

2001-0226

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

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

David A. Lochbaum

DATE

SEP 10 2001

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 **D, E, F'** 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 **D, E, F'** 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

- 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

Carol Ann Reed

*Carol Ann Reed*

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

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

APPENDICES  
**E, F, G, H, I**

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 E	✓		
James E. Dyer	Regional Administrator, RIII	Appendices F & I	✓		
Samuel J. Collins	Director, NRR	Appendices G & H	✓		

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  
(If copyrighted identify with \*)**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)</u></b>
1.	09/29/00	E-mail from J. Creed to D. Rosano, subject: QC Color definitions, with attached comments. (2 pages)
2.	01/29/01	E-mail from Gregory Smith to John Thompson, subject: Re: COMSECY 0036 and 0610. (1 page)

**APPENDIX E  
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	10/05/00	E-mail from James Luehman to Vonna Ordaz, with attached OE comments on QC Security. (1 page release in entirety, 2 pages withheld in entirety) <b>EX. 5</b>
2.	11/14/00	E-mail from Richard Borchardt to Glenn Tracy, subject: Quad Cities. (1 page) <b>EX. 2</b>

**APPENDIX F  
RECORDS BEING WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	06/22/00	Email from DRSCAL to J. Belanger, et.al. re: JAG/HBC - Conference Call SDP Quad Cities OSRE (Belanger/Ring/Parker) Bridge (1 page) <b>EX. 2</b>
2.	07/11/00	Email from B. Hicks to ENFPANEL; Subject: RIII Enforcement Panel, Thursday, July 13, 2000 (1 page) <b>EX. 2</b>
3.	08/29/00	Email from B. Hicks to ENFPANEL; Subject: RIII Enforcement Panel, Thursday, August 31, 2000 (1 page) <b>EX. 2</b>

**APPENDIX G  
RECORDS BEING WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	Undated	Quad Cities Station Time Line for Drill #3 from G. Klone, Quad Cities Operations (2 pages) <b>EX. 4</b>
2.	05/12/00	Memo from J. Sipek, ComEd, to D. Orrik, NRR, Re: Operational Impacts of OSRE Drills (7 pages) <b>EX. 3</b>
3.	05/25/00	E-mail F. Randall, ComEd, to R. Hsu, NRR, Re: Fwd New PRA Cases (2 pages) <b>EX. 4</b>
4.	06/29/00	E-mail from D. Coe, NRR, to C. Miller, RIII; C. Holden, D. Orrik, G. Parry, NRR; et al., Re: Thursday, 6/29/00-Quad Cities SDP Discussion (1 page) <b>EX. 2</b>
5.	08/15/00	ComEd Slides presented at NRC OSRE Exit Meeting (18 pages) <b>EX. 3</b>
6.	08/18/00	E-mail from J. Thompson, NRR, to D. Coe, G. Tracy, NRR; J. Creed, RIII, J. Dyer, Re: Fwd: Quad Cities Station Time Line for Drill #3 (1 page) <b>EX. 4</b>
7.	08/21/00	E-mail from G. Tracy to D. Coe, J. Creed, J. Dyer and J. Grobe, subject: Quad Cities Station Time line for Drill #3. (1 page) <b>EX. 4</b>
8.	08/23/00	E-mail from D. Muler to C. Miller, D. Hills, D. Coe and G. Tracy regarding: problems I have with the time line. (4 pages - 1 page released, 3 pages withheld.) <b>EX. 4</b>
9.	08/24/00	Quad Cities Station Time Line for Drill #3 Revised (3 pages) <b>EX. 4</b>
10.	09/01/00	Quad Cities Station Time Line for Drill #3 Revised (3 pages) <b>EX. 4</b>
11.	01/04/01	E-mail from G. Tracy, NRR, to A. Tardiff, NRR; J. Creed, RIII, J. Thompson, R. Rosano, V. Ordaz, NRR, Re: Revised PP SDP for IMC 609 & Group 2 Questions in IP 0610 (2 pages) <b>EX. 5</b>
12.	02/06/01	E-mail from V. Ordaz, NRR, to G. Good, RIV; J. Creed, RIII; J. White, RI; K. Barr, RII, Re: Status of Communication Plan for COMSECY-00-0036 (2 pages) <b>EX. 2 and EX. 6</b>

