

2011-0083

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

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER  
Dr. Edwin Lyman

DATE  
JUN 28 2011

**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.
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| APPENDICES<br>F |
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 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.
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| APPENDICES<br>G, H |
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 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.
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| APPENDICES<br>G, H |
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 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 ML110400354.

Records with a ML Accession Number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. If you need assistance in obtaining these records, please contact the NRC's Public Documents Room (PDR) at 301-415-4737, or 1-800-397-4209, or by E-mail to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

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  
H

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 practices of NRC.
- 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 wrong doing or a violation of NRC requirements from investigators).
  - (C) Disclosure could 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
Dr. Brian W. Sheron	Director, Office of Nuclear Reactor Research	Appendix H, Items 1-57	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eric J. Leeds	Director, Office of Nuclear Reactor Regulation	Appendix H, Items 58	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandy M. Joosten	Executive Assistant, Office of the Secretary	Appendix H, Items 59, 60	<input type="checkbox"/>	<input checked="" 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 F  
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	02/04/08	<del>ML080420084</del> ML080310319	Letter from W. Shack, RES to The Honorable Chairman D. Klein, USNRC; Subject: Summary Report – 548 <sup>th</sup> Meeting of the Advisory Committee on Reactor Safeguards, December 6-8, 2007, and Other Related Activities of the Committee. (7 pages)
2.	06/26/08	ML081780761	Memorandum to Frank P. Gillespie, Executive Director, ACRC from Annette Viettii-Cook, Secretary; Subject: Staff Requirements – Meeting with Advisory Committee on Reactor Safeguards, Thursday, June 5 <sup>th</sup> , 2008, Commissioners' Conference Room (1 page)
3.	9/10/08	ML082540849	Memorandum to R.W. Borchardt, Executive Director for Operations; from Annette Viettii-Cook, Secretary; Subject: Staff Requirements – COMPBL-08-0002/COMGBJ-08-0003 – Economic Consequence Model. (1 page)
4.	09/10/08	ML082540843	Memorandum to R.W. Borchardt, Executive Director for Operations; from Annette Viettii-Cook, Secretary; Subject: Staff Requirements – SECY-08-0029 – State-of-the-Art Reactor Consequence Analysis – Reporting Offsite Health Consequences. (12 pages)
5.	09/03/08	ML082560021	Chairman Klein's Comments on COMPBL-08-0002/COMGBJ-08-0003, Economic Consequence Model. (4 pages)
6.	Undated	ML080310047	SECY-08-0029: Enclosure: Assessment of Latent Health Effects Attributable to Ionizing Radiation and Public Communication of Offsite Consequence. (10 pages)
7.	08/11/08	ML082250490	Memorandum to Chairman Klein and Commissioner Svinicki from Commissioner Lyons and Jazcko; Subject: Economic Consequence Model. (2 pages)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	06/22/07	E-mail from J. Yerokun, RES to H. Nourbakhsh, ACRC; Subject: Re: ACRS Subcommittee on SOARCA. (1 page)
2.	10/25/07	E-mail from J. Yerokun, RES to H. Nourbakhsh, ACRC; Subject: Re: ACRS Meetings on State-of-the-Art Reactor Consequence Analyses. (1 page)
3.	05/18/09	E-mail from J. Aka, RES to T. Brock, RES, et al; Subject: RE: Surry Status. (2 pages)
4.	05/04/10	E-mail from S. Elkins, RES to H. Nourbakhsh, ACRC; Subject: RE: SOARCA Request to Close the June 21 <sup>st</sup> Subcommittee Mtg. to the Public. (3 pages)
5.	10/12/10	E-mail from C. Tinkler, RES to M. Snodderly, COMM; Subject: RE: SOARCA External Peer Review Committee. (2 pages)
6.	11/04/10	E-mail from J. Ridgley, RES to C. Santos; Subject: RE: SOARCA – A little more information. (3 pages)
7.	11/16/10	E-mail from B. Rini, RES to H. Nourbakhsh, ACRC; Subject: January ACRS Meeting on SOARCA. (1 page)
8.	12/22/10	E-mail from R. Chang, RES to R. Sullivan, NSIR; Subject: RE: RIC paperwork. (1 page)

