



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

APR - 6 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 **F, G** 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 **F, G** 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 request is in ADAMS at ML093560435.

Records were also referred to the Environmental Protection Agency, and the Department of the Interior, for their review and direct response to you.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing *Donna L. Sealing*

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

APPENDICES  
**G**

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 G	<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 F  
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
1.	02/22/08	E-Mail from Ron Linton, NRC to Clint Crago, BLM; Re: Uranerz Nichols/Hank Project w/Attachment (4 pages)
2.	04/20/09	E-Mail from Irene Yu, NRC to Clint Crago, BLM; Re: Uranerz Cultural Report Site Forms (1 page)
3.	08/31/09	E-Mail from Johari Moore, NRC to Jon Kaminsky, BLM; FW: NRC SEIS for Proposed Antelope and JAB Uranium Project (2 pages)
4.	09/10/09	E-Mail from Alan Bjornsen, NRC to Douglas Mandeville, et al; Subject-FW: Revised Uranium Recovery Spreadsheet (1 page)
5.	09/10/09	E-mail from Andrea Kock, NRC to Pete Sokolosky, BLM; Re: Advanced Electronic Version of Letter Re: SEIS being prepared for the Nichols Ranch ISR Project (1 page)
6.	09/11/09	E-mail from Andrea Kock, NRC to Martha Rountree, EPA; Re: FW: Best times for call on NRC's ISR GEIS and WY/SD SEIS (6 pages)
7.	09/11/09	E-mail from Irene Yu, NRC to Clint Crago, BLM; Re: Call with Uranez and SHPO on Nichols Ranch Project (2 pages)
8.	09/22/09	E-mail from James Park, NRC to Irene Yu, et al, Re: Draft email to BLM (1 page)
9.	09/29/09	E-Mail from James Park, NRC to Pete Sokolosky, BLM; Re: BLM Comments on NRC's Preliminary Draft SEISs for 3 SIR Projects in Wyoming (2 pages)
10.	10/01/09	E-Mail from James Park, NRC to Pete Sokolosky, BLM; Re: Few may be able to participate in a teleconference next Monday Re: SEIS Preliminary Drafts (1 page)
11.	10/05/09	E-Mail from James Park, NRC to Pete Sokolosky, BLM; Re: SEIS High Level Issues (3 pages)
12.	10/05/09	E-Mail from James Park, NRC to Pete Sokolosky, BLM; Re: Comments on Preliminary Draft of SEIS Documents, Mostly Nichols Ranch (1 page)
13.	10/05/09	E-Mail from James Park, NRC to Pete Sokolosky, BLM; Re: Comments on Preliminary Drafts of SEIS Documents, Mostly Nichols Ranch (2 pages)
14.	10/05/09	E-Mail from James Park, NRC to Pete Sokolosky, BLM; Re: Discussion of the Preliminary Draft SEIS Comments (1 page)

15. 10/09/09 E-Mail from James Park, NRC to Pete Sokolosky, BLM; Re: Some Follow-up Information Re: Sage Grouse and BLM Land Use Plans (1 page)
16. 10/20/09 E-Mail from James Park, NRC to Pete Sokolosky, BLM; Re: Discussion of the Preliminary Draft SEIS Comments (3 pages)
17. 10/30/09 E-Mail from Patrice Bubar, NRC to Andrea Kock and Irene Yu, NRC Re: BLM Administered Part of the Hank-Nichols Uranium (SR Project) (1 page)
18. 11/02/09 E-Mail from James Park, NRC to Pete Sokolosky, BLM Re: BLM Comment Summary for Teleconference 102609.doc (2 pages)
19. 11/02/09 E-mail from James Park, NRC to Pete Sokolosky, BLM; Re: Proposed Teleconference next week (2 pages)
20. 12/17/09 E-Mail from Andrea Kock, NRC to James Hanley, EPA, Re: Thanks for the extension to the public comment period (2 pages)
21. 07/21/09 E-mail from Patrice Bubar, NRC to Benjamin Martin, BLM; Subject- RE: Attachment D to Proposed MOU with NRC on Uranium Solution Mining. (1 page)
22. 09/14/09 E-mail from Patrice Bubar, NRC to Rick Deery, BLM; Subject: MOU between NRC and BLM. (2 pages)
23. 11/30/09 E-mail from Andrea Kock, NRC to Andrea Kock, Benjamin Martin, BLM et al; Subject- RE: NRC-BLM MOU, w/Communication Plan. (9 pages)
24. 12/22/09 E-mail from Alan Bjornsen, NRC to Mitchell Leverette, BLM, Subject: MOU Interpretation. (1 page)
25. 12/23/09 E-Mail from Andrea Kock, NRC to Patrice Bubar, NRC; Subject- RE: MOU Implementation. (3 pages)
26. 11/07/08 Letter to M. Lesar, NRC from R. Bennett, DOI; Subject: Comments on Draft Generic EIS (GEIS) on Uranium In-Situ Leaching (w/Handwritten notes), w/Attachments. (23 pages)
27. 05/06/09 E-mail from Alan Bjornsen, NRC to Mitchell Leverette, BLM; BLM: Re: Announcement (2 pages)
28. 11/20/09 Memo from Larry Camper, NRC to Charles Miller, NRC; Re: Transmittal of the Communications Plan for Publication of the Memorandum of Understanding between the Bureau of Land Management, Department of the Interior, and the U.S. Nuclear Regulatory Commission, an Independent Agency (8 pages)

