



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

2010-0292

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Cori Lombard

DATE

DEC 13 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 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 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 *

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* 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 is in ADAMS at ML102180084.

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"/>	<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 G
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1.	10/20/09	E-mail from Larry Camper, NRC to Wayne Heili, Energy USA, et al; Subject: Archeological Data MOA. (1 page) EX. 6
2.	09/18/09	E-mail from Haimanot Yilma, NRC to Loren Setlow, EPA. Et al; Subject: Agenda for the Monday 3PM call. (2 pages) EX. 2 High
3.	10/06/09	E-mail from Haimanot Yilma, NRC to E-mail from Haimanot Yilma, NRC et al; Subject: RE: EPA Coordination Meeting for GEIS comments/concerns. (15 pages) EX. 2 High
4.	06/01/09	E-Mail from Bill VonTill, NRC to James Park, NRC; Re: Question Regarding Uranium ISL GEIS (4 pages) EX. 6
5.	06/01/09	E-Mail from Christianne Ridge, NRC to Shannon Anderson, Powder River Basin Resource Council; Re: Question Regarding Uranium ISL GEIS (5 pages) EX. 6
6.	06/01/09	E-Mail from Christianne Ridge, NRC to Bill VonTill, NRC; Re: Question Regarding Uranium ISL GEIS (5 pages) EX. 6
7.	06/02/09	E-Mail from Shannon Anderson, Powder River Basin Resource Council to James Park, NRC; Re: Availability of the Uranium ISL GEIS (1 page) EX. 6
8.	06/02/09	E-Mail from Christianne Ridge, NRC to Andrea Kock, NRC; Re: Question Regarding Uranium ISL GEIS (6 pages) EX. 6
9.	06/02/09	E-Mail from Christianne Ridge, NRC to James Park, NRC; Re: Question Regarding Uranium ISL GEIS (6 pages) EX. 6
10.	06/02/09	E-Mail from Andrea Kock, NRC to Bill VonTill, NRC, et al; Re: Question Regarding Uranium ISL GEIS (8 pages total, 6 pages released) / EX. 5 & 6
11.	06/05/09	E-Mail from James Park, NRC to Shannon Anderson, Powder River Basin Resource Council; Re: Availability of the Uranium ISL GEIS (1 page) EX. 6
12.	06/08/09	E-Mail from Christianne Ridge, NRC to Patrice Bubar, NRC; Re: Question Regarding Uranium ISL GEIS (4 pages) EX. 6

13. 06/09/09 E-Mail from Alison Rivera to Patrice Bubar, NRC; Re: Slides on SEISs (50 pages total, 2 pages released) **EX. 5**
14. 06/29/09 E-Mail from James Park, NRC to Harold One Feather; Re: NUREG-1910 Request (1 page) **EX. 6**
15. 06/29/09 E-Mail from Debra Miller, NRC to James Park, NRC; Re: NUREG-1910 Requests for Copies to Mail Out (1 page) **EX. 6**
16. 07/14/09 E-Mail from James Park, NRC to Patrice Bubar, NRC; Re: Draft Briefing Book for 07/21 Industry Drop-In (42 pages total, 8 pages released) **EX. 5**
17. 07/14/09 E-Mail from James Park, NRC to Patrice Bubar, NRC; Re: Briefing Book (Revised) for Industry Drop-In (18 pages total, 1 page released) **EX. 5**
18. 07/21/09 E-Mail from Patrice Bubar, NRC to Martin Benjamin, BLM; Re: Attachment D to Proposed MOU with NRC on Uranium Solution Mining (2 pages) **EX. 6**
19. 07/23/09 E-Mail from Andrea Kock, NRC to Keith McConnell, NRC; Re: Talking Points for Briefing with Marty on Uranium One Comments (9 pages total, 1 page released) **EX. 5**
20. 07/24/09 E-Mail from Bill Von Till, NRC to Joan Olmstead, NRC, et al; Re: Talking Points for Briefing with Marty on Uranium One Comments (9 pages total, 1 page released) **EX. 5**
21. 07/24/09 E-Mail from Bradley Jones, OGC to Bill Von Till, NRC, et al; Re: Talking Points for Briefing with Marty on Uranium One Comments (9 pages total, 1 page released) **EX. 5**
22. 07/24/09 E-Mail from Bill Von Till, NRC to Keith McConnell, NRC, et al; Re: Revised Talking Points (9 pages total, 1 page released) **EX. 5**
23. 07/24/09 E-Mail from Joan Olmstead, OGC to Bradley Jones, OGC, et al; Re: Talking Points for Briefing with Marty on Uranium One Comments (9 pages total, 1 page released) **EX. 5**
24. 07/24/09 E-Mail from Bill Von Till, NRC to Andrea Kock, NRC, et al; Re: Talking Points for Briefing with Marty on Uranium One Comments (2 pages) **EX. 5**
25. 07/27/09 E-Mail from James Park, NRC to Christianne Ridge, NRC; Re: July 2009 NEPA Strategy Chronology (8 pages Total, 1 page released) **EX. 5**