**APPENDIX H  
RECORDS BEING WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	10/28/10	E-mail from D. Hudson, RES to RidsResPmdaMail Resource; Subject: Extension Request for Level 3 PRA Tasking (G2010000119/W201000288A01/EDATS: SECY-2010-0166. (2 pages) / <b>EX 5</b>
2.	10/28/10	E-mail from RidsResPmdaMail Resource to P. Santiago, RES; Subject: Extension Request WITS201000119/SECY-2010-0166 –Provide the Commission Options for Proceeding on Future Uses for Level 3 (PRAs). (2 pages) / <b>EX 5, 6</b>
3.	10/29/10	E-mail from Extension Request, EDO to E-mail from RidsResPmdaMail Resource; Subject: RE: Extension Request WITS201000119/SECY-2010-0166 –Provide the Commission Options for Proceeding on Future Uses for Level 3 (PRAs). (2 pages) / <b>EX 5</b>
4.	11/24/10	E-mail from D. Hudson, RES to P. Santiago, RES; Subject: RE: Query Where. (2 pages) / <b>EX 6</b>
5.	11/30/10	E-mail from T. Ghosh, RES to P. Santiago, RES; Subject: RE: Feedback – Mike Weber Briefing. (2 pages) / <b>EX 5, 6</b>
6.	12/01/10	E-mail from J. Yerokun, RES to P. Santiago, RES, et al; Subject: FW: SOARCA small evacuation. (2 pages) / <b>EX 5</b>
7.	12/02/10	E-mail from M. Weber, EDO to P. Santiago, RES; Subject: Response – Congratulations on your Selection as Chief, Special Project Branch. (1 page) / <b>EX 6</b>
8.	12/02/10	E-mail from J. Schaperow, RES to P. Santiago, RES; Subject: RE: SOARCA Weekly Team Meeting. (3 pages) / <b>EX 5, 6</b>
9.	12/03/10	E-mail from D. Hudson, RES to P. Santiago, RES; Subject: Re: Reply Requested (by COB 12/3/10): Items Coming to the Commission for Action/Vote. (3 pages) / <b>EX 6</b>
10.	12/03/10	E-mail from J. Uhle, RES to J. Yerokun, RES; Subject: RE: Phone Call with Susan, SNL. (1 page) / <b>EX 5</b>
11.	12/06/10	E-mail from J. Uhle, RES to J. Yerokun, RES, et al; Subject: RE: Status of Bruce Mrowca on the SOARCA Review Peer Panel. (1 page) / <b>EX 5</b>
12.	12/13/10	E-mail from T. Ghosh, RES to P. Santiago, RES. (1 page) / <b>EX 5, 6</b>
13.	12/17/10	E-mail from J. Uhle, RES to R. Chang, RES, et al; Subject: RE; E-mail to Jennifer. (1 page) / <b>EX 5</b>

