

FOIA/PA-2012-0297

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

RESPONSE TYPE FINAL PARTIAL

REQUESTER
Mark Flatten

DATE
NOV 02 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 C 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 D 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 D,E 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 will be available in ADAMS at ML12223A175. 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.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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

2012-0297

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
E

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)
Outside of Scope

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
Patricia Hirsch	Assistant General Counsel, OGC	See Appendix E	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eric J. Leeds	Director, NRR	See Appendix E	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darrin B. Ash	DEDCM, EDO	See Appendix E	<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 C
RECORDS ALREADY AVAILABLE IN THE PDR**

<u>NO.</u>	<u>ACCESSION NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	ML113060039	1/12/00	Enclosure 2 - Payment of Meals and Refreshments by the Government for NRC Employees (1 page)
2.	ML113540614	Undated	Promoting efficient spending (1 page)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
1	09/22/11	Emails from Kathryn Greene, ADM/Stephen Burns, OGC to Darren Ash, OEDO/DEDPCM et al. re: Memo from OMB (2 pages)
2	09/22/11	Emails from Kathryn Greene, ADM/Stephen Burns, OGC to Darren Ash OEDO/DEDPCM et al. re: Memo from OMB (2 pages)
3	09/22/11	Email from Stephen Burns, OGC to Darren Ash, OEDO/DEDPCM et al: Memo from OMB – Additional Thoughts (1 page)
4	09/29/11	Email from Brian Sheron, RES to Michael Weber, OEDO/DEDMRT et al. re: FYI – Department of Justice Report on Conference Costs (1 page)
5	09/29/11	Emails from Kathryn Greene, ADM/Jim Dyer, OCFO to Darren Ash, OEDO/DEDPCM et al. re: Discussion with Jim Dyer on OMB Approach to Control Conference Costs (2 pages)
6	09/29/11	Emails from Kathryn Greene, ADM/Jim Dyer, OCFO to Darren Ash, OEDO/DEDPCM et al. re: Discussion with Jim Dyer on OMB Approach to Control Conference Costs (2 pages)
7	09/30/11	Emails from Jim Dyer, OCFO/Kathryn Greene, ADM to Darren Ash, OEDO/DEDPCM et al. re: Discussion with Jim Dyer on OMB Approach to Control Conference Costs (3 pages)
8	10/04/11	Email from Kathryn Greene, ADM to Lance Rakovan, OEDO et al. Agenda Item – October 21 st EDO Monthly Management Meeting (1 page)
9	10/11/11	Email from Kathryn Greene, ADM to Darren Ash, OEDO/DEDPCM et al. Current FY11 Awards for Conference/Meeting Space – w/o attachment (1 page)
10	10/20/11	Email from Kathryn Greene, ADM to Darren Ash, OEDO/DEDPCM et al. re: Fair and Reasonable Determination for Facilities and Refreshments for IRRS Conference, October 26-27 (6 pages)
11	10/27/11	Email from Deanna Warner, ADM to RidsEdoDraftSrmVote Resource (OEDO) et al. re: Reply requested: Status Update (2 pages)

- 12 10/31/11 Email from Kathryn Greene, ADM to Darren Ash, OEDO/DEDCEM et al. re: For Your Review and Approval: Offsite Retreat RFPA Needs Approval (1 page)
- 12 11/01/11 Email from Sharon Hudson, OCFO to Virginia Huth, ADM et al. Elimination of Excess Conference Spending (1 page)
- 14 11/08/11 Email from Sandra Shoenmann, ADM to Cherrie Corley, OEDO re: Expedited ADM Package re Conference Spending (1 page)
- 15 04/27/12 Email from Kathryn Greene, ADM to Darren Ash, OEDO/DEDCEM et al. re: Summary of Corporate OD meeting with Chairman (1 page)
- 16 04/27/12 Email from Lynn Ronewicz, ADM to Cherrie Corley, OEDO and Danita Stenberg, ADM re: Topics for 4/30 ADM ET/LT Meeting (1 page)
- 17 04/27/12 Email from Susan Bellosi, ADM to Cherrie Corley, OEDO re: Topics for 4/30 ADM ET/LT Meeting (2 pages)
- 18 04/27/12 Email from Susan Bellosi, ADM Cherrie Corley, OEDO re: Topics for 4/30 ADM ET/LT Meeting (1 page)
- 19 05/09/12 Emails Between EDO and ADM re Conference Room Spending (G20120312) (2 pages)
- 20 05/10/12 Emails Between EDO, OCA, and ADM re Review Response to OCA Representative Issa (2 pages)
- 21 05/15/12 Email from S. Abraham, NRR to E. Leeds, NRR et al: Heads up – New Directive from OMB On Travel, Conference Spending, and Related Topics. (2 pages)
- 22 05/17/12 Emails Between ADM Staff Re Seeking EDO Guidance on Implementation Of New OMB Conference Approvals M-12-12 (2 pages)
- 23 05/18/12 Email from Alba Sanchez, ADM to Clare Kasputys, OEDO et al. re: Seeking EDO Guidance on Implementation of New OMB Conference Approvals (2 pages)
- 24 05/22/12 Emails Between EDO and ADM Staff Re Review and Approval of NRC/EPRI Workshop on Fire Probabilistic Risk Assessment (2 pages)
- 25 05/25/12 Email from Liz Langlie, NRR to Cherrie Corley, OEDO re: Response – Review And Approval Of Nrc/Epri Workshop On Fire Probablistic Risk Assessment (2 pages)
- 26 06/05/12 Email from Joel Mattingly, OCFO to Clare Kasputys, OEDO et al.: Meeting Takeaways on OMB Memo M12-12 (2 pages)