**APPENDIX H  
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<b>NO.</b>	<b>DATE</b>	<b>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</b>
1.	Undated	Working Paper-Contingency Exercise Recapitulation (2 pages) <b>EX. 3</b>
2.	Undated	ComEd's Target Set Description (3 pages) <b>EX. 3</b>
3.	Undated	Reactor Oversight Program-Safeguards Performance Assessment & Proposed Rulemaking for 10 CFR 73.55(a) by J. Thompson, NRR (3 pages) <b>EX. 5</b>
4.	Undated	Overview of Reactor Safety SDP Use within Physical Protection SDP (2 pages) <b>EX. 5</b>
5.	Undated	Draft IMC 0609 Appendix E PP SDP (original issue) (6 pages) <b>EX. 5</b>
6.	05/02/00	NRR's Preliminary OSRE Exit Briefing Quad-Cities (5 pages) <b>EX. 3</b>
7.	05/03/00	Slides: Quad Cities Physical Protection Drill Scenario #1. (6 pages) <b>EX. 4</b>
8.	06/02/00	Memo from Z. Hsu to J. Creed, subject: New PRA Cases. (1 page) <b>EX. 5</b>
9.	06/20/00	Reactor Safety SDP Evaluation for Quad Cities OSRE Results of May 2-3, 2000 (15 pages) <b>EX. 4 and EX. 5</b>
10.	06/23/00	E-mail W. Dean, NRR, to B. Clayton, RIII, Re: Quad Cities (1 page) <b>EX. 5</b>
11.	06/26/00	E-mail from W. Dean, NRR, to B. Clayton, J. Grobe, M. Ring, RIII, Re: Quad Cities (1 page) <b>EX. 5</b>
12.	06/26/00	E-mail from J. Thompson, NRR, to B. Clayton, J. Grobe, M. Ring, RIII; and W. Dean, NRR, Re: Quad Cities (1 page) <b>EX. 5</b>
13.	06/30/00	E-mail from J. Thompson, NRR, to A. Tardiff, B. Schnetzler, D. Orrik, J. Arildsen, NRR, Re: Fwd: OSRE SDP (1 page) <b>EX. 5</b>
14.	06/30/00	E-mail from D. Coe, NRR, to M. Parker, RIII, Re: OSRE SDP (1 page) <b>EX. 5</b>
15.	06/30/00	Revision 1 Draft Reactor Safety SDP Evaluation for XXXX OSRE Results of XXX-X-X,2000 (10 pages) <b>EX. 4 and EX. 5</b>
16.	07/10/00	E-mail from D. Coe to M. Parker, subject: SDP panel meeting Thursday. (1 page) <b>EX. 4</b>
17.	07/11/00	E-mail from J. Thompson, NRR, to A. Mendiola, C. Holden, D. Orrik, D. Coe, G. Parry, et al., NRR, Re: Fwd: RIII Enforcement Panel, Thursday, July 13, 2000 (1 page) <b>EX. 5</b>
18.	07/14/00	E-mail from D. Coe to M. Parker, subject: ORSE SDP guidance. (11 pages) <b>EX. 5</b>

19. 08/08/00 E-mail from J. Thompson, NRR, to D. Orrik, G. Tracy, J. Arildsen, R. Rosano, W. Dean, NRR, Re: Suggested SDP Language for the Quad Cities Report (1 page) **EX. 5**
20. 08/10/00 Memo from Vonna Ordaz to J. Johnson, subject: Summary of ET Briefing on Assessment and Enforcement of OSRE Inspection Findings. (3 pages) **EX. 5**
21. 08/17/00 E-mail from J. Thompson, NRR, to D. Orrik, G. Tracy, J. Arildsen, NRR, Re: Fwd: Quad Cities Station Time Line for Drill #3 (1 page) **EX. 5**
22. 08/23/00 E-mail from J. thompson to C. Miller, D. Hills, D. Muller and D. Coe, subject: Problems I have with the time line... (1 page) **EX. 4**
23. 08/31/00 Fax from C. Peterson, Com Ed, to J. Sipek, Com Ed, transmitting Siemen's Corporation Analysis of Quad Cities Core Impact for Drill # 2 (7 pages) **EX. 4**
24. 08/31/00 SDP/Enforcement Panel Worksheet Re: Quad Cities OSRE (6 pages) **EX. 4**
25. 09/01/00 E-mail from G. Tracy to A. Earnest, A. Madison and B. Boger, subject: New info. from Quad Cities. (1 page) **EX. 4**
26. 09/28/00 Inspection Report 50-254;265/00201 (25 pages) **EX. 3**
27. 10/11/00 E-mail from J. Thompson, NRR, to J. Arildsen, NRR, Re: PP SDP Definitions of White and Yellow (2 pages) **EX. 5**
28. 01/11/01 E-mail from R. Rosano, NRR, to G. Smith, EDO, Comments on QC SRM (6 pages) **EX. 5**
29. 01/19/01 E-mail from G. Tracy, NRR, to B. Boger, F. Gillespie, NRR; J. Luehman, OE, Re: Fwd: SRM on COMSECY-00-0036-Safeguards Performance Assessment (1 page) **EX. 5**
30. 01/19/01 E-mail from D. Orrik, NRR, to V. Ordaz, NRR, Re: SRM Version B (2 pages) **EX. 5**



**APPENDIX I  
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	Undated	Quad Cities Station Time Line for Drill #3 - by Gary Klone, Quad Cities Operations (2 pages) (Exemption 4-2.790(d)(1))
2.	Undated	Quad Time Line Response.wpd (2 pages) (Exemption 4-2.790(d)(1))
3.	Undated	Evaluation of specific drill scenarios for Quad Cities ORSRE (11 pages) (Exemption 4-2.790(d)(1))
4.	Undated	Evaluation of specific drill scenarios for Quad Cities ORSRE - pages 4-15 and page 1 (13 pages) (Exemption 4-2.790(d)(1))
5.	8/24/00 (Original)	Quad Cities Station Time Line for Drill #3 - Changes with the incorporation of a Loss of Offsite Power (LOOP) Coincident with the SCRAM (1 page) (Exemption 4-2.790(d)(1))
6.	8/24/00 (Revised)	Quad Cities Station Time Line for Drill #3 (2 pages) (Exemption 4-2.790(d)(1))
7.	9/1/00	Quad Cities Station Time Line for Drill #3 - Time Line was run on September 1, 2000, with the incorporation of a Loss of Offsite Power (LOOP) coincident with the SCRAM (2 pages) (Exemption 4-2.790(d)(1))