



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

2003-0324

1

 RESPONSE TYPE ☐ FINAL ☒ PARTIAL

REQUESTER

Becki Lesser

DATE

AUG 08 2003

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** 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, ~~2120 L Street, NW, Washington, DC.~~
- ☒ **APPENDICES B** 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 *

\$

- ☐ 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

- ☐ 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)

Records with a ML Accession Number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm>. 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 e-mail to pdr@nrc.gov.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

NRC FORM 464 Part II <small>(6-1998)</small> RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST	U.S. NUCLEAR REGULATORY COMMISSION FOIA/PA 2003-0324	DATE AUG 08 2003
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PART II.A - APPLICABLE EXEMPTIONS

**APPENDICES
B**

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 procedures 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 253(b), 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 2.790(d)(1).
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- ☐ **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 wrongdoing or a violation of NRC requirements from investigators).
- ☒ (C) Disclosure would 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
Dr. Frank J. Congel	Director, Office of Enforcement	Appendix B	<input checked="" 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

Accession Number: 9811200236
Estimated Page Count: 15
Document Date: 11/10/1998
Document Type: CORRESPONDENCE-LETTERS, OUTGOING CORRESPONDENCE
Availability: Publicly Available
Title: Responds to 980918 ltr expressing concerns re proposed changes in NRC 10CFR35 regulations on medical use of byproduct matts.
Author Name: JACKSON S A, THE CHAIRMAN
Author Affiliation: NRC COMMISSION (OCM)
Author Affiliation Class: N
Addressee Name: ARCHER B, ARMEY R, BARTON J, BENTSEN K, BONILLA H, BRADY K, DELAY T, GREEN G, JOHNSON S, LAMPSON N, LEE S J, PAUL R, SANDLIN M, SESSIONS P, STENHOLM C
Addressee Affiliation: HOUSE OF REP.
Addressee Affiliation Class: US
Docket Number:
License Number:
Case/Reference Number:
Document/Report Number:
Keyword: BYPRODUCT MATERIALS, CHANGES, MEDICINE, REFAFFIL=NRC COMMISSION (OCM), REGULATIONS
Package Number: 9811200236*
Date Docketed:
Related Date:
Comment:
Document Status:
Media Type: Microform
Physical File Location: PDR:COMMS-NRCC-CORRESPONDENCE981110,PDR:COMMS/NRCC/CORRESPONDENCE981110
Microform Addresses: A5920:326-A5920:342
FACA Document: No
Distribution List Codes: DF02,CCX2
Text Source Flag:
Document Sensitivity: Non-Sensitive
File Name: dummy.txt
File Size: 320

Accession Number: 9506080461
Estimated Page Count: 1
Document Date: 5/19/1995
Document Type: CORRESPONDENCE-LETTERS, OUTGOING CORRESPONDENCE
Availability: Publicly Available
Title: Informs that NRC conducted enforcement conference involving HL&P & has withdrawn NOV & proposed imposition of civil penalty issued on 941026 & advised HL&P.NRC 950505 ltrs to HL&P & R Balcom & W Jump encl.
Author Name: SELIN I, THE CHAIRMAN
Author Affiliation: NRC COMMISSION (OCM)
Author Affiliation Class: N
Addressee Name: DELAY T
Addressee Affiliation: HOUSE OF REP.
Addressee Affiliation Class: US
Docket Number: 05000498, 05000499
License Number:
Case/Reference Number:
Document/Report Number:
Keyword: CIVIL PENALTIES, CONFERENCES, ENFORCEMENT, GENERIC LETTERS, PDR Category U, WITHDRAWALS

Package Number: 9506080461
Date Docketed:
Related Date:
Comment:
Document Status:
Media Type: Microform
Physical File Location: PDR:ADOCK-05000498-U-950519,PDR:ADOCK/05000498/U 950519
Microform Addresses: 84381:158-84381:166
FACA Document: No
Distribution List Codes: CCS2,DF02
Text Source Flag:
Document Sensitivity: Non-Sensitive
File Name: dummy.txt
File Size: 320

Accession Number: 9502140160
Estimated Page Count: 1
Document Date: 1/20/1995
Document Type: CORRESPONDENCE-LETTERS, OUTGOING CORRESPONDENCE
Availability: Publicly Available
Title: Ack receipt of 950103 ltr,enclosing correspondence from R Balcom & W Jump concerning NRC 941026 "Demands for Info" & related Notice of Violation & Proposed Imposition of Civil Penalty issued to util.
Author Name: SELIN I, THE CHAIRMAN
Author Affiliation: NRC COMMISSION (OCM)
Author Affiliation Class: N
Addressee Name: DELAY T
Addressee Affiliation: HOUSE OF REP.
Addressee Affiliation Class: US
Docket Number:
License Number:
Case/Reference Number:
Document/Report Number: CCS
Keyword: CIVIL PENALTIES, INFORMATION, REFAFFIL=NRC COMMISSION (OCM)
Package Number: 9502140154A
Date Docketed:
Related Date:
Comment:
Document Status:
Media Type: Microform
Physical File Location: PDR:COMMS-NRCC-CORRESPONDENCE950203,PDR:COMMS/NRCC/CORRESPONDENCE950203
Microform Addresses: 82746:032-82746:032
FACA Document: No
Distribution List Codes: CCS2
Text Source Flag:
Document Sensitivity: Non-Sensitive
File Name: dummy.txt
File Size: 320

Accession Number: 9502140166
Estimated Page Count: 3
Document Date: 1/3/1995
Document Type: CORRESPONDENCE-LETTERS, INCOMING CORRESPONDENCE
Availability: Publicly Available
Title: Forwards correspondence that raise serious questions concerning fairness fo actions taken against

individuals by NRC.

