

2011-0083

16

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

RESPONSE TYPE FINAL PARTIAL

REQUESTER
Dr. Edwin Lyman

DATE
AUG 6 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 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 AA,BB 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 AA,BB 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 located in ADAMS at ML110400354

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES BB 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 Sheron	Director, Office of Nuclear Regulatory Research	Appendix BB	<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 AA
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
1.	01/03/2011	Email To: Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: Contract Status (Page 1)
2.	01/03/2011	Email To: Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: FW: SOARCA RIC Description (Pages 2)
3.	01/03/2011	Email To: Patricia Santiago, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: SOARCA RIC Description (Pages 3)
4.	01/03/2011	Email To: Yvonne McClellan, (ymcclel@sandia.gov), From: Jason Schaperow, (RES/DSA), Subject: RE: SOARCA November MLSR (JCN N6306) (Pages 3)
5.	01/03/2011	Email To: Randall O. Gauntt, (rogaunt@sandia.gov), From: Jason Schaperow, Subject: RE: SOARCA November MLSR (JCN N6306) (Pages 4)
6.	01/03/2011	Email To: Richard Chang, (RES/DSA), Cc: Charles Tinkler, (RES/DSA), From: Jason Schaperow, Subject: RE: Comm Plan CA Note122710.docx, Attachements: TA Brief 8-12-09 rev 4.ppt (Pages 20)
7.	01/04/2011	Email To: Richard Chang, (RES/DSA), Tina Ghosh, (RES/DSA), Cc: Patricia Sangtiago, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: Discussions with costs with Sandia (Page 1)
8.	01/04/2011	Email To: Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: KC (Page 1)
9.	01/04/2011	Email To: Richard Chang, (RES/DSA), Cc: Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: Afternoon discussion topics (Page 1)
10.	01/04/2011	Email To: Nathan E. Bixler, (nbixler@sandia.gov), From: Jason Schaperow, (RES/DSA), Subject: RE: (Page 1)
11.	01/04/2011	Email To: Richard Chang, (RES/DSA), Cc: Nathan E. Bixler, (nbixler@sandia.gov), From: Jason Schaperow, (RES/DSA), Subject: FW: Attachments: SOARCA_AppA_Rev3NEB01-04-2011.pdf (Pages 36)
12.	01/04/2011	Email To: Nathan E. Bixler, (nbixler@sandia.gov), Cc: Yvonne McClellan, (ymcclel@sandia.gov), Randall O. Gauntt, (rogaunt@sandia.gov), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: (Page 1)
13.	01/04/2011	Email To: Richard Chang, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: SOARCA PM Teleconference (Pages 2)
14.	01/04/2011	Email To: Richard Chang, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: FW: Paragraph to Steering Committee (B.5.b) Attachements: Doc2.docx (Pages 2)
15.	01/04/2011	Email To: Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: NRC N6306 SOARCA Mod (Page 1)

16. 01/05/2011 Email To: Richard Chang, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: Comm Plan Rev 6.docx, Attachments: Comm Plan Rev 6 Mod1.docx; ML090340092.pdf (Pages 17)
17. 01/05/2011 Email To: Richard Chang, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: today's call with Sandia (Page 1)
18. 01/05/2011 Email To: Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: (Page 1)
19. 01/05/2011 Email To: Richard Chang, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: Three changes, Attachments: Comm Plan Rev 6b Mod1.docx (Pages 6)
20. 01/05/2011 Email To: Nathan E. Bixler, (nbixler@sandia.gov), Charles Tinkler, (RES/DSA), Cc: Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: mark Up, Attachments: Siting Study ComparisonRev5.doc (Pages 9)
21. 01/06/2011 Email To: Nathan E. Bixler, (nbixler@sandia.gov), From: Jason Schaperow, (RES/DSA), Subject: RE: New Tables (Pages 2)
22. 01/06/2011 Email To: Richard Chang, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: Availability the first week of February (Page 1)
23. 01/06/2011 Email To: Nathan E. Bixler, (nbixler@sandia.gov), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: mark up, Attachments: Siting Study ComparisonRev5 (4).doc (Pages 8)
24. 01/06/2011 Email To: Richard Chang, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: Memo Today (Page 1)
25. 01/06/2011 Email To: Richard Chang, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: FW: Comm Plan Rev 6b Mod1 (2).docx, Attachments: Comm Plan Rev 6b Mod1_srb.docx (Pages 9)
26. 01/06/2011 Email To: Charles Tinkler, (RES/DSA), Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: Availability the first week of February (Page 1)
27. 01/06/2011 Email To: Richard Chang, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: Summary of today's meeting on SOARCA schedule, Attachments: Summary of meeting on SOARCA schedule.doc (Pages 2)
28. 01/06/2011 Email To: Michael Scott, (RES/DSA), Cc: Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: Summary of SOARCA and current issues, Attachments: 10 6 10 Comm brief.pptx (Pages 44)
29. 01/06/2011 Email To: Richard Chang, (RES/DSA), Patricia Santiago, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: SOARCA NUREG/BR, Attachments: SOARCANUREGGBR0471—v2.5.7_04022010_JHS.doc (Pages 32)
30. 01/07/2011 Email To: Kyle Wayne Ross, (kwross@sandia.gov), From: Jason Schaperow, (RES/DSA), Subject: RE: RES management (Page 1)
31. 01/07/2011 Email To: Randall O. Gauntt, (rogaunt@sandia.gov), From: Jason Schaperow, (RES/DSA), Subject: RE: Peer Review Update Letter (Page 1)
32. 01/07/2011 Email To: Richard Chang, (RES/DSA), Cc: Charles Tinkler, (RES/DSA), From: Jason

