



# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2018-000357

1

RESPONSE TYPE  INTERIM  FINAL

**REQUESTER:**

Sam Mintz

**DATE:**

07/05/2018

**DESCRIPTION OF REQUESTED RECORDS:**

"All correspondence to or from [NRC] Chairman Kristine Svinicki between the dates of June 1, 2017 and the date of search [that] mention the phrases 'Nuclear Energy Institute' or 'NEI' or are to or from an email address with the domain name 'nei.org'."

## PART I. -- INFORMATION RELEASED

- The NRC has made some, or all, of the requested records publicly available through one or more of the following means: (1) <https://www.nrc.gov>; (2) public ADAMS, <https://www.nrc.gov/reading-rm/adams.html>; (3) microfiche available in the NRC Public Document Room; or FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>.
- 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 Part I.D -- Comments) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Part I.D -- Comments.

## PART I.A -- FEES

<b>AMOUNT</b>

- You will be billed by NRC for the amount indicated.
- You will receive a refund for the amount indicated.
- Fees waived.

- Since the minimum fee threshold was not met, you will not be charged fees.
- Due to our delayed response, you will not be charged fees.

## 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"). See 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 90 calendar days of the date of this response. If you submit an appeal by mail, address it to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Mail Stop T-2 F43, Washington, D.C. 20555-0001. You may submit an appeal by e-mail to [FOIA.resource@nrc.gov](mailto:FOIA.resource@nrc.gov). You may fax an appeal to (301) 415-5130. Or you may submit an appeal through FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>. Please be sure to include on your submission that it is a "FOIA Appeal."

## PART I.C -- REFERENCES AND POINTS OF CONTACT

You have the right to seek assistance from the NRC's FOIA Public Liaison by submitting your inquiry at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>, or by calling the FOIA Public Liaison at (301) 415-1276.

If we have denied your request, you have the right to seek dispute resolution services from the NRC's Public Liaison or the Office of Government Information Services (OGIS). To seek dispute resolution services from OGIS, you may e-mail OGIS at [ogis@nara.gov](mailto:ogis@nara.gov), send a fax to (202) 741-5789, or send a letter to: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. For additional information about OGIS, please visit the OGIS website at <https://www.archives.gov/ogis>.



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**PART I.D – COMMENTS**

In addition to the enclosed records, the following responsive records are available in public ADAMS:

ML17286A241 - LTR-17-0387 Joseph Pollock, Vice President and Acting Chief Nuclear Officer, Nuclear Energy Institute, Memorandum re: SECY-17-0075, Planned Improvement in Design Certification Tiered Information Designations (Information Paper).

ML18024A742 - LTR-18-0027 Armond Cohen, Nuclear Innovation Alliance, Maria Korsnick, Nuclear Energy Institute, and Daniel Blee, Nuclear Infrastructure Council, Paper re: Ensuring the Future of US Nuclear Energy: Creating a Streamlined and Predictable Licensing Pathway.

As a result of the processing of your request, we have also initiated action to make one additional record available in public ADAMS:

ML171918B151 - LTR-17-0260 Maria Korsnick, President & Chief Executive Officer, Nuclear Energy Institute, expressed appreciation to Chairman Svinicki for addressing the Nuclear Energy Assembly.

We expect that this record will be available to you within the next few business days. 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).

We appreciate your patience.

Signature - Freedom of Information Act Officer or Designee

**Stephanie A. Blaney**

Digitally signed by Stephanie A. Blaney  
Date: 2018.07.05 11:37:03 -04'00'



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

2018-000357

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07/05/2018

**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
  - Other:
- 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 any individual.
- Other:

**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
Rochelle Baval	Executive Assistant to the Secretary	cell phone numbers of third party individuals	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Select Title/Office from drop-down list		<input type="checkbox"/>	<input type="checkbox"/>
	Select Title/Office from drop-down list		<input type="checkbox"/>	<input type="checkbox"/>
	Select Title/Office from drop-down list		<input type="checkbox"/>	<input type="checkbox"/>

**From:** KORSNICK, Maria  
**Sent:** 22 Jun 2017 21:04:41 +0000  
**To:** CMRSVINICKI Resource  
**Subject:** [External\_Sender] Fwd: Please Read

Kristine - this is a heads up. Sec Perry has made some significant mis-statements about used fuel and what happened at Fukushima. We are trying to correct it.

NRC weighing in with him would be helpful to ensure a clear understanding of the safety of our used fuel.

I will send what we finalize for your awareness.

