

2011-00157

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

RESPONSE  
TYPE



FINAL



PARTIAL

REQUESTER

Elizabeth Douglas

DATE

APR 20 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** 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**  
**C&D** 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)**

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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

2011-0157

APR 20 2012

**PART II.A -- APPLICABLE EXEMPTIONS****APPENDICES**

E

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	Regional Administrator, Region IV	See Appendix E	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eric J. Leeds	Director, Office of New Reactor Regulations	See Appendix E	<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 D**  
**RECORDS BEING RELEASED IN THEIR ENTIRETY**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/ (PAGE COUNT)</u></b>
1.	Undated	Branch Evaluation, Plan & Recommendation, Subject: Allegation No. RIV-2010-A-0023 (3 pages)
2.	04/19/11	Email from Peter Jayroe, Subject: White paper on Licensee position Inverter Issue (4 pages)
3.	Undated	SEC Calculation Format Decision Tree, Subject: S0123-XIV-7.15 (5 pages)
4.	Undated	SEC Equipment Aging, Subject: M38773 Revision 6 (9 pages)
5.	09/20/06	Memo to Harry Freeman and Jeffrey Clark, Subject: Allegation 2006-A-0054 (4 pages)
6.	Undated	Actions Taken, Subject: RIV-2010-A-0094 San Onofre 2 (2 pages)

**APPENDIX E**  
**RECORDS BEING WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/ (PAGE COUNT)</u></b>
1.	08/28/08	Email from Matthew McConnell, Subject: Regulatory Check (3 pages) EX. 5
2.	08/28/08	Email from Mark Haire, Subject: Regulatory Check on SONGS battery issue (3 pages) EX. 5, EX 6
3.	09/02/08	Email from Michael Hay, Subject: Sensitive Allegation Material** Minutes/Actions from the 08/26/08 Allegation Review Board (2 pages) EX. 7C
4.	06/05/06	Reporting Safety concerns, Subject: San Onofre Nuclear Generating Units 2 & 3 (5 pages) EX. 7, portions were also outside of scope
5.	06/16/06	Letter to individual, Subject: Allegation No. RIV-2006-A-0054 (4 pages) EX. 7C, portions were also outside of scope
6.	06/23/06	Email from individual, Subject: Allegation No. RIV-2006-A-00454 (8 pages) EX. 7C, portions were also outside of scope
7.	10/02/06	Letter to individual, Subject: Allegation No. RIV-2006-A-0054 (5 pages) EX. 7C, portions were also outside of scope
8.	07/02/10	Letter to individual, Subject: Concerns you raised to NRC regarding the San Onofre Nuclear Generation Station (4 pages) EX. 7C
9.	07/06/10	Letter to Ross Ridenoure, Subject: Request For Information (4 pages) EX. 7C
10.	10/19/10	Letter to individual, Subject: Response to concerns you raised to NRC regarding the San Onofre Nuclear Generating Station (4 pages) EX. 7C
11.	Undated	Branch Evaluation, Plan & Recommendation, Subject: Allegation Number: RIV-2010-A-0094 (4 pages) EX. 7C
12.	12/16/10	Letter to individual, Subject: Concerns you raised to NRC regarding the San Onofre Nuclear Generating Station (4 pages) EX. 7C, portions were also out of scope

13. 03/22/11 Letter to individual, Subject: Concerns you raised to NRC regarding the San Onofre Nuclear Generating Station (5 pages) EX. 7C, portions were also out of scope
14. Undated Branch Evaluation, Plan & Recommendation, Subject: Allegation Number: RIV-2010-A-0190 (9 pages) EX. 7C
15. 01/06/10 Letter to individual, Subject: Concerns you raised to NRC regarding the San Onofre Nuclear Generating Station (3 pages) EX. 7C
16. 01/14/11 Letter to Peter Dietrich, Subject: Request For Information (7 pages) EX. 7C
17. Undated Branch Evaluation, Plan & Recommendation, Subject: Allegation Number: RIV-2010-A-0202 (7 pages) EX. 7C
18. 04/29/11 Letter to individual, Subject: Concerns you raised to NRC regarding the San Onofre Nuclear Generating Station (7 pages) EX. 7C
19. 02/01/10 Email from individual, Subject: Hot Functional Testing of RSGs (1 page) EX. 7C
20. Songs Notification (7 pages) EX. 7C
21. Songs Notification (12 pages) EX. 7C
22. Office of Nuclear Reactor Regulations Forum, (3 pgs), Portions Outside of Scope
23. Office of Nuclear Reactor Regulations Forum, (4 pgs), Portions Outside of Scope
24. 06/24/09 Email from John Thorp, Subject: IOEB Clearinghouse Screening Summary for Wednesday, June 24, 2009 (5 pages) Outside of Scope
25. 01/21/11 Email from Mark King, Subject: IOEB Clearinghouse Screening Summary for Friday, June 21, 2011 (7 pages) Outside of Scope,
26. Undated Units 2 & 3 Components (1 page), portions Outside of Scope
27. Undated 480 V MCC Cable Ampacity Measurement Program Description (2 pages) EX. 7C

- 28. 10/03/08 Letter to Ross Ridenoure, Subject: San Onofre Nuclear Generating Station, Units 2 & 3 Site-Specific Implementation of B.5.B Phase 2 and 3 Mitigating Strategies Temporary Instruction Inspection (NRC Inspection Report 05000361/2008007 and 05000362/2008007) (28 pgs) EX. 7F
- 29. 09/05/08 Letter to Ross Ridenoure, Subject: Allegation No. RIV-2008-A-0117, (2 pages), 7C