**APPENDIX G  
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	05/08/09	Email from A. Bjornsen, NRC to C. Velarde, BLM; Subject- RE: NRC Special Announcement. (2 pages) / <b>EX 2 High</b>
2.	09/14/08	Email from P. Bubar, NRC to M. Leverette, BLM; Subject- RE: Meeting (9/18 at 12 noon). (1 page) / <b>EX 6</b>
3.	09/17/09	Email from P. Bubar, NRC to M. Levereette, BLM; Subject- RE: MOU between NRC and BLM. (2 pages) / <b>EX 6</b>
4.	11/23/09	Email from A. Bjornsen, NRC to W. Ford, NRC; Subject- FW: NRC-BLM MOU. (13 pages) / <b>EX 6</b>
5.	12/08/09	Email from A. Bjornsen, NRC to B. Martin, BLM; Subject- RE: BLM/NRC MOU. (2 pages) / <b>EX 6</b>
6.	Undated	Mailing List. (10 pages) / <b>EX 6</b>
7.	4/30/09	E-Mail from Alan Bjornsen, NRC to Rick Deery, BLM; Re: BLM's NEPA Involvement (5 pages total, 1 page released) / <b>EX 5</b>
8.	5/20/09	E-Mail from Alan Bjornsen, NRC to Mitchell Levereette, BLM; Re: MOU (14 pages total, 2 pages released) / <b>EX 5, 6</b>
9.	6/29/09	E-Mail from Patrice Bubar, NRC to Rick Deery, BLM; Re: Draft BLM-NRC MOU 6/29/09 Co-Lead (11 pages total, 1 page released) / <b>EX 5</b>
10.	7/7/09	E-Mail from Alan Bjornsen, NRC to Pete Sokolosky, BLM; Re: NRC/BLM NEPA Comparison Table w-Attachment (5 pages total, 1 page released) / <b>EX 5</b>
11.	7/7/09	E-Mail from Patrice Bubar, NRC, to Mitchell Levereette, BLM; Re: Final Draft BLM-NRC MOU (15 pages total, 1 page released) / <b>EX 5</b>
12.	10/16/09	E-Mail from Andrea Kock, NRC to Andrea Kock, NRC, et al; Re: NRC-BLM MOU (1 page) w/Attachment (13 pages total, 2 pages released) / <b>EX 5, 6</b>
13.	11/17/09	E-Mail from Patrice Bubar, NRC to Rick Deery, BLM, et al; Re: Communications plan for BLM/NRC MOU (8 pages total, 1 page released) / <b>EX 5</b>
14.	5/4/09	E-mail from Alan Bjornsen, NRC to Rick Deery, BLM; Subject: Telcon tomorrow. (1 page) / <b>EX 2 High</b>
15.	6/25/09	E-mail from Rick Huber, State of Wyoming to Johari Moore and Mary Flanderka, NRC; Subject- RE:FW:WGF Info Request, w/Attachment. (10 pages) / <b>EX 4</b>