



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

2010-0078

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Jonathan Ratner

DATE

MAR 19 2010

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 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 **D, E** 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 **D, E** 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 *

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- 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 request is in ADAMS at ML093560435.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing
Donna L. Sealing

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

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
E

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
Charles L. Miller	Director, Office of Federal and State Materials and Environmental Management Programs	Appendix E	<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 D
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
1.	04/08/08	E-Mail from Behram Shroff, NRC to Tom Bills, BLM; Re: BLM EIS (1 page)
2.	05/28/08	E-Mail from Behram Shroff, NRC to Clint Crago, BLM; Re: BLM – Buffalo Field Office Planning Documents (1 page)
3.	06/25/08	E-Mail from Behram Shroff, NRC to Myron Fliegel, NRC; Re: Call from Uranium 1 (1 page)
4.	07/22/08	E-Mail from Behram Shroff, NRC to Ken Milmine, USA; Re: Info to be used in EA -Pre-Construction (3 pages)
5.	09/15/08	E-Mail from Behram Shroff, NRC to Ken Milmine, USA; Re: BLM Land (1 page)
6.	10/02/08	E-Mail from Behram Shroff, NRC to Ken Milmine, USA; Re: Location of Moore Ranch (1 page)
7.	10/02/08	E-Mail from Behram Shroff, NRC to Tom Bills, BLM; Re: BLM Contact for Moore Ranch ISL (1 page)
8.	12/23/08	E-Mail from Paul Beels, BLM to Irene Yu, NRC; Re: Meeting on 1/14/09 (1 page)
9.	02/05/09	E-Mail from Behram Shroff, NRC to Alan Bjornsen and Irene Yu, NRC; Re: Notes on GW RAI Concall 2/4 w/Attachment (3 pages)
10.	03/23/09	E-Mail from Behram Shroff, NRC to Jon Winter, USA; Re: Moore Ranch BLM Mineral Map (1 page)
11.	04/10/09	E-Mail from Behram Shroff, NRC to Alan Bjornsen and Irene Yu, NRC; Re: Call from FWS (1 page)
12.	07/20/09	E-Mail from Behram Shroff, NRC to Myron Fliegel, NRC; Re: # for 7/27 Call with U1 (1 page)
13.	07/29/09	E-Mail from Behram Shroff, NRC to Tracy Hamm; Re: GW for Moore w/Attachment (10 pages)

14. 08/05/09 E-Mail from Amy Boyle, WY to Johari Moore, NRC; Re: JAB/Antelope (3 pages)
15. 08/13/09 E-Mail from Tom Christiansen to Behram Shroff, NRC; Re: NRC Requests for Information (2 pages)
16. 08/21/09 E-Mail from Johari Moore, NRC to Roy Packer, BLM; Re: Nuclear Regulatory Commission – Wild Horse Information Request for Environmental Review w/Attachment (2 pages)
17. 08/25/09 E-Mail from Mary Flanderka to Johari Moore, NRC; Re: NRC Requests for Information (2 pages)
18. 08/25/09 E-Mail from Johari Moore, NRC to Bob Oakleaf; Re: WGF Info. Request w/Attachment (1 page)
19. 08/26/09 E-Mail from Kristin Yannone, BLM to Johari Moore, NRC; Re: SEIS Jab-Antelop (1 page)
20. 08/31/09 E-Mail from Behram Shroff, NRC to Jon Winter, USA; Re: Moore Ranch ER RAI's Response Package (2 pages)
21. 09/11/09 E-Mail from Andrea Kock, NRC to FSME_DWMEP_ERD, NRC; Re: FYI: Notes of Telcon with BLM w/Attachment (3 pages)
22. 09/22/09 E-Mail from Patricia Swain, NRC to Pete Sokolosky, BLM; Re: Preliminary Draft, Moore Ranch SEIS w/Attachment (1 page)
23. 10/02/09 E-Mail from Behram Shroff, NRC to Mike Griffin, USA; Re: Cultural Resources and Paleo (1 page)
24. 12/08/09 E-Mail from Behram Shroff, NRC to Jon Winter, USA; Re: Moore Ranch Wildlife (1 page)
25. 12/08/09 E-Mail from Jon Winter, USA to Behram Shroff, NRC; Re: Moore Ranch Wildlife (1 page)
26. Undated Moore Ranch Distribution List (3 pages)
27. Undated 3.5 Water Resources for Moore Ranch (6 pages)
28. 12/08/08 E-Mail from Irene Yu, NRC to Paul Beels, BLM; Re: Proposed TOC for EAs for Nichols Ranch and Moore Ranch w/Attachment (5 pages)
29. 12/18/08 E-Mail from Tom Schroeder, WYO to Irene Yu, NRC; Re: NRC – Cumulative Impacts (1 page)

