

2011-0339

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

FINAL



PARTIAL

REQUESTER

Al Carl

DATE

JAN 5 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**  
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 \*

\$ 76.00



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)**

The incoming FOIA request can be located in ADAMS at accession number ML11250A013.

Fees are based on duplication costs for 480 pages @ .20/per page (100 free pages provided)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

JAN 5 2012

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

2011-0339

**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
Elmo E. Collins, Jr.	Regional Administrator, Region IV	Appendix C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input 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 B  
RECORDS RELEASED IN THEIR ENTIRETY**

<b>NO.</b>	<b>DATE</b>	<b>DESCRIPTION (PAGE COUNT)/EXEMPTIONS</b>
1	04/08/2011	Email from Jacob Wingebach to Jeff Clark, Subject: Additional flooding penetrations and TSF nonfunctionality, 3 pages
2	05/06/2011	Letter from NRC to Brian J. O'Gady, Vice President-Nuclear and Chief Nuclear Officer, Nebraska Public Power-Cooper, 7 pages
3	06/17/2011	Email from Susan E Baughn to John Kirkland, Subject: Aerial photos, 3 pages
4	06/21/2011	Email from Erick Matze to John Kirkland, Jeff Clark, Subject: This may help, 3 pages
5	06/24/2011	Email from Erick Matzke to John Kirkland, Jeff Clark, Subject: 2011-5794, 2 pages
6	07/18/2011	Email from Susan E Baughn to John Kirkland...Kriss Kennedy, Subject: Flood restoration/restart plan information, 2 pages, Ex 6
7	07/06/2011	Email from Richard D Acker to Jim Melfi, Ray Azua, Subject: Aqua-Dam, 4 pages
8	07/10/2011	Email from Thomas Farnholtz to Kriss Kennedy...John Kirkland, Subject: FW: 7-10-11 Nights.docx, 5 pages
9	7/10/2011	Email from Thomas Farnholtz to Kriss Kennedy...Ryan Alexander, Subject: Fw: Incident Commander Report, 5 pages
10	07/20/2011	Email from Susan E Baughn to Kriss Kennedy, Jeff Clark, Subject: Ft Calhoun POD (7/20/11) 14 pages
11	07/21/2011	Email from Susan E. Baughn to Kriss Kennedy, Jeff Clark, Subject: Emailing: Ft Calhoun POD.htm, 12 pages
12	07/10/2011	Email from Thomas Farnholtz to Kriss Kennedy...Mark Haire, Subject: Approved cleanup plan and controls, 3 pages
13	09/01/2011	CAL 4-11-003, Draft Letter from NRC to David J. Bannister, Vice President and Chief Nuclear Officer Omaha Public Power District, 4 pages
14	09/06/2011	Email from Lara Uselding to Elmo Collins, Subject: FYI: For Immediate Release from OPPD, 2 pages
15	06/06/2011	Email from John Kirkland to Jeff Clark...Lynnea Wilkins, Subject: FCS Status-6/6/11, 1 page
16	06/09/2011	Email from John Kirkland to Jacob Wingebach.....Leonard Willoughby, Subject: Re FCS Status-6/9/11, 2 pages
17	06/07/2011	Email from Linda Howell to Jacob Wingebach...Leonard Willoughby, Subject:FCS status-6/6/11, 2 pages
18	06/07/2011	Email from Jacob Wingebach to John Kirkland....Jacob Wingebach, Subject; FCS Status-6/6/11, 2 pages
19	06/07/2011	Email from Jacob Wingebach to John Kirkland.....Leonard Willoughby, Subject: FCS Statu-6/7/11, 2 pages

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20	07/07/2011	Email from Jacob Wingebach to John Kirkland....Subject: FCS Status-6/6/11, 2 pages
21	06/19/2011	U.S. NRC Ops Center Event Report-Event 46969, 2 pages