- 27 06/06/12 Email from Houman Rasouli, OIS to Karen Olive, OEDO et al: FYI re Potential/Future Web Action (1 page)
- 28 06/20/12 Email from M. Norris, OGC to L. Kipfer, NRR: Checking Concurrence on RIC 2013 Waiver (4 pages)

**APPENDIX E
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1.	05/08	PMDA Contract Management Summary. Period October 2007 thru May 2008 (1 page) Portions Outside of Scope.
2.	04/09	PMDA Contract Management Summary. Period October 2008– April 2009 (1 page) Portions Outside of Scope.
3.	09/10	PMDA Contract Management Summary. Period October 2009 – September 2010 (2 pages) Portions Outside of Scope.
4.	2011	RIC Planning and Logistics (1 page) Portions Outside of Scope.
5.	2012	RIC Planning and Logistics (1 page) Portions Outside of Scope.
6.	2012	RIC Facility (1 page) Portions Outside of Scope.
7.	10/28/11	Email from Cherrie Corley, OEDO to Cherrie Corley, OEDO re: OMB Letter Conferences (4 pages) Exemption 6
8	11/18/11	Memorandum to the Commissioners from S Burns re: Executive order 13589 Promoting efficient spending (3 pages) Exemption 5
9.	05/18/12	Email from S. Abraham, NRR to D. Dorman, NRR Re: NOTES From EDO/CFO Monthly (2 pages) Portions Outside of Scope.
10.	05/25/12	Email from S. Abraham, NRR to J. Golder, CFO on Takeways from FY14 Budget meeting – info for question 3 (2 pages) Portions Outside of Scope
11.	05/25/12	Email from S. Abraham, NRR to L. Langlie, NRR RE: OMB-M-12-12. (2 pages) Portions Outside of Scope
12.	05/25/12	Email from S. Abraham, NRR to J. Dambly, ADM FW: OMB-M-12-12. (2 pages) Portions Outside of Scope
13.	05/25/12	Email from S. Abraham, NRR to A. Bettis, EDO RE: Takeaways from FY 2014 Budget WIP Meeting (2 pages) Portions Outside of Scope.
14.	05/25/12	Email from S. Abraham, NRR to E. Leeds, NRR et al., RE: Takeaways from FY 2014 Budget WIP Meeting (2 pages) Portions Outside of Scope.
15.	05/29/12	Email from Karen Olive, OEDO to Melissa Wyatt, OEDO and Cherrie Corley, OEDO re: Conference Info (2 pages) Exemption 6
16.	05/30/12	Email from S. Abraham, NRR to J. Corbett, ADM RE: OMB-M-12-12. (3 pages) Portions Outside of Scope

17. 06/01/12 Email from E. Leeds, NRR to S. Abraham, NRR et al. FW: NRC's Regulatory Information Conference (5 pages) Exemption 6
18. 06/05/12 Email from Karen Olive, OEDO to Cherrie Corley, OEDO and Darren Ash, OEDO/DEDCM re: Meeting Takeaways on OMB Memo M12-12 w/ attachment (2 pages) Exemption 6
19. 06/06/12 Email from Cherrie Corley, OEDO to Karen Olive and Clare Kasputys, OEDO re: Meeting Takeaways on OMB Memo M12-12 (3 pages) Exemption 6
20. 06/06/12 Email from Karen Olive, OEDO to Ben Ficks, OIS re: FYI re Potential/Future Web Action (1 page) Exemption 6
21. 06/06/12 Email from Karen Olive, OEDO to Clare Kasputys, OEDO and Cherrie Corley, OEDO re: FYI re Potential/Future Web Action (1 page) Exemption 6
22. 06/11/12 Email from Karen Olive, OEDO to Darren Ash, OEDO/DEDCM re: Change to the Website (1 page) Exemption 6
23. 06/13/12 Email from Darren Ash, OEDO/DEDCM to Karen Olive, OEDO re: Change to the Website (2 pages) Exemption 6
24. 07/07/12 Spreadsheet re FY2014 OMB Guidance Tracking (4 pages) Portions Outside of Scope
25. 07/12/12 Email from Ashley Bettis, OEDO to Cherrie Corley, OEDO re: Follow-Up call re: OMB Guidance Actions (2 pages) Portions Outside of Scope
26. 08/15/12 Email from Ashley Bettis, OEDO to Paula Garrity, ADM et al. re: Change to the Public Website (OMB M-12-12 Conference Expense Report) (4 pages) Exemption 6
27. 08/17/12 Email from Ashley Bettis, OEDO to George Smolik, OCFO and Russell Allwein, OCFO re: Change to the Public Website (OMB M-12-12 Conference Expense Report) (5 pages) Exemption 6