26. 07/27/09 E-Mail from Andrea Kock, NRC to Bill Von Till, NRC, et al; Re: Revised (again) Talking Points (9 pages total, 1 page released) **EX. 5**
27. 07/27/09 E-Mail from Andrea Kock, NRC to Sandra Rodriguez, NRC, et al; Re: Chronology to be Provided during DEDO Briefing (7 pages total, 1 page released) **EX. 5**
28. 09/16/09 E-Mail from Christianne Ridge, NRC to Andrea Kock, NRC; Re: 2:00pm Pre-Meeting for EPA Call – Meeting Material (39 pages total, 4 pages released) **EX. 5**
29. 09/17/09 E-Mail from Haimanot Yilma, NRC to James Park, NRC, et al; Re: Agenda for ISR Project 09/14/09 (2 pages total, 1 page released) **EX. 5**
30. 09/18/09 E-Mail from Haimanot Yilma, NRC to Andrea Kock, NRC, et al; Re: Key Message for EPA Coordination Meeting (3 pages total, 1 page released) **EX. 5**
31. 10/05/09 E-Mail from Haimanot Yilma, NRC to Christianne Ridge, NRC, et al; Re: Key Message for EPA Coordination Meeting (3 pages total, 1 page released) **EX. 5**
32. 10/13/09 E-Mail from Andrea Kock, NRC to Martin Benjamin, BLM, et al; Re: NRC-BLM MOU (13 pages) **EX. 6**
33. 10/14/09 E-Mail from Andrea Kock, NRC to William Ford, NRC; Re: Revision to GEIS Communication Plan (27 pages Total, 1 page released) **EX. 5**
34. 10/20/09 E-Mail from Larry Camper, NRC to Wayne Heili, et al; Re: Archaeological Data MOA (6 pages) **EX.6**
35. 12/31/09 E-Mail from Patrice Bubar, NRC to Rick Deery, BLM, et al; Re: MOU Implementation (3 pages) **EX. 6**
36. 01/12/10 Teleconference Details for January 15, 2010, w handwritten notes (2 pages) **EX. 2 High**
37. 01/14/10 E-Mail from Andrea Kock, NRC to Dominick Orlando, NRC; Re: Addition for Briefing Book (27 pages total, 1 page released) **EX. 5**
38. 04/12/10 E-Mail from Alan Bjornsen, NRC to Mary Hopkins, UWYO; Re: NRC Lost Creek MOA (3 pages) **EX. 2 High**
39. 04/14/10 E-Mail from Alan Bjornsen, NRC to Bob Budd, State of Wyoming; Re: Some LWG Core Area Maps Available (3 pages) **EX. 6**