Thanks,

Maria

Begin forwarded message:

**From:** "COHEN, Neal" <[nmc@nei.org](mailto:nmc@nei.org)>  
**Date:** June 22, 2017 at 4:57:50 PM EDT  
**To:** "KORSNICK, Maria" <[mgk@nei.org](mailto:mgk@nei.org)>  
**Cc:** "MARSHALL, Beverly" <[bkm@nei.org](mailto:bkm@nei.org)>  
**Subject:** Please Read

I'd like to get this language to Secretary Perry via Jeff and Carol's contacts. Andrew et al at DOE suddenly realize how bad this and know they have to fix it asap. I think we should ask Perry to correct the record with this statement and get it to committees and then release it to the industry. I've suggested other things to Carol to share with DOE as well.

Are you okay with this language (as drafted by Keeley) to share.

Also Carol B. made good suggestion to ask Svinicki to call Perry and speak to this issue directly and to assure him about safety of used fuel on sites.

Neal

Neal M. Cohen  
Senior Vice President, External Affairs  
Nuclear Energy Institute  
1201 F Street NW, Suite 1100  
Washington, DC 20004  
[www.nei.org](http://www.nei.org)

T: 202-739-8091

C: (b)(6)

[In my urgency to address the need for progress on used fuel storage and disposal, I mischaracterized events at Fukushima.]

Fukushima was a reactor accident, not a fuel pool accident. What we learned from Fukushima was that even in the face of a once in a thousand years earthquake, the fuel pools at that site maintained their integrity. The fuel remained safe. This doesn't mean that we ought to leave used fuel at reactor sites for generations, however. We have a moral obligation to manage this material in the safest and most secure fashion possible. And that means, ultimately, disposal in a geological repository.

The industry today stores spent fuel safely and securely, but there are smarter ways to manage this material.

x

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**From:** KORSNICK, Maria  
**Sent:** 22 Jun 2017 21:19:22 +0000  
**To:** CMRSVINICKI Resource  
**Subject:** [External\_Sender] Fwd: Perry Cortez Masto Question on Yucca Mountain  
**Attachments:** image001.jpg

Below is what Sec Perry said - this is the second hearing he has made this statement. We thought we had it corrected yesterday....trying again.

An additional voice of reason would be very helpful.

Maria

Begin forwarded message:

**From:** "MARSHALL, Beverly" <bkm@nei.org>  
**Date:** June 22, 2017 at 1:36:31 PM EDT  
**To:** "GRP. ELT" <grpelt@nei.org>  
**Subject:** FW: Perry Cortez Masto Question on Yucca Mountain

For the second time this week--- this was at today's Senate Energy Hearing.

I have calls into DOE again.

---

**From:** BAWOROWSKY, Christina  
**Sent:** Thursday, June 22, 2017 1:32 PM  
**To:** MARSHALL, Beverly  
**Subject:** Perry Cortez Masto Question on Yucca Mountain

- Senator Cortez Masto expressed her grave concerns about storing spent fuel at Yucca Mountain and focused her questions on Yucca Mountain. Noting that since his confirmation Perry went from touting state sovereignty in Nevada to promoting the use of Yucca Mountain Cortez Masto asked, "What has prompted such a change in your viewpoint?"
  - Perry disagreed with her analysis of his position, "Nothings really changed. I think it is wise for us to have a very open conversation with this country about the moral obligation that we have as a people. There are statutory requirements for us to move this waste. There are multiple options about where that waste could go. As I clarified yesterday, there is no plan in place to put it in a particular place at this particular point in time. But I think we need to be looking at all of our options and have an open and productive conversation. I don't think it's wise for us to continue to leave high level waste, you know spent rods in pools, not unlike what they had at Fukushima. And particularly that over in California is in the Ring of Fire

**its geologically where you could have an event that is not unlike what they had in Fukushima."**



**Christina Baworowsky | Governmental Affairs Specialist**  
1201 F Street, NW, Suite 1100 | Washington, DC 20004  
P: 202.739.8066  
[nei.org](http://nei.org)