**APPENDIX C**  
**RECORDS BEING WITHHELD IN PART**

<b>NO.</b>	<b>DATE</b>	<b>DESCRIPTION (PAGE COUNT)/EXEMPTIONS</b>
1	06/03/2011	Email from Steven Gebers to John Kirkland, Subject: Fort Calhoun Flooding Status, 2 pages, portions marked are Exemption 6,
2	06/04/2011	Email from Steven W Gebers to Jon Schwarz...loliver@harrisoncountya.org, Subject: Flood Status, 2 pages, portions marked are Exemption 6
3	06/05/2011	Email from Steven W Gebers to Bill Pook...Larry Oliver, Subject: Fort Calhoun Flooding Status, 2 pages, portions marked are Exemption 6,
4	06/06/2011	Email from Steven W Gebers to Bill Pook...Larry Oliver, Subject: Flooding Status, 1 page, portions marked are Exemption 6,
5	06/07/2011	Email from Steven W Gebers to Jim Kellsay...Larry Oliver, Subject: Flooding Status, 2 pages, portions marked are Exemption 6,
6	06/08/2011	Email from Steven W Gebers to Jeff Clark...Larry Oliver, Subject: Daily report, 2 pages, portions marked are Exemption 6,
7	06/09/2011	Email from Steven W Gebers to John Kirkland, Subject: Daily Update, 3 pages, portions marked are Exemption 6,
8	06/10/2011	Email from Steven W Gebers to Bill Pook...Whitney Shipley, Subject: Daily Status, 2 pages, portions marked are Exemption 6,
9	06/11/2011	Email from John Kirkland to Linda Howell, Subject: FW: Daily Status, June 11, 2 pages, portions marked are Exemption 6
10	06/12/2011	Email from John Kirkland to Linda Howell, Subject: Daily Status, June 12, 2 pages, portions marked are Exemption 6,
11	06/13/2011	Email from Jeff Clark to Kriss Kennedy, Linda Howell, Subject: Daily Status, 3 pages, portions marked are Exemption 6,
12	07/20/2011	Email from Jon Schwarz to Al Berndt...Ginger Willson, Subject: FW: OPPD Flood Update – FW: (macchusers) Be Safe, 5 pages portions marked are Exemption 6
13	06/07/2011	Email from Bill Maier to Paul Elkmann...Ray Azua, Subject: Flood Update Newsletter-June 6; 6 pages, portions marked are Exemption 6
14	06/29/2011	Email from Jon Schwarz to Al Bendt...Ginger Willson; Subject: FW: Daily Status Fort Calhoun, 2 pages, portions marked are Exemption 6
15	08/30/2011	Letter from Jeffrey Reinhart, Vice-President, Omaha Public Power District to U.S. Nuclear Regulatory Commission, Subject: Fort Calhoun Station Post-Flooding Security Recovery Action Plan, Revision 1, 2 pages, (Enclosure withheld subject to 10 CFR 2.390, Exemption 4)
16	06/01/2011	Letter from Brian O'Grady to Nuclear Regulatory Commission, Subject: Blank, 13 pages, portions marked are Exemption 4
17	06/08/2011	Email from Edward McCutchen to Louis Carson, Subject: Brownville, NE Flood Forecast, 2 pages, Exemption 6
18	06/09/2011	Email from Edward McCutchen to Louis Carson, Subject: EZ News, 2 pages, Exemption 6
19	06/10/2011	Email from Edward McCutchen to Louis Carson, Subject: new NPPD Flood Link, 1 page, Exemption 6

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20	06/14/2011	Email from Edward McCutchen to Louis Carson, Subject: MO River Level at Brownsville, 1 page, Exemption 6
21	06/24/2011	Email from Jon Schwartz to Al Berndt, Subject: Daily Status, 2 pages, Exemption: Outside Scope
22	06/26/2011	Email from Jon Schwartz to Al Berndt, Subject: FW: Daily event status, 2 pages, Exemption Outside Scope
23	06/26/2011	Email from Jon Schwartz to Al Berndt, Subject: Daily Event Status for Fort Calhoun Station, 3 pages, Exemption: Outside Scope
24	06/27/2011	Email from Jon Schwartz to Al Berndt, Subject: Daily Event Status for Fort Calhoun Station, 3 pages, Exemption: Outside Scope
25	05/31/2011	Email from Edward McCutchen to Louis Carson... Chris Graves, subject: Forecasted Missouri River Levels, 3 pages, EX 6.
26	05/31/2011	Email forwarded from John Kirkland to NRC Staff from Licensee, subject: River Level, 2 pages, Ex 6
27	06/01/2011	Email from Jacob Wingeback to Jeff Clark, subject: Update on Flood Protections Actions, 2 pages, Ex 6
28	06/14/2011	Email from Allen Berck to 'pott.ema@pottcounty.com... Whitney Shipley, Subject: Daily Status at Fort Calhoun, 2 pages, Ex 6
29	06/15/2011	Email from Allen Berck to pott.ema@pottcounty.com... Whitney Shipley, Subject: Daily event status at Fort Calhoun, 2 pages, Ex 6
30	06/16/2011	Email from Allen Berck to 'pott.ema@pottcounty.com... Whitney Shipley, Subject: Daily event status at Fort Calhoun, 2 pages, Ex 6
31	06/17/2011	Email from Allen Berck to 'pott.ema@pottcounty.com... Melanie Rasmussen, Subject: Daily event status at Fort Calhoun 2 pages, Ex 6
32	06/18/2011	Email from Allen Berck to Bill Pook... 'pott.ema@pottcounty.com, Subject: Daily event status at Fort Calhoun, 2 pages, Ex 6
33	06/19/2011	Email from Allen Berck to 'pott.ema@pottcounty.com... Melanie Rasmussen, Subject: Daily event status at Fort Calhoun, 2 pages, Ex 6
34	06/20/2011	Email from Allen Berck to 'pott.ema@pottcounty.com... Melanie Rasmussen, Subject: Daily event status at Fort Calhoun, 2 pages, Ex 6
35	06/21/2011	Email from Allen Berck to 'pott.ema@pottcounty.com... Melanie Rasmussen, Subject: Daily event status at Fort Calhoun, 2 pages, Ex 6
36	06/28/2011	Email from Allen Berck to Bill Pook... Larry Oliver, Subject: Daily Event Status for Fort Calhoun Station, 2 pages, Ex 6
37	07/07/2011	Email from Thomas Farnholtz to Linda Howell, Ryan Alexander, Subject: Fw: Daily Event Status at Fort Calhoun – Thursday, 2 pages, EX 6
38	07/08/2011	Email from Thomas Farnholtz to Linda Howell, Ryan Alexander, Subject: Fw: Daily Event Status at Fort Calhoun – Friday, 2 pages, Ex 6
39	07/09/2011	Email from Thomas Farnholtz to Linda Howell, Ryan Alexander, Subject: Fw: Event Status weekend of July 9, 10, 2 pages, Ex 6
40	07/09/2011	Email from Thomas Farnholtz to Ryan Alexander... Linda Howell, Subject: Fw: Fort Calhoun Station 7/9/11 0500 Nightshift Incident Command Report, 5 pages, Ex 6
41	07/12/2011	Email from Erick Matzke, to Ray Azua... Jeff Clark, Subject: FW: ICS Structure 7-11-2011.docx, 3 pages, Ex 6
42	07/12/2011	Email from Mark Haire to Kriss Kennedy... Ray Azua, Subject: FYI: FW: Incident Commander Report, 4 pages, EX 6
43	07/12/2011	Email from Thomas Farnholtz to Linda Howell, Ryan Alexander, Subject: Fw: Fort Calhoun status – Tuesday, 2 pages, Ex 6

