

FOIA/PA-2012-0200

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

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER  
Paige Dukemann

DATE  
**JUN 12 2012**

**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 A 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 B, C 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 B, C 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 FOIA request can be located in ADAMS at ML12108A002.

Records with an ML accession number are available in the NRC Library at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). For assistance in obtaining any public records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or by e-mail at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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

2012-0200

JUN 12 2012

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

APPENDICES  
C

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
James E. Dyer	Chief Financial Officer, OCFO	See Appendix C	<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 A  
RECORDS ALREADY AVAILABLE IN THE PDR**

<u>NO.</u>	<u>ACCESSION NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	ML090560647	2/20/09	Modification No. 005 to Contract No. NRC-03-07-034 (1 page).
2.	ML091210220	4/30/09	Modification No. 006 to Contract No. NRC-03-07-034 (1 page).
3.	ML092030369	7/21/09	Modification No. 007 to Contract No. NRC-03-07-034 (1 page).
4.	ML101100636	4/16/10	Modification No. 008 to Contract No. NRC-03-07-034 (1 page).
5.	ML101900041	7/7/10	Modification No. 010 to Contract No. NRC-03-07-034 (1 page).
6.	ML103080119	11/1/10	Modification No. 001 to Delivery Order No. NRC-DR-03-10-106 (1 page).
7.	ML110400047	2/7/11	Modification No. 002 to Delivery Order No. NRC-DR-03-10-106 (1 page).
8.	ML110590802	2/25/11	Modification No. 003 to Delivery Order No. NRC-DR-03-10-106 (2 pages).
9.	ML11143A081	5/20/11	Modification No. 004 to Delivery Order No. NRC-DR-03-10-106 (1 page).
10.	ML11210B450	7/26/11	Modification No. 005 to Delivery Order No. NRC-DR-03-10-106 (1 page).
11.	ML11306A013	10/31/11	Modification No. 006 to Delivery Order No. NRC-DR-03-10-106 (1 page).

12. ML110730012 3/5/11 Modification No. 001 to Contract No. NRC-03-10-094 (5 pages).
13. ML110690986 3/8/11 Modification No. 002 to Contract No. NRC-03-10-094 (3 pages).
14. ML11132A092 5/11/11 Modification No. 003 to Contract No. NRC-03-10-094 (3 pages).
15. ML11192A202 7/7/11 Modification No. 004 to Contract No. NRC-03-10-094 (2 pages).
16. ML11308A758 11/2/11 Modification No. 005 to Contract No. NRC-03-10-094 (3 pages).
17. ML11262A146 9/14/11 Contract No. NRC-HQ-11-C-03-0062 (57 pages).
18. ML11318A038 11/9/11 Modification No. 001 to Contract No. NRC-HQ-11-C-03-0062 (3 pages).
19. ML11362A074 12/22/11 Modification No. 002 to Contract No. NRC-HQ-11-C-03-0062 (2 pages).
20. ML12072A136 3/9/12 Modification No. 003 to Contract No. NRC-HQ-11-C-03-0062 (2 pages).
21. ML110540446 2/22/11 Order No. NRC-HQ-11-P-02-0065 (15 pages).
22. ML092100184 7/26/09 Modification No. 001 to Contract No. NRC-03-08-086 (2 pages).
23. ML101550249 6/23/10 Modification No. 002 to Contract No. NRC-03-08-086 (1 page).
24. ML102670591 9/22/10 Modification No. 003 to Contract No. NRC-03-08-086 (1 page).
25. ML091310599 5/6/09 Modification No. 001 to Task Order No. 003 Under Contract No. NRC-03-08-086 (2 pages).
26. ML093310176 11/23/09 Modification No. 002 to Task Order No. 003 Under Contract No. NRC-03-08-086 (2 pages).