14. 12/20/10 E-mail from D. Hudson, RES to P. Santiago, RES, et al; Subject: RE: Level 3 PRA and RIC 2011. (2 pages) / **EX 5**
15. 12/21/10 E-mail from R. Chang, RES to P. Santiago, RES; Subject: RE: Staff Comments. (2 pages) / **EX 5**
16. 12/22/10 E-mail from R. Chang, RES to T. Gosh, OGC, et al; Subject: RE: Items for Tomorrow's 11:00. (2 pages) / **EX 5, 6**
17. 12/23/10 E-mail from J. Yerokun, RES to P. Santiago, RES, et al; Subject: RE: SOARCA. (1 page) / **EX 5**
18. 01/04/11 E-mail from J. Yerokun, RES to R. Chang, RES; Subject: SOARCA – Some loose ends. (1 page) / **EX 5**
19. 01/05/11 E-mail from R. Chang, RES to P. Santiago, RES; Subject: RE: Response: List of Items Coming to the Commission. (2 pages) / **EX 5**
20. 01/05/11 E-mail from R. Chang, RES to P. Santiago, RES; Subject: RE: Response: List of Items Coming to the Commission. (3 pages) / **EX 5**
21. 01/06/11 E-mail from K. Gibson, RES to P. Santiago, RES, et al; Subject: SOARCA Schedule. (1 page) / **EX 6**
22. 01/07/11 E-mail from R. Sullivan, NSIR to P. Santiago, RES; Subject: RE: Winmaccs. (1 page) / **EX 6**
23. 01/10/11 E-mail from R. Chang, RES to P. Santiago, RES; Subject: RE: CARS Contract. (1 page) / **EX 6**
24. 01/11/11 E-mail from R. Chang, RES to M. Scott, RES; Subject: Interim SOARCA Peer Review Chair. (1 page) / **EX 6**
25. 01/11/11 E-mail from J. Schaperow, RES to R. Chang, RES; Subject: RE: Meeting with the DD on Schedule. (2 pages) / **EX 5**
26. 01/11/11 E-mail from J. Uhle, RES to P. Santiago, RES; Subject: RE: SNL call Jan 10. (1 page) / **EX 5**
27. 01/12/11 E-mail from R. Chang, RES to P. Santiago, RES; Subject: RE: ML1101000750.docx. (1 page) / **EX 6**
28. 01/12/11 E-mail from M., Case, RES to P. Santiago, RES; Subject: RE: Status of Seismic Studies. (1 page) / **EX 6**
29. 01/12/11 E-mail from K. Armstrong, RES to P. Santiago, RES; Subject: RE: When is the OP Plan Brief or when do I owe u input. (1 page) / **EX 6**
30. 01/13/11 E-mail from K. Gibson, RES to P. Santiago, RES, et al; Subject: Re: Meeting with Brian at 8:45 on SOARCA Issues and Schedule. (2 pages) / **EX 5, 6**

31. 01/14/11 E-mail from M. Scott, RES to R. Chang, et al; Subject: FW: Tasks competing with SOARCA – seek your guidance. (3 pages) / **EX 5, 6**
32. 01/18/11 E-mail from M. Scott, RES to K. Gibson, RES; Subject: RE: SOARCA Draft Extension Request. (2 pages) / **EX 5, 6**
33. 01/18/11 E-mail from A. Dias, ACRS to T. Gosh, OGC, et al; Subject: RE: SOARCA Status – FW: January NACT Table Plus Meeting Remionder!! (3 pages) / **EX 5**
34. 01/26/11 E-mail from R. Chang, RES to P. Santiago, RES; Subject: RE: SOARCA dates for SNL. (1 page) / **EX 5**
35. 01/31/11 E-mail from R. Chang, RES to P. Santiago, RES; Subject: RE: Two SOARCA Items. (4 pages) / **EX 5, 6**
36. 01/31/11 E-mail from G. Bowman, EDO to P. Santiago, RES; Subject: FW: SOARCA. (2 pages) / **EX 5**
37. 02/01/11 E-mail from M. Scott, RES to P. Santiago, RES; Subject: RE: SOARCA. (3 pages) / **EX 5, 6**
38. 02/01/11 E-mail from M. Scott, RES to P. Santiago, RES; Subject: RE: SOARCA. (3 pages) / **EX 5, 6**
39. 02/01/11 E-mail from T. Gosh, RES to P. Santiago, RES; Subject: RE: Follow-up on the cost of Accidents and the Economics of Safety. (4 pages) / **EX 6**
40. 02/01/11 E-mail from C. Navarro, RES to R. Chang, RES, et al; Subject: RE: Follow-up on the cost of Accidents and the Economics of Safety. (4 pages) / **EX 6**
41. 02/01/11 E-mail from R. Chang, EDO to P. Santiago, RES; Subject: RE: Follow-up on the cost of Accidents and the Economics of Safety. (4 pages) / **EX 6**
42. 02/02/11 E-mail from M. Scott, RES to K. Armstrong, RES; Subject: RE: Summary from FO Meeting Today at 8 am. (3 pages) / **Portions Outside of Scope**
43. 02/02/11 E-mail from C. Navarro, RES to P. Santiago, RES; Subject: RE: Follow-up on the cost of Accidents and the Economics of Safety. (4 pages) / **EX 6**
44. 02/03/11 E-mail from R. Chang, RES to P. Santiago, RES; Subject: RE: Please Send Me. (1 page) / **EX 6**
45. 02/03/11 E-mail from T. Ghosh, RES to P. Santiago, RES; Subject: RE: Key personnel for uncertainty. (2 pages) / **EX 5**
46. 02/04/11 E-mail from M. Scott, RES, to P. Santiago, RES; Subject: FW: Key Personnel for Uncertainty. (2 pages) / **EX 5**
47. 02/04/11 E-mail from P. Santiago, RES to P. Santiago, RES; Subject: FW: Discussion of Options for SOARCA/Level II PRA. (2 pages) / **EX 5, 6**

