery Order No. DR-01-0290. |
| 78. | 01/05/2005 | ML082520638  | Modification No. 031 to Delivery Order No. DR-01-0290. |
| 79. | 09/27/2005 | ML082520639  | Modification No. 045 to Delivery Order No. DR-01-0290. |
| 80. | 09/28/2007 | ML082520640  | Modification No. 068 to Delivery Order No. DR-01-0290. |
| 81. | 09/28/2001 | ML012850242  | Part 3 – Task Order No. DR-01-0290                     |

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

| <b><u>NO.</u></b> | <b><u>DATE</u></b> | <b><u>DESCRIPTION (PAGE COUNT)/EXEMPTIONS</u></b>  |
|-------------------|--------------------|--|
| 1.                | 04/29/2009         | Modification No. 79 Under Contract No. DR-01-0290 (2 pages)  |
| 2.                | 09/28/2009         | Modification No. 82 Under Contract No. DR-01-0290 (13 pages)   |
| 3.                | 09/28/2001         | Final Evaluation Recommendation Report for Proposals<br>Submitted Under RFP No. RQ-CIO-01-0290 Entitled, "Infrastructure<br>Services and Support Contract (ISSC)" (36 pages) |

APPENDIX C  
RECORD BEING WITHHELD IN PART

| <u>NO.</u> | <u>DATE</u> | <u>DESCRIPTION (PAGE COUNT)/EXEMPTIONS</u>                         |
|------------|-------------|--|
| 1.         | 06/04/2009  | Modification No. 80 Under Contract No. Dr-01-0290 (11 pages) EX. 3 |