

2012-0101

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

FINAL



PARTIAL

REQUESTER

Sammy Almashat

DATE

FEB 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 *

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* See comments
for details

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.

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 can be located in ADAMS at ML11364A015

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Dorinda L. Sealing

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

2012-0101

FEB 10 2012**PART II.A -- APPLICABLE EXEMPTIONS**

APPENDICES

C

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
Patricia Hirsch	Assistant General Counsel	See Appendix C-1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Eric J. Leeds	Director, NRR	See Appendix C 2,3	<input checked="" 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 PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
1.	07/02/01	ML011870432	General Notice Comment Letter regarding Workshop on Reducing Unnecessary Regulatory Burden. (49 pages)
2.	05/13/02	ML020420137	Commission Paper on SECY-02-0081 – Staff Activities Related to the NRC Goal of Reducing Unnecessary Regulatory Burden on Power Reactor Licenses. (13 pages)
3.	06/25/02	ML021760768	Staff Requirements Memorandum on SECY-02-0081, Staff Activities Related to the NRC Goal of Reducing Unnecessary Regulatory Burden on Power Reactor License. (2 pages)
4.	01/09/04	ML040090486	Letter from P. Lohaus, NRC to All Agreement States Soliciting Public Comments on Draft Wording for Proposed Rule. (4 pages)
5.	02/25/04	ML040630576	Comment submitted by Joe Bouillon on Proposed Rules PR-19, PR-20 and PR-50. (1 page)
6.	04/02/04	ML040980193	Comments Submitted by BWXT, Linda Farrell on Proposed Rules PR 19, 20 and 50. (1 page)
7.	04/08/04	ML041000121	Comment submitted by NEI, Ralph Andersen Supporting Proposed Rules PR 19, 20 and 50. (5 pages)
8.	04/08/04	ML041040007	Comment submitted by Progress Energy, Tony Groblewski on Proposed Rules PR 19, 20 and 50. (1 page)
9.	04/08/04	ML041060212	Comment Submitted by Detroit Edison, Norman Peterson on Proposed Rules PR 19, 20 and 50. (1 page)
10.	04/08/04	ML041100491	Comment Submitted by Strategic Learning and Resource Sharing, D. Woodland on Proposed Rules PR 19, 20 and 50. (7 pages)
11.	04/09/04	ML041330389	Comment submitted by Exelon Generation and AmerGen Energy Co. Kenneth Ainger on Proposed Rules PR 19, 20 and 50. (2 pages)

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| 12. | 05/17/04 | ML041330078 | (2) Final Rule - Section 50.69 "Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Plants. (2 pages) |
| 13. | 05/17/04 | ML041480155 | Final Rule - Section 50.69 "Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Plants. (2 pages) |
| 14. | 06/07/04 | ML041170141 | SECY-04-0109. (Package) |
| 15. | 06/07/04 | ML041470478 | (2) Final Rule Environment Assessment - 10 CFR 50.69, "Risk-Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Plants" (10 pages) |
| 16. | 06/07/04 | ML041470452 | (2) FRN - Final Rule - 10 CFR 50.69, "Risk-Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Plants." (143 pages) |
| 17. | 06/07/04 | ML041470460 | (2) RA - Final Rule - 10 CFR 50.69, "Risk Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Plants." (18 pages) |
| 18. | 06/07/04 | ML041480138 | (2) Response to Public Comments to Final Rule 10 CFR 50.69. (97 pages) |
| 19. | 06/30/04 | ML041170141 | Final Rulemaking to Add New Section 10 CFR 50.69, Risk Informed Categorization and Treatment of Structures, Systems and Components (package) |
| 20. | 07/06/05 | ML051820152 | Memorandum from C. Haney, NRR to J. Larkins, ACRS on Proposed Rulemaking to Amend 10 CFR Parts 19, 20 and 50. (56 pages) |
| 21. | 07/06/05 | ML051820152 | Memorandum from C. Haney, NRR to J. Larkins, ACRS on Proposed Rulemaking to Amend 10 CFR Parts 19, 20 and 50. (56 pages) |
| 22. | 07/07/05 | ML051940552 | Memo from J. Larkins, ACRS to L. Reyes, EDO on Proposed Rulemaking to Amend 10 CFR Parts 19 and 20. (1 page) |
| 23. | 12/12/05 | ML053470085 | Memorandum from C. Grimes, NRR to J. Larkins, ACRS on P Proposed Rulemaking to Amend 10 CFR Parts 19, 20 and 50 (57 pages) |
| 24. | 01/11/06 | ML060120307 | Memo from J. Larkins, ACRS to L. Reyes, EDO on Proposed Rulemaking to Amend 10 CFR Parts 19 and 20. (1 page) |

