

Dear FOIA Requester:

The FOIA Improvement Act of 2016, which was enacted on June 30, 2016, made several changes to the Freedom of Information Act (FOIA). Federal agencies must revise their FOIA regulations to reflect those changes by December 27, 2016. In addition to revising our regulations, we intend to update the Form 464, which we use to respond to FOIA requests.

In the interim, please see the comment box in Part I.C of the attached Form 464. The comment box includes information related to the recent changes to FOIA that is applicable to your FOIA request, including an updated time period for filing an administrative appeal with the NRC.

Sincerely yours,

*Stephanie Blaney /S/*

Stephanie Blaney  
FOIA Officer (Acting)



# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2016-0539

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RESPONSE TYPE  INTERIM  FINAL

**REQUESTER:**

Teri Sforza

**DATE:**

08/31/2016

**DESCRIPTION OF REQUESTED RECORDS:**

Documents related to the NRC-sponsored study of cancer risks to populations near nuclear power facilities, which was performed by the National Academy of Sciences (NAS), from the date NRC announced the study (April 7, 2010) to the date NRC announced cancellation of the study (September 8, 2015).

### PART I. -- INFORMATION RELEASED

- Agency records subject to the request are already available in public ADAMS or on microfiche in the NRC Public Document Room.
- 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\*

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- 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

- We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- You may appeal this final determination within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

### PART I.C COMMENTS ( Use attached Comments continuation page if required)

In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that you have the right to seek assistance from the NRC's FOIA Public Liaison.

The incoming request will be made available in ADAMS as ML16173A014. Records with an ML accession number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). [continued on next page]

**SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER**

*Stephanie A. Blaney, Acting*

2016-0539

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**RESPONSE TO FREEDOM OF INFORMATION  
ACT (FOIA) REQUEST Continued**

RESPONSE  
TYPE



INTERIM



FINAL

REQUESTER:

Teri Sforza

DATE:

08/31/2016

**PART I.C COMMENTS (Continued)**

This interim response addresses records located in NRC's regional offices, as well as multiple program offices within NRC's headquarters, for which no further consultation (either with other program offices or the National Academy of Sciences) is needed. Once we have completed these consultations, we expect to issue our final response. We will keep you updated on further developments; we appreciate your continued patience.



**RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST**

2016-0539

DATE:  
08/31/2016

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

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- 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 the 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. 4702(b), which prohibits the disclosure of contractor proposals, 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 confidential commercial or financial information that is being withheld for the reason(s) indicated.
  - 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 is considered to be another type of confidential business (proprietary) information.
  - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
  - Deliberative process privilege.
  - Attorney work product privilege.
  - Attorney-client privilege.
- Exemption 6: The withheld information from a personnel, medical, or similar file, 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 open enforcement proceeding.
  - (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
  - (D) The information consists of names 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 A few portions, not relating to the Cancer Risk Study, are considered outside-of-scope

**PART II.B -- DENYING OFFICIALS**

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			EDD	SECY
Stephanic A. Blaney	Acting FOIA Officer/OCIO	PJI	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

Appeals must be made in writing within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

# Records Already Publicly Available

## FOIA-2016-0539 - Interim Response #1

1. SECY-15-0104 – “Analysis of Cancer Risks in Populations Near Nuclear Facilities Study”, <http://www.nrc.gov/docs/ML1514/ML15141A404.pdf>.
2. SECY-12-0136 – “Next Steps for the Analysis of Cancer Risks in Populations Near Nuclear Facilities Study”, <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2012/2012-0136scy.pdf>.
3. NRC News, No. 10-060, dated April 7, 2010, “NRC Asks National Academy of Sciences to Study Cancer Risk in Populations Living Near Nuclear Power Facilities”, <http://www.nrc.gov/docs/ML1009/ML100970142.pdf>.
4. NRC News, No. 10-154, dated September 1, 2010, “National Academy of Sciences Seeks Nominations for Experts to Conduct NRC-Sponsored Cancer Risk Study” – <http://www.nrc.gov/docs/ML1024/ML102460036.pdf>.
5. NRC News, No. 11-005, dated January 11, 2011, “National Academy of Sciences Announces Expert Panel Nominees for First Phase of NRC-Sponsored Cancer Risk Study” – <http://www.nrc.gov/docs/ML1113/ML111370297.pdf>.
6. NRC News, No. 11-020, dated February 8, 2011, “NRC Participating in National Academy of Sciences Meeting Feb. 24 on First Phase of NRC-Sponsored Analysis of Cancer Risks”, <http://www.nrc.gov/docs/ML1103/ML110390555.pdf>.
7. NRC News, No. 11-063, dated April 8, 2011, “NRC Presenting at National Academy of Sciences Meeting April 18 in Chicago Regarding NRC-Sponsored Cancer Risk Study”, <http://www.nrc.gov/docs/ML1109/ML110980137.pdf>.
8. NRC News, No. 11-086, dated May 17, 2011, “NRC Presenting at National Academy of Sciences Meeting May 23 in Atlanta Regarding NRC-Sponsored Cancer Risk Study” <http://www.nrc.gov/docs/ML1113/ML111370297.pdf>.
9. NRC News, No. 11-155, dated August 24, 2011, “NRC Presenting at National Academy of Sciences Meeting Aug. 29 on NRC-Sponsored Cancer Risk Study”, <http://www.nrc.gov/docs/ML1123/ML11236A289.pdf>.