27.	ML100710078	3/8/10	Task Order No. 004 Under Delivery Order No. NRC-03-08-086 (23 pages).
28.	ML101940348	7/9/10	Modification No. 001 to Task Order No. 004 Under Contract No. NRC-03-08-086 (1 page).
29.	ML100710077	3/9/10	Task Order No. 005 to Delivery Order No. NRC-03-08-086 (9 pages).
30.	ML101940347	7/9/10	Modification No. 001 to Task Order No. 005 Under Contract No. NRC-03-08-086 (1 page).
31.	ML102670598	9/22/10	Task Order No. 006 to Delivery Order No. NRC-03-08-086 (30 pages).
32.	ML103070051	11/1/10	Modification No. 001 to Task Order No. 006 Under Contract No. NRC-03-08-086 (1 page).
33.	ML110400048	2/7/11	Modification No. 002 to Task Order No. 006 Under Contract No. NRC-03-08-086 (1 page).
34.	ML11143A079	5/19/11	Modification No. 004 to Task Order No. 006 Under Contract No. NRC-03-08-086 (1 page).
35.	ML11210B410	7/26/11	Modification No. 005 to Task Order No. 006 Under Contract No. NRC-03-08-086 (1 page).
36.	ML102310614	8/18/10	Contract No. NRC-41-10-020 (35 pages).
37.	ML11193A258	7/8/11	Modification No. 001 to Contract No. NRC-41-10-020 (5 pages).
38.	ML110620037	3/1/11	Task Order No. 003 Under Delivery Order No. NRC-41-10-020 (15 pages).
39.	ML102710660	9/22/10	Purchase Order No. NRC-DR-03-10-106 (22 pages)
40.	ML102780503	9/29/10	Contract No. NRC-03-10-094 (35 pages)
41.	ML090750517	2/23/09	Modification No. 001 to Task Order No. 001 Under Contract No. NRC-03-08-086 (15 pages)

- 42. ML090820209 3/3/09 Task Order No. 003 Under Delivery Order No. NRC-03-08-086 (13 pages)
- 43. ML11136A125 5/12/11 Modification No. 001 to Task Order No. 003 Under Contract No. NRC-41-10-020 (2 pages)

**APPENDIX B  
RECORDS BEING RELEASED IN THEIR ENTIRETY  
(If copyrighted identify with \*)**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/ (PAGE COUNT)</u></b>
1.	Various	FY 2010 Fuel Cycle Information Exchange, June 29-July 1, 2010, Summary and travel vouchers (43 pages)
2.	Undated	FY 2012 Fuel Cycle Information Exchange, June 12-13, 2012, Summary (2 pages)
3.	04/16/12	List of Designating Officials; Convention Spend, January 1, 2009 – April 16, 2012 (3 pages)
4.	08/24/10	NRC-DR-10-0184 (19 pages)
5.	11/24/10	Modification 001 to NRC-DR-10-0184 (1 page)
6.	08/09/10	Modification 002 to Task Order 1 Under NRC-03-08-086 (1 page)
7.	08/09/10	Modification 001 to Task Order 2 Under NRC-03-08-086 (1 page)
8.	08/09/10	Modification 002 to Task Order 4 Under NRC-03-08-086 (1 page)
9.	02/25/11	Modification No. 3 to Task Order 006 Under Contract No. NRC-03-08-086 (3 pages)
10.	01/29/10	NRC-DR-10-0055 (12 pages)
11.	08/17/10	NRC-DR-10-0055 (2 pages)
12.	04/28/11	NRC-HQ-11-P-10-0104 (11 pages)

APPENDIX C  
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1.	Various	FY 2011 Fuel Cycle Information Exchange, June 7-8, 2011, Summary and travel vouchers (48 pages) (Exemption 6)
2.	Various	FY 2009 Regulatory Information Conference (RIC), Summary and travel vouchers (66 pages) (Exemption 6)
3.	Various	FY 2010 RIC, March 9-11, 2010, Summary and travel vouchers (291 pages) (Exemption 6)
4.	Various	FY 2011 RIC March 8-10, 2011 Summary and Travel Vouchers (139 pages) (Exemption 6)
5.	Various	FY 2012 RIC, March 13-15, 2012, Summary and travel vouchers (235 pages) (Exemption 6)
6.	Various	FY 2009 Fuel Cycle Information Exchange, June 23 – 25, 2009, Summary and travel vouchers (46 pages) (Exemption 6)
7.	Various	Rep Fund Expenditures for RIC, Fiscal Years 2009-2012 (17 pages) (Exemption 6)