25.	02/28/06	ML060090137	Memorandum from R. Borchardt, NRR to S. Bahadur, CRGR on Request to Defer CRGR review of Proposed Rulemaking to Amend 10 CFR Parts 19, 20 and 50. (63 pages)
26.	03/23/06	ML060860040	Memorandum from S. Bahadur, CRGR to M. Weber, NRR on Request to Defer CRGR Review of Proposed Rulemaking to Amend 10 CFR Parts 19, 20 and 50. (2 pages)
27.	04/27/06	ML060090141	Commission Paper Attachment to SECY-06-0097 – NRC 10 CFR Parts 19, 20, and 50. (57 pages)
28.	04/27/06	ML060090139	Commission Paper on SECY-06-0097 – Proposed Rulemaking to Amend 10 CFR Parts 19, 20, and 50, on Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent. (7 pages)
29.	06/02/06	ML061530103	Staff Requirements Memorandum on SECY-06-0097 on Proposed Rulemaking to Amend parts 19, 20 and 50. (2 pages)
30.	06/02/06	ML061530243	Voting Record on SECY-06-0097, Proposed Rulemaking to Amend 10 CFR Parts 19, 20 and 50. (12 pages)
31.	09/13/06	ML061600326	Federal Register Notice – Proposed Rule on Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent. (61 pages)
32.	09/21/06	ML061600325	Congressional Letters regarding Proposed FRN amending 10 CFR Part 19, 20 and 50. (3 pages)
33.	09/25/06	ML062690562	Comment submitted by Alan Jackson on Proposed Rules PR 19, 20 and 50. (3 pages)
34.	09/26/06	ML062700096	Comment submitted by Norris Johnson on Proposed Rules PR 19, 20 and 50. (2 pages)
35.	10/01/06	ML062770332	Comments submitted by Jason Hout on Proposed Rules PR 19, 20 and 50. (3 pages)
36.	10/03/06	ML062770489	Comments submitted by Megan Lysaght on Proposed Rules PR 19, 20 and 50. (2 pages)
37.	10/12/06	ML062860217	Comments submitted by Eric Boeldt on Proposed Rules PR 19, 20 and 50. (2 pages)
38.	10/13/06	ML062960032	Comments submitted by Walston Chubb on Proposed Rules PR 19, 20 and 50. (2 pages)