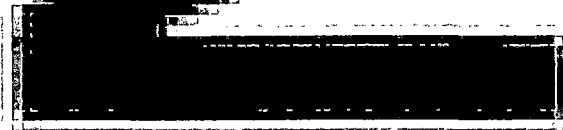
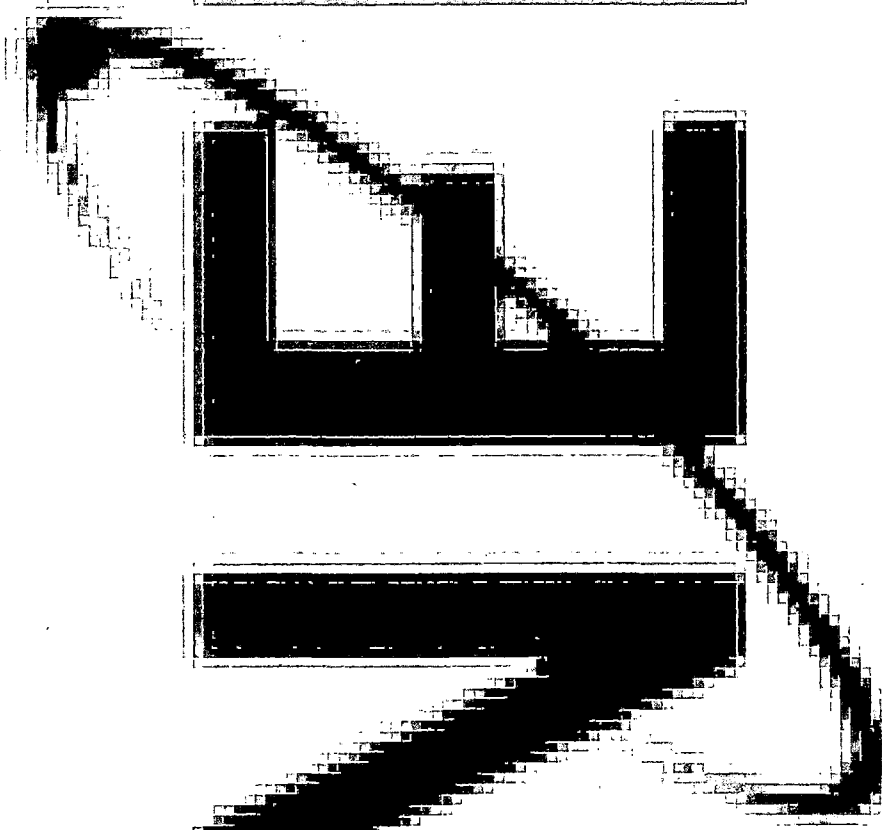
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Sent through [www.intermedia.com](http://www.intermedia.com)

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**From:** KORSNICK, Maria  
**Sent:** 22 Jun 2017 21:37:03 +0000  
**To:** CMRSVINICKI Resource  
**Subject:** [External\_Sender] Fwd: Draft Language For Sec Perry  
**Attachments:** Fukushima was a reactor accident.docx, ATT00001.htm

Fyi

Maria

Begin forwarded message:

**From:** "COHEN, Neal" <nmc@nei.org>  
**Date:** June 22, 2017 at 5:26:22 PM EDT  
**To:** "GRP. ELT" <grpelt@nei.org>  
**Subject:** Draft Language For Sec Perry

Fyi -- In an effort to ask Secretary Perry to walk back his comments on Fukushima, we have shared the following language with our contacts and requested that the Secretary send a letter to the Senate and House Committees to correct the record. We also are working other avenues to address this matter.

Neal

Neal M. Cohen  
Senior Vice President, External Affairs  
Nuclear Energy Institute  
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T: 202-739-8091

C: (b)(6)



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Sent through [www.intermedia.com](http://www.intermedia.com)

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[In my urgency to address the need for progress on used fuel storage and disposal, I mischaracterized events at Fukushima.]

Fukushima was a reactor accident, not a fuel pool accident. What we learned from Fukushima was that even in the face of a once in a thousand years earthquake, the fuel pools at that site maintained their integrity. The fuel remained safe. This doesn't mean that we ought to leave used fuel at reactor sites for generations, however. The industry today stores spent fuel safely and securely, but there are smarter ways to manage this material.

**From:** SCHLUETER, Janet  
**Sent:** 29 Sep 2017 13:14:17 +0000  
**To:** CHAIRMAN Resource  
**Cc:** Castleman, Patrick  
**Subject:** [External\_Sender] Thank You

Chairman Svinicki

Thank you and your staff for taking the time out of your busy schedule to meet with members of the fuel cycle industry and representatives of NEI. We very much appreciated the opportunity, and hearing your views and the openness with which you expressed them. In addition, we walked away with a few zingers that I'm confident will be repeated at work and at home, e.g., "Don't look for evil when stupid will do." ☺

Thanks again,  
Janet



**JANET SCHLUETER** | Senior Director, Radiation and Materials Safety  
1201 F Street, NW, Suite 1100 | Washington, DC 20004  
P: 202.739.8098 M: (b)(6)  
[nei.org](http://nei.org)



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Sent through [www.intermedia.com](http://www.intermedia.com)

**From:** NEI Governmental Affairs  
**Sent:** 1 Nov 2017 15:49:04 -0400  
**To:** CHAIRMAN Resource  
**Subject:** [External\_Sender] NEI 2017 Holiday Reception: Help a Child in Need



**NEI**

The Nuclear Energy Institute cordially invites you to its annual  
*Congressional Holiday Charity Reception*

Wednesday, November 29, 2017  
Charlie Palmer Steak  
101 Constitution Avenue NW  
5:30 - 8 PM

RSVP

*This invitation is non-transferable.*

We look forward to seeing you there.

