

FOIA/PA-2012-271

1

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

RESPONSE TYPE FINAL PARTIAL

REQUESTER
Marc Hyman

DATE
AUG 10 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.
 \$ 450.88 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 will be available in ADAMS at ML12180A010. Appendix A records with an ML accession number are available in the NRC Library at 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.

We have received your advanced payment for the amount specified above.

Records listed in Appendix E have been referred to the US Small Business Administration (SBA) for direct response to you. For SBA FOIA contact information, see : <http://archive.sba.gov/aboutsba/sbaprograms/foia/index.html>.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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

2012-0271

AUG 10 2012

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
C, D

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
Cynthia A. Carpenter	Director, Office of Administration	See Appendix C and D	<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	ML101610628	05/28/10	Contract No. NRC-10-10-412 (48 pages)
2	ML102000318	07/14/10	Modification No. 001 to Contract No. NRC-10-10-412 (1 page)
3	ML110871854	03/14/11	Modification No. 003 To Contract No. NRC-10-10-412 (3 pages)
4	ML11103A021	04/11/11	Modification No. 004 to Contract No. NRC-10-10-412 (3 pages)
5	ML102730384	09/27/10	Contract No. NRC-10-10-1221 (43 pages)
6	ML11103A022	04/11/11	Modification No. 001 to Contract No. NRC-10-10-1221 (1 page)
7	ML11144A276	05/23/11	Modification No. 002 to Contract No. NRC-10-10-1221 (1 page)
8	ML11329A087	11/17/11	Contract No. NRC-HQ-12-C-10-0007 (54 pages)
9	ML12178A436	05/03/12	Modification No. 001 to Contract No. NRC-HQ-12-C-10-0007 (1 page)
10	ML12178A429	05/17/12	Modification No. 002 to Contract No. NRC-HQ-12-C-10-0007 (6 pages)
11	ML12178A435	06/22/12	Modification No. 003 to Contract No. NRC-HQ-12-C-10-0007 (1 page).
12	ML11279A173	09/29/11	Contract No. NRC-HQ-11-C-10-0092 (43 pages)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1	04/30/2010	H. Colon, Jr., NRC E-mail/Attachments re Request for Proposal No. RS-ADM-10-412 Entitled "FAIMIS Acquisition Transition Support Services" (57 pages)
2	05/04/2010	H. Colon, Jr., NRC E-mail Communications w/J. Esplin, Centeva Re Request for Proposal No. RS-ADM-10-412 Entitled "FAIMIS Acquisition Transition Support Services (2 pages)
3	03/09/2012	Modification No. 006 to Contract NRC-10-10-412 (1 page)
4	08/02/2010	Email to H. Colon, Jr., NRC from M. Rael, SBA Re Acceptance Ltr for Centeva (1 page)
5	08/12/2010	H. Colon, Jr., NRC E-mail/Attachments Re Request for Proposal No. RS-ADM-10-1221 Entitled, "Acquisition Standard Practices and FPDS-NG Data Clean-up Support Services (50 pages)
6	09/14/2011	H. Colon, Jr., NRC E-mail/Attachment Re Request for Proposal No. ADM-11-414 Entitled, "FAIMIS Acquisition Business Process Improvement (BPI) Tools (22 pages)
7	06/03/2010	Ltr to U.S. Small Business Administration from W. Adams, NRC Contracting Officer Re Offering Letter for Proposed 8(a) Procurement (RFPA No. ADM-11-345), for Information Technology Services Entitled, "Automated Acquisition Management System (AAMS)" (3 pages)

Re: FOIA/PA 2012-0271

**APPENDIX C
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1	12/22/10	Modification No. 002 to Contract NRC-10-10-412. (4 pages) Exemption 3
2	09/15/11	Modification No. 005 to Contract NRC-10-10-412. (3 pages) Exemption 3.