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| 39. | 10/23/06 | ML063330039 | Comments submitted by BWXT Technologies, Leah Morrell on Proposed Rules PR 19, 20 and 50. (7 pages) |
| 40. | 10/31/06 | ML063130041 | Comments submitted by Susquehanna, Britt McKinney on Proposed Rules PR 19, 20 and 50. (2 pages) |
| 41. | 11/17/06 | ML063320057 | Comments submitted by Council on Radionuclides and Radiopharmaceuticals, Inc., Leonard Smith on Proposed Rules PR 19, 20 and 50. (4 pages) |
| 42. | 11/21/06 | ML063260112 | Comments submitted by Lloyd Gray on Proposed Rules PR 19, 20 and 50. (2 pages) |
| 43. | 12/05/06 | ML063400334 | Comments submitted by Wyoming Mining Association, Marion Loomis on Proposed Rules PR 19, 20 and 50. (5 pages) |
| 44. | 12/06/06 | ML063460269 | Comments submitted by Academic Medical Radiation Safety Officers, Sandy Wolff on Proposed Rules PR 19, 20 and 50. (3 pages) |
| 45. | 12/06/06 | ML063460275 | Comments submitted by American Associations of Physicists in Medicine, Gerald White on Proposed Rules PR 19, 20 and 50. (5 pages) |
| 46. | 12/11/06 | ML063470136 | Comments submitted by Kennecott Uranium Company, Oscar Paulson on Proposed Rules PR 19, 20 and 50. (3 pages) |
| 47. | 12/13/06 | ML063400519 | Regulatory History Index – Proposed Rules PR 19, 20 and 50. (2 pages) |
| 48. | 12/20/06 | ML063550101 | Comments submitted buy NEI, Ralph Anderson on Proposed Rules PR 19, 20 and 50. (7 pages) |
| 49. | 12/28/06 | ML070180704 | Comments submitted by Strategic Learning and Resource Sharing, D. Hooper on Proposed Rules PR 19, 20 and 50. (2 pages) |
| 50. | 12/31/06 | ML063420350 | Regulatory History Index for Proposed Occupational Dose Records, Labeling Containers and the Total Effective Dose Rule. (4 pages) |
| 51. | 05/21/07 | ML071350657 | Memorandum from M. Case, NRR to C. Carpenter, ADM et al. on Office Concurrence on Final Rulemaking to Amend 10 CFR Parts 19, 20 and 50. (83 pages) |
| 52. | 05/31/07 | ML071500573 | Memorandum from M. Case, NRR to F. Gillespie, ACRS requesting Review of Final Rule to Amend 10 CFR Parts 19, 20 and 50. (74 pages) |

53.	07/12/07	ML071580989	Memorandum from J. Wiggins, NRR to M. Johnson, CRGR on Review of Final Rule to Amend 10 CFR Parts 19, 20 and 50. (81 pages)
54.	09/28/07	ML071350655	SECY-07-0162 on Final Rule to Amend 10 CFR Parts 19, 20 and 50. (70 pages)
55.	11/28/07	ML073240783	Final Rule on Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent. (63 pages)
56.	12/13/07	ML073440398	Final Rule – Deferral of Effective Date: Does Records, Labeling Containers, and the Total Effective Dose Equivalent. (4 pages)
57.	04/04/08	ML080930243	Memorandum from J. Zimmerman, NRR to M. Lesar, ADM on Regulatory History Index for Final Rule on Parts 19, 20 and 50. (2 pages)
58.	04/04/08	ML080930251	Regulatory History Index Table – Final Rule on Parts 19, 20 and 50. (4 pages)
59.	07/29/88	ML010640169	Staff requirements Memo, SECY-88-177

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
1.	09/02/94	NRC Generic Letter 94-04: Voluntary Reporting of Additional Occupational Radiation Exposure Data. (13 pages) (9408290302)
2.	Undated	Note requesting a meeting to discuss revision to 10 CFR Parts 19 and 20. (1 page)
3.	09/30/03	Email from R. Pedersen, NRR to A. Roecklein, RES et al. on Revised RUBI Draft (8 pages)
4.	10/08/03	Email from R. Pedersen, NRR to <u>CSH@OWRN-DO.owf2-po</u> , et al on RUBI – Draft Part 19, 20 and 50, Changes for Public Comment. (5 pages)
5.	10/08/03	Email from R. Pedersen, NR to A. Roecklein, RES et al RE: Fed: RUBI – DRAFT PART 19, 20, & 50 Changes for Public Comment. (5 pages)
6.	08/10/04	Summary of Information Collection Request. (2 pages)
7.	08/12/04	Possible Changes to 10 CFR 19.13, 10 CFR Part 20 and 10 CFR Part 50. (4 pages)
8.	0817/04	Paperwork Reduction Act Submission. (2 pages)
9.	Undated	Draft Commission Paper on Proposed Rulemaking to Amend 10 CFR Parts 19, 20 and 50. (8 pages)
10.	Undated	Information Collection Notice to OMB for comment and review. (12 pages)
11.	05/20/05	Summary of Information Collection Request. (2 pages)
12.	05/24/05	Email from S. Schneider, NRR to R. Pedersen, NRR RE: RUBI Rule Package. (82 pages)
13.	07/01/05	Memorandum from R. Borchardt, NRR to S. Bahadur, CRGC on Proposed Rulemaking to Amend 10 CFR Parts 19 and 20. (2 pages)
14.	07/20/05	Email from S. Schneider, NRR to <u>CHS@HQQGWD001.OWGWPO02</u> . et al. Re: review of Proposed rulemaking Package for Parts 19 and 20. (58 pages)