**TOYS FOR TOTS**  
★ ★ ★ ★ ★

Please bring a new, unwrapped toy appropriate for a child ages 1 to 17 for the Toys for Tots campaign.

Nuclear Energy Institute · 1201 F Street N.W. Suite 1100, Washington, DC 20004 · 202.739.8000  
[www.nei.org](http://www.nei.org)

Unsubscribe from these messages.



**From:** NEI Governmental Affairs  
**Sent:** 13 Nov 2017 16:55:05 -0500  
**To:** CHAIRMAN Resource  
**Subject:** [External\_Sender] Last Call for NEI Congressional Holiday Reception



NEI

The Nuclear Energy Institute cordially invites you to its annual

*Congressional Holiday Charity Reception*

Wednesday, November 29, 2017  
Charlie Palmer Steak  
101 Constitution Avenue NW  
5:30 - 8 PM

RSVP

*This invitation is non-transferable.*

We look forward to seeing you there.

**TOYS FOR TOTS**  
\* \* \* \* \*

Please bring a new, unwrapped toy appropriate for a child ages 1 to 17 for the Toys for Tots campaign.

Nuclear Energy Institute · 1201 F Street N.W. Suite 1100, Washington, DC 20004 · 202.739.8000  
[www.nei.org](http://www.nei.org)

Unsubscribe from these messages.





**From:** KORSNICK, Maria  
**Sent:** 15 Nov 2017 11:34:50 +0000  
**To:** CMRSVINICKI Resource  
**Subject:** [External\_Sender] Fwd: Greg Jaczko's book now scheduled for February, 2019

Fyi  
Maria

Begin forwarded message:

**From:** "WALD, Matthew" <[mlw@nei.org](mailto:mlw@nei.org)>  
**Date:** November 14, 2017 at 8:15:58 PM CST  
**To:** "KORSNICK, Maria" <[mgk@nei.org](mailto:mgk@nei.org)>, "COHEN, Neal" <[nmc@nei.org](mailto:nmc@nei.org)>  
**Subject:** Greg Jaczko's book now scheduled for February, 2019

I have a contact at Simon & Schuster. She says Simon & Schuster's internal editorial system now lists Greg Jaczko's book, "Splitting the Atom," as scheduled to come out in hardcover in February, 2019.

When Jaczko signed the book contract, in April, 2013, it was scheduled for publication in 2017.

see: [http://www.robweisbach.com/featured\\_upcoming\\_jaczko.html](http://www.robweisbach.com/featured_upcoming_jaczko.html)[http://www.robweisbach.com/featured\\_upcoming\\_jaczko.html](http://www.robweisbach.com/featured_upcoming_jaczko.html)

But in 2015, the book disappeared from S&S's internal schedule entirely. If it really is scheduled for 2019, there won't be a finished manuscript until almost a year from now. And it will be coming out seven years after he left the Commission.

That's all I know for now but I will keep an eye out for more news.



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Sent through [www.intermedia.com](http://www.intermedia.com)

**Svinicki, Kristine**

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**From:** McCree, Victor  
**Sent:** Friday, February 02, 2018 4:39 PM  
**To:** Svinicki, Kristine; Baran, Jeff; Burns, Stephen  
**Cc:** Johnson, Michael; Holian, Brian; Dorman, Dan; Lewis, Robert; Doane, Margaret; Castleman, Patrick; Powell, Amy; Zorn, Jason  
**Subject:** Phone Call from NextEra

Good afternoon Chairman/Commissioners,

I received a phone call this afternoon from Mano Nazar, CNO NextEra, informing me that today NextEra filed a lawsuit against the Nuclear Energy Institute. He indicated that the lawsuit, which was filed in the US District Court in (Southern?) Florida, claims that NEI has limited reasonable access to the industry-sponsored Personnel Access Data System (PADS) and the Component Adversary Force (CAF) resources. By doing so, NEI is attempting to "force" NextEra to remain a member of NEI. He said that NextEra believes that NEI's actions constitute a breach of contract.

I hope you have a great weekend.

Vic

*Victor M. McCree*  
Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16E15  
Washington, DC 20555-0001  
(o) 301-415-1700