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44	07/15/2011	Email from Allen Berck to M'Bill Pook... John Kirkland, Subject: Fort Calhoun Event Status-Friday, 2 pages, Ex 6
45	07/02/2011	Email from Thomas Farnholtz to Kriss Kennedy... Linda Howell, Subject: FW: Daily Event Status at Fort Calhoun – Saturday, 3 pages
46	07/22/2011	Email from Allen Berck to Bill Pook... Bernadette Baca, Subject: Fort Calhoun Event Status-Friday, 2 pages, Ex 6
47	07/29/2011	Email from Allen Berck to bill@region5-6... John Kirkland, Subject: Fort Calhoun event status-Friday, 2 pages, Ex 6
48	08/05/2011	Email from Rhonda R Hankins to bill@region5-6... John Kirkland, Subject: Fort Calhoun Event Status-Friday, 2 pages, Ex 6
49	08/08/2011	Email from Allen Berck to bill@region5-6... John Kirkland, Subject: Fort Calhoun event status-Monday, 2 pages, Ex 6
50	08/12/2011	Email from Rhonda R Hankins to Allen Berck... John Kirkland, Subject: Fort Calhoun event status-Friday, 2 pages, Ex 6
51	08/15/2011	Email from Allen Berck to bill@region5-6... John Kirkland, Subject: Fort Calhoun event status-Monday, 2 pages, Ex 6
52	08/22/2011	Email from Allen Berck to bill@region5-6... John Kirkland, Subject: Fort Calhoun event status-Monday, 2 pages, Ex 6
53	08/26/2011	Email from Allen Berck to bill@region5-6... John Kirkland, Subject: Fort Calhoun event status-Friday 2 pages, Ex 6
54	06/18/2011	Email from Jeff Clark to Kriss Kennedy, Linda Howell, Subject: Daily event status at Fort Calhoun, 2 pages, Ex 6
55	06/22/2011	Email from Jon Schwarz to Ryan Laurel, Bill Maier, Subject: FW: Daily Event Status at Fort Calhoun, 2 pages, Ex 6
56	06/23/2011	Email from Jon Schwarz to Al Berndt... Ginger Willson, Subject: FW: Daily Event Status at Fort Calhoun, 3 pages, Ex 6
57	06/28/2011	Email from Jon Schwarz to Bill Maier, Subject: FW: Additional Sirens with no Power, 2 pages, Ex 6
58	07/01/2011	Email from Tom Farnholtz to Linda Howell... Anton Vogel, Subject: FW: Daily event status at Fort Calhoun, 3 pages, Ex 6
59	07/03/2011	Email from Thomas Farnholtz to Linda Howell, Subject: Fw: Daily Event Status at Fort Calhoun – Sunday, 3 pages, Ex 6
60	07/04/2011	Email from Thomas Farnholtz to Linda Howell, Subject: Fw: Daily Event Status at Fort Calhoun – Monday, July 4, 2 pages, Ex 6
61	07/06/2011	Email from Thomas Farnholtz to Linda Howell, Subject: Fw: Daily Event Status at Fort Calhoun – Wednesday, July 6, 2 pages, Ex 6
62	07/11/2011	Email from Thomas Farnholtz to Linda Howell, Ryan Alexander, Subject: Fw: Fort Calhoun status, 2 pages, Ex 6
63	08/25/2011	Email from Jon Schwarz to Al Berndt... Ginger Willson, Subject: FW: Fort Calhoun Event Status - Thursday, 2 pages, Ex 6