- Schaperow, (RES/DSA), Subject: RIC slides for Brian, Attachments: RIC 2011 International rev1.pptx (Pages 26)
33. 01/07/2011 Email To: Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: RIC slides for Brian (Page 1)
34. 01/07/2011 Email To: Richard Chang, (RES/DSA), Cc: Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: contract issue (Page 1)
35. 01/11/2011 Email To: Richard Chang (RES/DSA) Subject: meeting with the DD on Schedule (2 (Pages)
36. 01/11/2011 Email To: Patricia Santiago, (RES/DSA), Carlos Navarro, (RES/DSA), Charles Chang, (RES/DSA), Tina Ghosh, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: KC Wagner support (Page 1)
37. 01/11/2011 Email To: Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: FW: SOW for Dycoda, Attachments: Scope of work.doc (Pages 2)
38. 01/11/2011 Email To: Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: revision, Attachments: Scope of work Rev1.doc (Pages 2)
39. 01/11/2011 Email To: Kyle Wayne Ross, (kwross@sandia.gov), Casey Wagner, (kcw@dycoda.com), Cc: Richard Chang, (RES/DSA), Mark Leonard, (mtl@dycoda.com), From: Jason Schaperow, (RES/DSA), Subject: site visit (Page 1)
40. 01/11/2011 Email To: Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: Strategies for Document Control (Page 1)
41. 01/11/2011 Email To: Casey Wagner, (kcw@dycoda.com), Cc: Richard Chang, (RES/DSA), Mark Leonard, (mtl@dycoda.com), From: Jason Schaperow, (RES/DSA), Subject: RE: site Visit (Page 1)
42. 01/11/2011 Email To: Richard Chang, (RES/DSA) Yvonne McClellan, (ymcclel@sandia.gov), Cc: Kyle Wayne Ross, (kwross@sandia.gov), Casey Wagner, (kcw@dycoda.com), From: Jason Schaperow, (RES/DSA), Subject: RE: Surry Plant Visit (Pages 2)
43. 01/12/2011 Email To: Richard Chang, (RES/DSA), Cc: Scott Elkins, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: CARS contract (Page 1)
44. 01/12/2011 Email To: Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: comments on ES revision (Page 1)
45. 01/12/2011 Email To: Kyle Wayne Ross, (kwross@sandia.gov), From: Jason Schaperow, (RES/DSA), Subject: IPE (Page 1)
46. 01/12/2011 Email To: Charles Tinkler, (RES/DSA), Richard Chang, (RES/DSA), Tina Ghosh, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: meeting with Brian on SOARCA delays (Page 1)
47. 01/13/2011 Email To: Robert Prato, (NRO/DCIP), Cc: Charles Tinkler, (RES/DSA), Casey Wagner, (kcw@dycoda.com), Kyle Wayne Ross, (kwross@sandia.gov), Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: I am in ACRS tomorrow morning, I will call you after I am done with ACRS. Attachements: questions for Surry.rev.docx (Pages 4)

48. 01/13/2011

Email To: Richard Chang (RES/DSA) , From Jason Schaperow, Subject:My input is Attached (2 pages)

**APPENDIX BB
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	01/04/2011	Email To: Richard Chang, (RES/DSA), Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: SOARCA PM Teleconference (1 page) EX 6
2.	01/06/2011	Email To: Richard Chang, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: SOARCA Weekly Team Meeting (1 page) EX 6
3.	01/11/2011	Email To: Patricia Santiago, (RES/DSA), Cc: Charles Tinkler, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: priorities (1 page) EX 6
4.	01/11/2011	Email To: Robert Prato, (NRO/DCIP), From: Jason Schaperow, (RES/DSA), Subject: RE: SOARCA (4 pages) EX 6
5.	01/13/2011	Email To: Kathy Gibson, (RES/DSA), From: Jason Schaperow, (RES/DSA), Subject: RE: Meeting with Brian at 8:45 tomorrow on SOARCA issues and schedule (2 pages) Ex 6
6.	01/13/2011	Email To:Tina Ghosh, From Jason Schaperow,Subject: Requesting your help.(5 Pages) Ex. 6