

## Group D

**FOIA/PA NO: 2014-0367**

### RECORDS BEING RELEASED IN PART

The following types of information are being withheld:

- Ex. 1:  Records properly classified pursuant to Executive Order 13526
- Ex. 2:  Records regarding personnel rules and/or human capital administration
- Ex. 3:  Information about the design, manufacture, or utilization of nuclear weapons  
 Information about the protection or security of reactors and nuclear materials  
 Contractor proposals not incorporated into a final contract with the NRC  
 Other \_\_\_\_\_
- Ex. 4:  Proprietary information provided by a submitter to the NRC  
 Other \_\_\_\_\_
- Ex. 5:  Draft documents or other pre-decisional deliberative documents (D.P. Privilege)  
 Records prepared by counsel in anticipation of litigation (A.W.P. Privilege)  
 Privileged communications between counsel and a client (A.C. Privilege)  
 Other \_\_\_\_\_
- Ex. 6:  Agency employee PII, including SSN, contact information, birthdates, etc.  
 Third party PII, including names, phone numbers, or other personal information
- Ex. 7(A):  Copies of ongoing investigation case files, exhibits, notes, ROI's, etc.  
 Records that reference or are related to a separate ongoing investigation(s)
- Ex. 7(C):  Special Agent or other law enforcement PII  
 PII of third parties referenced in records compiled for law enforcement purposes
- Ex. 7(D):  Witnesses' and Allegers' PII in law enforcement records  
 Confidential Informant or law enforcement information provided by other entity
- Ex. 7(E):  Law Enforcement Technique/Procedure used for criminal investigations  
 Technique or procedure used for security or prevention of criminal activity
- Ex. 7(F):  Information that could aid a terrorist or compromise security

<u>No.</u>	<u>Date</u>	<u>DESCRIPTION/EXEMPTION(PAGE COUNT)</u>
1.	No date	Note To: Commissioner Ostendorff, From: Andrea Kock, Ex. 5 (2 pages)

NOTE TO: Commissioner Ostendorff

FROM: Andrea Kock

SUBJECT/PURPOSE:

Preparation for your drop in visit with Energy Solutions on July 10, 2013. Your last drop in with Energy Solutions was in June 2012. The primary purpose of the drop in is to introduce the new CEO, David Lockwood. In addition, the previous Vice President for Regulatory Affairs, Tom Magette, has moved to Price Waterhouse as a consultant for Energy Solutions. The new Vice President for Regulatory Affairs is Dan Scrum.

Analysis of Key Topics:

Part 61.

(b)(5)

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SRM for the COM directed: (1) flexibility to allow the use of the most recent ICRP dose methodology; (2) a two-tiered approach that includes a period of compliance and a longer term evaluation to evaluate site performance; (3) flexibility to establish a waste acceptance criteria (an overall limit for activity based on site specific characteristics rather than a deterministic limit on concentration per isotope and shipment); (4) a compatibility category that ensures federal/state alignment on safety fundamentals, but provides state flexibility on how to implement these safety requirements. Energy Solutions supported this direction.

Energy Solutions is concerned that having an open action for the staff to consider revising the waste classification tables may create uncertainty that will cause states to be reluctant to implement this rule pending further changes.

(b)(5)

In the SRM for SECY-13-0001, the Commission directed that the staff evaluate whether further changes are needed following completion of this rulemaking.

(b)(5)

Energy Solutions does not support the period of compliance proposed by the staff. They believe that the 10,000 years proposed is too long because there are too many uncertainties at longer time periods to accurately predict site performance.

(b)(5)

Energy solutions has also expressed its preference for 10 CFR Part 61 regulations to be compatibility B. You have taken the position that, while consistency is needed for fundamental safety issues, the States should be provided flexibility in how these safety requirements are met.

(b)(5)

OEDO notified the Commission offices that South Carolina has expressed a concern that it would be burdensome to evaluate the health impacts of some legacy material disposed of at Barnwell and that there may be challenges in meeting the performance objectives for this material. The staff indicated that the State may have discussed this issue with Energy Solutions and the issue may come up during the drop in.

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(b)(5)

Decommissioning at Zion: Energy Solutions is the first non-electric utility to own and decommission a nuclear reactor.

(b)(5)

Potential Questions for Energy Solutions:

(b)(5)