

Santos, Cayetano

From: Elkins, Scott *RES*
Sent: Tuesday, May 04, 2010 9:52 AM
To: Nourbakhsh, Hossein
Cc: Yerokun, Jimi; Schaperow, Jason; Tinkler, Charles; Mitchell, Jocelyn; Hackett, Edwin; Dias, Antonio; Santos, Cayetano; Afshar-Tous, Mugeh
Subject: RE: SOARCA request to close the June 21st subcommittee mtg. to the public

Hossein, thank you for your feedback on our request to close the meeting. We are restating our request to more clearly state our reason.

We request that the briefing for the ACRS Subcommittee on SOARCA scheduled for June 21, 2010, be closed to the public to prevent disclosure of information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action (ref. 5 U.S.C. 552b(c) (9) (B)). The next proposed agency action regarding SOARCA is to release the SOARCA draft NUREG for public review and comment in late summer 2010. The SOARCA documentation, including the draft NUREG, that needs to be provided to the ACRS prior to the June meeting is not complete enough to be suitable for public release. The staff is in the process of reconciling and resolving internal staff comments as well as peer review technical comments. In addition, the staff is still waiting for feedback from the Peach Bottom and Surry power plants on their reviews (fact check) of the plant information used for the analysis. Further revision to the draft NUREG may be necessary as a result of all these reviews before the document is ready to be made publicly available.

The staff believes that the risk of prematurely releasing SOARCA documentation to the public before the above mentioned comments have been incorporated will cause unnecessary, and perhaps harmful, confusion for the public and the industry. The staff will brief the ACRS again later this year in open meetings after public comments have been addressed.

Regards,

Scott Elkins

301-251-7544

From: Nourbakhsh, Hossein *ACKS*
Sent: Friday, April 30, 2010 4:19 PM
To: Elkins, Scott
Cc: Yerokun, Jimi; Schaperow, Jason; Tinkler, Charles; Mitchell, Jocelyn; Hackett, Edwin; Dias, Antonio; Santos, Cayetano; Afshar-Tous, Mugeh
Subject: RE: SOARCA request to close the June 21st subcommittee mtg. to the public

Your reason for closing the ACRS Subcommittee meeting on SOARCA does not meet the requirements of subsection 10 (D) of the Federal Advisory Committee Act (FACA), Public Law 92-463, necessary to close the

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meeting. According to the FACA requirement portions of a meeting may be closed for the reasons noted below:

- Protect info. Classified as national security info. See 5 U.S.C. 552b(c) (1)
- Discuss info. Relating solely to internal rules and/or practices. See 5 U.S.C. 552b(c) (2)
- Protect unclassified safeguards info. See 5 U.S.C. 552b(c) (3)
- Protect proprietary information. See 5 U.S.C. 552b(c) (4)
- Protect information provided in confidence by a foreign source. See 5 U.S.C. 552b(c) (4)
- Prevent invasion of personal privacy. See 5 U.S.C. 552b (c) (6)
- Prevent disclosure of information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. See 5 U.S.C. 552b(c) (9) (B)

One option is to postpone the subcommittee meeting until after the completed draft NUREG is publically available later this year.

Best Regards,

Hossein Nourbakhsh

From: Elkins, Scott

Sent: Thursday, April 29, 2010 12:57 PM

To: Nourbakhsh, Hossein

Cc: Yerokun, Jimi; Schaperow, Jason; Tinkler, Charles; Mitchell, Jocelyn

Subject: SOARCA request to close the June 21st subcommittee mtg. to the public

We request that the SOARCA briefing for the ACRS scheduled for June 21, 2010, be closed to the public. The SOARCA documentation (draft NUREG) that needs to be provided to the ACRS prior to the meeting is not complete enough to be suitable for public release. The staff is in the process of reconciling and resolving internal staff comments as well as peer review technical comments. In addition, the staff is still waiting for feedback from the Peach Bottom and Surry power plants on their reviews (fact check) of the plant information used for the analysis. Further revision to the draft NUREG may be necessary as a result of all these reviews before the document is ready to be made publicly available. The SOARCA team believes the risk of prematurely releasing SOARCA documentation before the above mentioned comments have been incorporated will cause unnecessary, and perhaps harmful, confusion for the public and the industry. The staff intends to make the completed draft NUREG publicly available prior to the SOARCA briefings for the ACRS later this year.

Regards,

Scott Elkins

301-251-7544