10. NRC News, No. 11-193, dated October 7, 2011, "NRC Presenting at National Academy of Sciences Meeting Oct. 20 on NRC-Sponsored Cancer Risk Study", <http://www.nrc.gov/docs/ML1128/ML112800353.pdf>.
11. NRC News, No. 12-117, dated October 23, 2012, "NRC Sponsoring National Academy of Sciences Effort to Carry Out Pilot of Cancer Risk Study", <http://www.nrc.gov/docs/ML1229/ML12298A078.pdf>.
12. NRC News, No. 15-055, dated September 8, 2015, "NRC Ends Work on National Academy of Sciences Cancer Risk Pilot Study", <http://www.nrc.gov/docs/ML1525/ML15251A111.pdf>.
13. Slides, "Analysis of Cancer Risks in Populations Near Nuclear Facilities Phase 1", dated March 26, 2012 – ML120860041.
14. Slides, "Uranium Recovery Regulations and Operations" – ML110320309.
15. Slides, "RETS/REMP – NRC's Program for Keeping Nuclear Power Plant Offsite Doses as low as Reasonably Achievable (ALARA), dated April 18, 2011 – ML111050205.
16. Slides, "Analysis of Cancer Risks in Populations Near Nuclear Facilities: Phase 1", presented by Dr. Kevin Crowley, NAS, at the Regulatory Information Conference on March 10, 2011, <http://www.nrc.gov/public-involve/conference-symposia/ric/past/2013/docs/abstracts/crowley-onsite-th27-hv.pdf>.
17. Slides, "Radiation Protection Code Analysis and Maintenance Program (RAMP)", presented by Stephanie Bush-Goddard at the Regulatory Information Conference on March 13, 2014, <http://www.nrc.gov/public-involve/conference-symposia/ric/past/2014/docs/abstracts/goddardbushs-th34-hv.pdf>.
18. Blog by Scott Burnell, NRC Office of Public Affairs, "Examining the Reasons for Ending the Cancer Risk Study", posted October 6, 2015, <https://public-blog.nrc-gateway.gov/2015/10/06/examining-the-reasons-for-ending-the-cancer-risk-study>.
19. U.S. Nuclear Regulatory Commission Notice of Grant/Assistance Award, NRC-04-15-152, dated August 10, 2010 – ML102280056.

20. U.S. Nuclear Regulatory Commission, Notice of Grant Award Modification #1, NRC-04-10-152, dated September 8, 2010 – ML102560361.
21. National Academy of Sciences, prepublication copy of “Analysis of Cancer Risks in Populations Near Nuclear Facilities Phase 1 report” – ML120860057.
22. National Academy of Sciences, “Analysis of Cancer Risks in Populations Near Nuclear Facilities: Phase 1 report” – ML12254A165; ML15035A132.
23. National Academy of Sciences, “Analysis of Cancer Risks in Populations Near Nuclear Facilities: Phase 2 Pilot Planning report” – ML15035A135.
24. Communication Plan, “Analysis of Cancer Risks in Populations Near Nuclear Facilities – Phase 2 Pilot Studies,” dated December 5, 2013 - ML13274A664.
25. Letter to Dr. Kevin Crowley, National Academy of Sciences, from Dr. Brian Sheron, NRC, dated September 9, 2015 – ML15244A494.