- Discussion of Options for SOARCA/Level II PRA. (2 pages) / **EX 5, 6**
48. 02/04/11 E-mail from C. Tinkler, RES to P. Santiago, RES; Subject: RE: RIC Session. (2 pages) / **EX 5, 6**
49. 02/04/11 E-mail from C. Navarro, RES to P. Santiago, RES; Subject: RE: Follow-up on the cost of Accidents and the Economics of Safety. (4 pages) / **EX 6**
50. 02/06/11 E-mail from M. Scott, RES, to P. Santiago, RES; Subject: FW: Key Personnel for Uncertainty. (2 pages) / **EX 5**
51. 02/07/11 E-mail from C. Tinkler, RES to J. Jones; Subject: RE: RES Review of the RI EP Scenarios doc. (2 pages) / **EX 6**
52. 02/07/11 Email from J. Jones to C. Tinkler, RES; Subject: RE: RES Review of the RI EP Scenarios doc. (2 pages) / **EX 6**
53. 02/07/11 E-mail from M. Scott, RES to P. Santiago, RES; Subject: Re: RES Review of the RI EP Scenarios doc. (3 pages) / **EX 5, 6**
54. 02/09/11 E-mail from P. Santiago, RES to R. Chang, RES; Subject: FW: Draft Outline of Level 3 PRA SECY Paper. (2 pages) / **EX 5, 6**
55. 02/09/11 E-mail from S. Burns, Sandia to J. Schaperow, RES; Subject: Draft Appendix A for NRC-staff review. (1 page) / **EX 6**
56. 04/14/09 E-mail from J. Ake, RES to R. Sullivan, NSIR; Subject: RE: Just Reviewing the Seismic Stuff for SOARCA. (1 page) / **EX 5**
57. 01/12/11 E-mail from C. Navarro, RES to K. Armstrong, RES; Subject: FW: When is the op plan brief or when do I owe u input. 2 pages) / **EX 6**
58. 08/14/10 E-mail from F. Brown, NRR to U. Shoop, NRR, et al; Subject: FW: turnover for end of week (2 pages) **Portions Outside of Scope, EX 5**
59. 05/21/08 E-mail from D. Pelton, NRR to K. Svinicki, COMM; Subject: Office of Research Response to ACRS Regarding SOARCA Level-3 PRA. 4 pages) / **EX 5**
60. 09/09/10 Note to: Commissioner Svinicki from P. Castleman, COMM; Subject: State of the Art Reactor Consequence Analysis (SOARCA) Briefing. 1 page) / **EX 5**