40. 04/27/10 E-Mail from Bob Budd, State of Wyoming to Bob Harshbarger, et al; Re: SGIT Meeting May 3 at 10:00 am in Casper (1 page) **EX. 6**
41. 04/30/10 E-Mail from Bob Budd, State of Wyoming to Bob Harshbarger, et al; Re: Meeting Notes (5 pages) **EX. 6**
42. 04/30/10 E-Mail from Bob Budd, State of Wyoming to Bob Harshbarger, et al; Re: Process and Stipulation Recommendations (6 pages) **EX. 6**
43. 04/30/10 E-Mail from Bob Budd, State of Wyoming to Bob Harshbarger, et al; Re: Agenda for Monday (2 pages) **EX. 6**
44. 05/03/10 E-Mail from Alan Bjornsen, NRC to Bob Budd; Re: Process and Stipulation Recommendations (2 pages) **EX. 6**
45. 05/04/10 E-Mail from Bob Budd, State of Wyoming to Bob Harshbarger, et al; Re: Meeting Summary (5 pages) **EX. 6**
46. 05/06/10 E-Mail from Keith Guille, Wyoming to Brian Rutledge; Re: Landfills (2 pages) **EX. 6**
47. 05/13/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Meeting May 28 (1 page) **EX. 6**
48. 05/19/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Please Circulate to the SGIT (10 pages) **EX. 6**
49. 05/19/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Connectivity in NE Wyoming (2 pages) **EX. 6**
50. 05/26/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Meeting Friday – Please Read (2 pages) **EX. 6**
51. 05/26/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Suitable Habitat, Disturbed Habitat (3 pages) **EX. 6**
52. 05/27/10 E-Mail from Alan Bjornsen, NRC to Eldon Allison, BLM; Re: Project vs. Sage Grouse (3 pages) **EX. 6**
53. 05/27/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Stipulations Comprehensive Format (5 pages) **EX. 6**
54. 05/31/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Thank You (2 pages) **EX. 6**
55. 06/11/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Next SGIT Meeting (2 pages) **EX. 6**

56. 06/13/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Stipulations (12 pages) **EX. 6**
57. 06/13/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Final Draft, Mining Strips (5 pages) **EX. 6**
58. 06/15/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Meeting Today (12 pages) **EX. 6**
59. 06/16/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Cheyenne Meeting (1 page) **EX. 6**
60. 06/18/10 E-Mail from Alan Bjornsen, NRC to Pete Sokolosky, BLM; Re: Bridge Line (1 page) **EX. 2 High**
61. 06/21/10 E-Mail from Bob Budd, State of Wyoming to Peter McDonald, et al; Re: Meeting Today (2 pages) **EX. 6**
62. 06/23/10 E-Mail from Alan Bjornsen, NRC to Don McKenzie; Re: Quarterly Teleconference (2 pages) **EX. 2 High**
63. 06/25/10 E-Mail from Bob Budd, State of Wyoming to Brian Rutledge, et al; Re: Governor's Letter (7 pages) **EX. 6**
64. 06/27/10 E-Mail from Bob Budd, State of Wyoming to Bob Harshbarger, et al; Re: Governor's Letter (7 pages) **EX. 6**
65. 06/28/10 E-Mail from Alan Bjornsen, NRC to Bob Budd, Wyoming; Re: Governor's Letter (2 pages) **EX. 6**
66. 06/30/10 E-Mail from Bob Budd, State of Wyoming to Bob Harshbarger, et al; Re: Thank You (17 pages) **EX. 6**
67. 07/22/10 E-Mail from John Cash to Alan Bjornsen, NRC; Re: SGIT Stipulations (2 pages) **EX. 6**
68. 04/23/10 E-mail from Alan Bjornsen, NRC to D. Conrad, THPO, Northern Arapaho, Tribal Historic Office; Subject: RE: Draft MOA. (2 pages) **EX. 2 High**
69. 07/08/10 E-mail from Alan Bjornsen, NRC to Nyssa Whitford, State of Wyoming. (5 pages) **EX. 6**
70. 07/27/10 E-mail from Irene WU, NRC to Rosella B., Crow Nation; Subject: Draft: Nichols Ranch MOA 072210. doc. (11 pages total, 1 page released) **EX. 5**