30. 01/05/09 E-Mail from Behram Shroff, NRC to Irene Yu & Alan Bjornsen, NRC; Re: 01/13 Visit (2 pages)
31. 04/29/09 E-Mail from Tom Blickensderfer, State of WY to Irene Yu, NRC; Re: Follow-up to Our Conversation, April 29, 2009 (1 page)
32. 04/30/09 E-Mail from Patrice Bubar, NRC to Tom Blickensderfer, State of WY; Re: Follow-up to Friday's Conference Call (2 pages)
33. 08/12/09 E-Mail from Irene Yu, NRC to Mike Thomas; Re: Had a Question But Figured It Out After I Called You Yesterday (1 page)
34. 09/17/09 E-Mail from Irene Yu, NRC to Mike Thomas; Re: SHPO Call (1 page)
35. 09/22/09 E-Mail from Irene Yu, NRC to Pete Sokolosky, BLM; Re: Preliminary Final Draft of the Nichols Ranch ISR Project SEIS w/Attachment (251 pages)
36. 10/21/09 E-Mail from Mark Taylor, WYO to Elise Striz, NRC; Re: Well Screen Question (1 page)
37. 11/05/09 E-Mail from Irene Yu, NRC to Mike Thomas; Re: Letter w/Attachment (2 pages)
38. 11/16/09 E-Mail from Patrice Bubar, NRC to Don Simpson & Don McKenzie, BLM; Re: Attached Letter to Donald Simpson, BLM; Re: Request to Cooperative with the Nuclear Regulatory Commission for the Supplemental Environmental Impact Statement being Prepared for Uranerz Energy Corporation for the Nichols Ranch In-Situ Recovery Project (6 pages)
39. 11/16/09 E-Mail from Don McKenzie, BLM to Irene Yu, NRC; Re: WYO In-Situ Uranium Updates (1 page)
40. 12/11/09 E-Mail from Nichols Ranch ISR SEIS Resource to Pete Sokolosky, BLM; Re: Web Address of .pdf Version of NUREG-1910 Supplement 2 (1 page)
41. 12/14/09 E-Mail from James Park, NRC to Mary Flanderka, State of Wyoming; Re: Links to NRC's Draft Supplemental EISs for the Moore Ranch, Nichols Ranch, and Lost Creek In-Situ Uranium Recovery Projects (1 page)
42. 12/14/09 E-Mail from James Park, NRC to Don McKenzie, BLM; Re: NRC SEISs for 3 In-Situ Uranium Projects (2 pages)
43. 12/15/09 E-Mail from Mark Taylor, WYO; to Elise Striz, NRC; Re: Screened Interval vs. Log Thickness (5 pages)

44. 09/30/09 E-Mail from A. Kock, USNRC to A. Fetter, USNRC, Subject: Comments on hydrology sections of Lost creek SEIS, w/handwritten notes. (14 pages)
45. 10/01/09 E-Mail from J. Saxton, USNRC to A. Fetter, USNRC, Subject: LC Deep Well. (1 page)
46. 10/07/09 E-Mail from J. Saxton, USNRC to A. Fetter, USNRC, Subject: RE: Lost Creek Info. (2 pages)
47. 10/08/09 E-Mail from P. Michalak, USNRC to J. Bradbury, USNRC, Subject: FYI: Nichols Ranch confidential surface use agreement. (1 page)
48. 10/14/09 Miscellaneous calculations created by J. Saxton, USNRC, and A. Fetter, USNRC, w/handwritten notes. (3 pages)
49. 10/19/09 E-mail from P. Michalak, USNRC to J. Bradbury, USNRC, Subject- RE: Can you send me your talking points for this afternoon's meeting. (2 pages)
50. 10/20/09 E-mail from A. Kock, USNRC to A. Fetter and W. Ford, USNRC, Subject- FW: Lost Creek. (1 page)
51. 10/27/09 E-mail from A. Kock, USNRC to J. Park, A. Fetter and W. Ford, USNRC, Subject- FW: Lost Creek Recent Submittal. (2 pages)

**APPENDIX E
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1.	07/07/09	E-Mail from Behram Shroff, NRC to Mike Griffin, USA; Re: Drilling Method Description (1 page) / EX 6
2.	07/09/09	E-Mail from Behram Shroff, NRC to Tracy Hamm; Re: GIS Data from UI (1 page) / EX 4
3.	08/03/09	E-Mail from Behram Shroff, NRC to Mike Griffin, USA; Re: Table of Permits, etc. (2 pages) / EX 6
4.	08/07/09	E-Mail from Behram Shroff, NRC to Mike Griffin, USA; Re: Moore Ranch ER RAI Responses (1 page) / EX 6
5.	08/27/09	E-Mail from Mike Griffin, USA to Behram Shroff, NRC, etc.; Re: Moore Ranch RAIs-Env and Safety (2 pages) / EX 6
6.	09/18/09	E-Mail from Behram Shroff, NRC to Mike Griffin, USA; Re: Any Plans for Sample Sediment During Operations (2 pages) / EX 6
7.	09/21/09	E-Mail from Mike Griffin, USA to Behram Shroff, NRC; Re: Any Info on Ecological Monitoring (2 pages) / EX 6
8.	10/02/09	E-Mail from Mike Griffin, USA to Behram Shroff, NRC and Jon Winter, USA; Re: Cultural Resources & Paleo (2 pages) / EX 6
9.	10/05/09	E-Mail from Greg Hiatt, State of Wyoming, to Johari Moore; NRC, Re: Antelope and JAB Uranium explore scoping doc (8 pages) / EX 6
10.	10/26/09	E-Mail from Behram Shroff, NRC to Mike Griffin, USA; Re: Are you Applying for Both Class I and III Permit (2 pages) / EX 6
11.	09/28/09	E-Mail from Behram Shroff, NRC to M. Griffin, USA; Re: Do the 6/19 RAI responses pertain to the latest site? (1 page) / EX 6
12.	Undated	Moore Ranch E-Mail Contact List (10 pages) / EX 6
13.	Undated	U.S. Nuclear Regulatory Commission Request for Additional Information Uranium One Americas Antelope and JAB Uranium Project Environmental Review of Application for a U.S. Nuclear Regulatory Commission Source Materials License (251 pages) / EX 6