**APPENDIX D
RECORDS BEING WITHHELD IN THEIR ENTIRETY
(If copyrighted identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
1	02/19/10	Chairman Approval of Consolidated Contract Actions To Support the Core Financial System Replacement Project (17 pages) Exemption 3
2	03/22/10	Memo to R. W. Borchardt and J. E. Dyer, NRC from Chairman Jaczko Re Chairman Approval of Consolidated Contract Actions to Support the Core Financial System Replacement Project (2 pages) Exemption 3
3	04/28/10	Summary of Negotiation/Determination of Price Reasonableness (10 pages) Exemption 3
4	05/07/10	Ltr to H. Colon, Jr., NRC from J. Esplin Re RFP No. RS-ADM-10-412 – Revised Price Proposal (56 pages; Exemption 3)
5	05/14/10	E. Jernell, H. Colon, Jr., NRC and J. Esplin, Centeva E-mail Communications Re Request for Proposal No. RS-ADM-10-412 Entitled, "FAIMIS Acquisition Transition Support Services and Proposal Evaluation (9 Pages) Exemption 3
6	09/13/10	R. Moy, H. Colon, Jr. NRC and J. Esplin, Centeva – Emails Re RS-ADM-10-1221 Proposal and Evaluation (7 pages) Exemption 3
7	09/13/10	R. Lindsay, J. Esplin, Centeva and H. Colon, Jr., Email Communications Re Revised RS-ADM-10-1221 Proposal (95 pages) Exemption 3
8	09/16/10	R. Moy, H. Colon, Jr., NRC and R. Lindsay and J. Esplin, Centeva - E-mails Re RS-ADM-10-1221 Proposal and Evaluation (9 pages) Exemption 3
9	09/25/10	Summary of Negotiation/Determination of Price Reasonableness (7 pages) Exemption 3
10	Undated	Acquisition Strategy Planning Form for POC Review and Approval – FAIMIS Acquisitions Business Process Improvement (BPI) Tools (11 Pages) Exemption 3
11	09/24/11	J. Esplin, Centeva E-mail/Attachment Re Centeva's Proposal to RFP NRC-ADM-11-144 for FAIMIS Acquisition Business Process Improvement (BPI) Tools (42 pages) Exemption 3

- 12 09/30/11 R. Lindsay and J. Epslin, Centeva and H. Colon, Jr., NRC E-mail/Attachment Re RFP Response to ADM-11-414, "FAIMIS Acquisition Business Process Improvement (BPI) Tools (18 pages) Exemption 3
- 13 11/01/11 S. McCoy, D. Hall, S. Haggerty E-mail/Attachment Re SSG Approved FAIMIS Acquisitions Business Process Improvement (BPI) Tools and Proposal Evaluation (7 pages) Exemption 3
- 14 11/14/11 R. Lindsay, Centeva E-mail Re Acquisition BPI – Updated Schedule (14 Pages) Exemption 3
- 15 08/30/11 Memo to W. Adams, Contracting Officer, from W. Harris, Source Evaluation Panel Member Re Panel Member's Certification Statement for RFP No. NRC-ADM-11-345 (5 pages) Exemption 3
- 16 09/30/11 Summary of Negotiations/Determination of Price Reasonableness; NRC-ADM-11-345 (Pages 7) Exemption 3

APPENDIX E
RECORDS TO BE REFERRED TO OTHER OFFICE/AGENCY/COMPANY

<u>NO.</u>	<u>DATE</u>	<u>ENTITY</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
1	04/28/10	US SBA	Ltr to H. Colon, Jr., NRC from U.S. Small Business Administration Re Acceptance Offer (2 pages)
2	08/02/10	US SBA	Ltr to H. Colon, Jr., NRC from U.S. Small Business Administration Re Acceptance Offer (2 pages)
3	09/23/11	US SBA	Ltr to H. Colon, Jr. NRC from U.S. Small Business Administration Re Acceptance Offer (2 pages)