

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

2016-0273

1

RESPONSE  
TYPE

INTERIM



FINAL

**REQUESTER:**

David Lochbaum

**DATE:**

04/12/2016

**DESCRIPTION OF REQUESTED RECORDS:**

As we agreed to interpret your request, the responsive records are emails sent/received (during the time period, 01/01/2014-02/05/16) by RES, NRR, or NRO Division of Risk Assessment (DRA) staff; by any NRC senior executive, or by the Commission and its staff, discussing the "efficacy of SPAR models."

**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\*

\$

\*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**

- ☐ 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)**

The incoming request will be made available in ADAMS as ML16036A022. 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). This response deals with emails (including attachments) sent/received by DRA staff, as well as the executives in RES, NRR, and NRO, that discuss the "efficacy of SPAR models", including the possible discontinuation of their use. Please note that portions of some of the responsive records deal with matters other than SPAR models; accordingly, they have been redacted as nonresponsive.

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Roger D. Andoh

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

2016-0273#1

DATE:

04/12/2016

**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 or 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: Portions that deal with matters other than SPAR models have been considered nonresponsive (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	
			EDO	SECY
Roger D. Andoh	FOIA Officer	PII	<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 Available in Public ADAMS

1. ML14041A251 – Enclosure 2, Handouts discussed during the January 15, 2014 ROP WG Public Meeting (NEI 99-02 White Paper, “Initial Transient”, NRC Staff White Paper on Performance Indicator Validity during Extended Shutdown and Subsequent Startup, Whitepaper on the Definition of “Concurrent” Failures, Appendix M, Technical Basis for the Significance Determination Process (SDP) Using Qualitative Criteria (draft), and Whitepaper Regarding Consequences to Safety System Functional Failures Performance Indicator), dated February 14, 2014.
2. ML14125A371 – Federal Register Notice of [a May 19, 2014] Public Meeting between U.S. Nuclear Regulatory Commission Staff and External Stakeholders to discuss Risk Assessment Issues in the Significance Determination Process (SDP), dated May 5, 2014, with Meeting Agenda.
3. ML033520457 - Staff Requirements Memorandum (SRM)-COMNJD-03-0002, “Stabilizing the PRA Quality Expectations and Requirements,” dated December 18, 2003, with Attachment (Regulatory Decisionmaking and PRA Quality).
4. ML16040A337 – Agenda [of the Advisory Committee on Reactor Safeguards’] Plant License Renewal Meeting scheduled for February 17, 2016, dated February 9, 2016.
5. ML16028A208 - SECY-16-0009: Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities, dated January 31, 2016, with Enclosures (Re-baselining Recommendations and Prioritized FY 2017 Rulemaking Activities).
6. ML15194A339 – SPAR Model Philosophy Rev. 1, slide presentation dated July 15, 2015.
7. ML15279A048 – NEI Letter, dated September 15, 2015, on the subject of “Industry Recommendations for NRC Project AIM 2020 Prioritization and Re-baselining Initiatives.”
8. ML14035A571 – Reactor Oversight Process (ROP) Independent Assessment Working Group Report 2013, with Attachments (Charter (ML15344A024), List of

Documents Reviewed, Public Meeting to Solicit Stakeholder Views, and Table of Recommendations and Suggestions).

9. ML14141A369 – NEI slide presentation [for a Public Meeting] on “Using Licensee PRA Models in the Significance Determination Process”, dated May 19, 2014.
10. ML070640567 – February 22, 2007 Public Meeting Summary Regarding Use of Standardized Plant Analysis Risk Models and Licensee Probabilistic Assessment Models in the Reactor Oversight Process, dated February 28, 2007.
11. ML070650221 – [February 22, 2007] Meeting Handout, “Criteria for Evaluation of Options,” dated February 28, 2007.
12. ML072490566 – G20070571/LTR-07-0538, NEI letter, dated August 14, 2007, on the subject of “Provide Follow-up to August 2 Commission Briefing on Risk-Informed Regulation (ML072290362), and NRC letter, dated October 15, 2007, with enclosure, “Significance Determination Process Evaluation (ML072490540), in reply.
13. ML13354B997 – NEI letter, dated December 19, 2013, on the subject of “Industry Support and Use of PRA and Risk-Informed Regulation.”
14. ML14106A571 – Enclosure 2, Handouts discussed during the April 2, 2014 ROP WG Public Meeting (NEI 99-02 White Paper, “Initial Transient”, Exclusion of Low Risk Trains/Segments from Unavailability Monitoring, and Revision a, “ Proposal for use of Licensee PRA Models in the Significance Determination Process”.
15. Transcript of April 17, 2007 Affirmation Session, [www.nrc.gov/reading-rm/doc-collections/commission/tr/2007/20070417](http://www.nrc.gov/reading-rm/doc-collections/commission/tr/2007/20070417).
16. David Lochbaum slide presentation, “Status of Fukushima Dai-ichi Lessons Learned,” [www.nrc.gov/reading-rm/doc-collections/commission/slides/2015/20151117](http://www.nrc.gov/reading-rm/doc-collections/commission/slides/2015/20151117).