Author Name: DELAY T

Author Affiliation: HOUSE OF REP.

Author Affiliation Class: US

Addressee Name: THE CHAIRMAN

Addressee Affiliation: NRC COMMISSION (OCM)

Addressee Affiliation Class: N

Docket Number:

License Number:

Case/Reference Number:

Document/Report Number:

Keyword: FAIRNESS, QUESTIONS, REFAFFIL=NRC COMMISSION (OCM), REQUESTS FOR
ADDITIONAL INFORMATION

Package Number: 9502140154B

Date Docketed:

Related Date:

Comment:

Document Status:

Media Type: Microform

Physical File Location: PDR:COMMS-NRCC-

CORRESPONDENCE950203,PDR:COMMS/NRCC/CORRESPONDENCE950203

Microform Addresses: 82746:033-82746:035

FACA Document: No

Distribution List Codes:

Text Source Flag:

Document Sensitivity: Non-Sensitive

File Name: dummy.txt

File Size: 320

Accession Number: 8801080003

Estimated Page Count: 11

Document Date: 12/29/1987

Document Type: CORRESPONDENCE-LETTERS, NRC TO U.S. CONGRESS, OUTGOING
CORRESPONDENCE

Availability: Publicly Available

Title: Responds to 871125 ltr re constituent DR Lighter request concerning termination from plant for
refusal to take drug screening test.Min plant fitness-for-duty program should include drug tests.

Author Name: STELLO V

Author Affiliation: NRC OFFICE OF THE EXECUTIVE DIRECTOR FOR OPERATIONS (EDO)

Author Affiliation Class: N

Addressee Name: DELAY T

Addressee Affiliation: HOUSE OF REP.

Addressee Affiliation Class: US

Docket Number: 05000498, 05000499

License Number:

Case/Reference Number:

Document/Report Number:

Keyword: DEFICIENCY REPORTS, DRUG TESTING, DRUGS, DUTIES, FITNESS FOR DUTY, PDR
Category A, PDR Category P, PROGRAMS, SCREENING, TERMINATIONS, TESTING

Package Number: 8801080003*

Date Docketed:

Related Date:

Comment:

Document Status:

Media Type: Microform

Physical File Location: PDR:ADOCK-05000498-P-871229,PDR:ADOCK/05000498/P 871229

Microform Addresses: 43967:147-43967:165

FACA Document: No

Distribution List Codes:

Text Source Flag:

Document Sensitivity: Non-Sensitive

File Name: dummy.txt

File Size: 320

Accession Number: 8801080004

Estimated Page Count: 8

Document Date: 11/25/1987

Document Type: CORRESPONDENCE-LETTERS, INCOMING CORRESPONDENCE

Availability: Publicly Available

Title: Forwards constituent DR Lighter request for assistance re termination from plant. Info to aid in response to constituent requested. Supporting info encl.

Author Name: DELAY T

Author Affiliation: HOUSE OF REP.

Author Affiliation Class: US

Addressee Name: CALLAHAN M

Addressee Affiliation: NRC

Addressee Affiliation Class: N

Docket Number: 05000498, 05000499

License Number:

Case/Reference Number:

Document/Report Number:

Keyword: ASSISTANCE, DEFICIENCY REPORTS, INFORMATION, PDR Category A, PDR Category P, TERMINATIONS

Package Number: 8801080003A

Date Docketed:

Related Date:

Comment:

Document Status:

Media Type: Microform

Physical File Location: PDR:ADOCK-05000498-P-871229, PDR:ADOCK/05000498/P 871229

Microform Addresses: 43967:158-43967:165

FACA Document: No

Distribution List Codes:

Text Source Flag:

Document Sensitivity: Non-Sensitive

File Name: dummy.txt

File Size: 320

**APPENDIX B
RECORDS WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	2/19/98	EDO Principal Correspondence Control (1 page) EX. 7C , Office of the Secretary Correspondence Control Sheet (1 page) Release , 2/19/98 Letter to S Jackson from T DeLay (1 page) Release , 2/9/98 Letter to T DeLay from { } (2 pages) EX. 7C
2.	3/20/98	Letter to D DeLay from L Callan (2 pages) EX. 7C
3.	6/15/99	Letter to T DeLay from W Travers (3 pages) EX. 7C