15. 09/08/05 RUBI Meeting Agenda. (1 page)
16. Undated Draft Commission Paper on Proposed Rulemaking to Amend 10 CFR Parts 19, 20 and 50; Occupational Dose Records, Labeling containers, and the Quantity Total Effective Dose Equivalent. (62 pages)
17. Undated Draft Congressional Letters from R. Schmidt, OCA enclosing the Federal Register Notice of the proposed rule amending 10 CFR Parts 19, 20 and 50. (3 pages)
18. Undated Draft Memorandum from R. Borchardt, NRR to S. Bahadur, CRGR Requesting CRGE to Defer Review of the Proposed Rulemaking to Amend 10 CFR Parts 19, 20 and 50. (3 pages)
19. Undated Draft Memorandum from C. Grimes, NRR to J. Larkins, ACRS on Proposed Rulemaking to Amend 10 CFR Parts 19, 20 and 50. (63 pages)
20. 06/06/06 WordPerfect Document Compare Summary on RUBI Rule and FRN. (65 pages)
21. 12/14/06 Email from S. Schneider, NRR to S. Burrows, NRO et al RE: Public Comments – RUBI rule. (23 pages)
22. 01/18/07 Email from S. Schneider, NRR to S. Burrows, NRO et al Re: RUBI Rulemaking – Working Group Meeting to Resolve Public Comments. (25 pages)
23. 12/10/07 Email from R. Pedersen, NRR to B. Bonser, RII et al. Fwd: Rules Published in the Federal Register on December 4, 2007 Effective Date Withdrawn. (4 pages)
24. Undated Draft Commission Paper on Final Rule to Amend 10 CFR Parts 19, 20 and 50. (7 pages)
25. 05/2007 Draft Memorandum from M. Case, NRR to F. Gillespie, ACRS on Review of the Draft Final Rule to Amend 10 CFR Parts 19, 20 and 50. (64 pages)
26. Undated Labeling Containers (2 pages)
27. Undated Summary on Final Rule, 10 CFR Parts 19, 20 and 50. (1 page)
28. Undated Draft Congressional Letters from R. Schmidt, OCA enclosing the Federal Register for a final rule amending 10 CFR Parts 19, 20 and 50. (4 pages)
29. Undated Draft Memorandum from M. Case, NRR to M. Weber, NMSS et al requesting office concurrence on Final Rulemaking to Amendm 10 CFR Parts 19, 20 and 50. (5 pages)
30. 02/04/08 Email from S. Schneider, NRR to R. Pedersen, NRR Re: RUBI OMB Supporting Statement – Final Rule. (12 pages)

31. 04/01/08 Email from S. Garry, NRR on Federal Register Notice. (2 pages)
32. 08/14/08 Email from R. Pedersen, NRR to J. White, RII et al. on 08 NEI INFO FORUM.ppt. (16 pages)
33. 05/21/91 Federal Register Vol. 5, No. 98, May 21, 1991, Rules and Regulations, page 23383 (1 page)

Re: FOIA/PA 2012-0101

APPENDIX C
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1.	01/11/06	OGC Comments on RUBI Final Rule Package (21 pages) (Exemption 5)
2.	12/14/06	Email from S. Schneider, NRR to S. Burrows, NRO et al Re: Comments on Proposed Rule 10 CFR Parts 19, 20 and 50 (RUBI). (23 pages) (Exemption 6)
3.	01/11/08	Email from R. Pedersen, NRR to A. Nielsen, RII et al. Fwd: Re: RUBI Final Rule Effective Date – Federal Register Notice. (3 pages) (Exemption 6)