NRC F	ORM 464 Part I U.S. NUCLEAR REGULATORY COMMISSION	FOIA/PA	RESPONSE NUMBER		
(6-1998)	NOLEAR REGULA	2001-0210	2		
ATAT ATAT	RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST	RESPONSE FINAL	PARTIAL		
REQUE		AUG 3 0 200	ſ		
 	PART I INFORMATION RELEASE	D			
[]	No additional agency records subject to the request have been located.				
	Requested records are available through another public distribution program.	See Comments section.			
	APPENDICES D Agency records subject to the request that are identified in the public inspection and copying at the NRC Public Document Ro	listed appendices are already	/ available for		
V	$ \begin{array}{c} \mbox{APPENDICES} \\ \mbox{E, F, G} \end{array} \mbox{Agency records subject to the request that are identified in the} \\ \mbox{public inspection and copying at the NRC Public Document Ro} \end{array} $	om.			
	Enclosed is information on how you may obtain access to and the charges for o Document Room, 2120 L Street, NW, Washington, DC.	copying records located at the	NRC Public		
$\mathbf{\nabla}$	$\begin{array}{c} \begin{array}{c} \mbox{APPENDICES} \\ \mbox{E, F, G} \end{array} \end{array} Agency records subject to the request are enclosed. \end{array}$				
	Records subject to the request that contain information originated by or of inter referred to that agency (see comments section) for a disclosure determination	est to another Federal agenc and direct response to you.	y have been		
\mathbf{V}	We are continuing to process your request.				
	See Comments.				
	PART I.A FEES				
AMC	AMOUNT * You will be billed by NRC for the amount listed. None. Minimum fee threshold not met.				
\$ • Se	e comments r details	Fees waived.			
	PART I.B INFORMATION NOT LOCATED OR WITHHEL	D FROM DISCLOSURE			
	No agency records subject to the request have been located.				
$\overline{\mathbf{V}}$	Certain information in the requested records is being withheld from disclosure the reasons stated in Part II.	pursuant to the exemptions d	escribed in and for		
$\mathbf{\nabla}$	This determination may be appealed within 30 days by writing to the FOIA/PA Washington, DC 20555-0001. Clearly state on the envelope and in the letter the state of the envelope and in the letter the state of the s	Officer, U.S. Nuclear Regulat nat it is a "FOIA/PA Appeal."	ory Commission,		
	PART I.C COMMENTS (Use attached Comments continued)	lation page if required)			
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	SIGNATURE - FREEDOM OF INFORMATION ACT AND BRIVACY ACT OFFICER				
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		NRC FORM 464 Part II U.S. NUCLEAR REGULATORY COMMISSION FOLA/PA								
Part II. A - APPLICABLE EXEMPTIONS Provide a subject to the measure that are described in the enclosed Appendices are being withheld in their enlinety or in part under the Exemption No. 61 of the PA and/or the FOAA as indicated below (EU S.C. 6592 and/or S.C. 6522 and/or S.C. 6523 and/or S.C.	BESPONSE TO ERFEDOM OF INFORMATION									
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L the Exemption No (a) of the PA and/or the FOA as indicated balavie (5 U.S.C. 652.8 and/or 5 U.S.C. 652.80). Exemption 1: The withheld information is poporty classified pursuant to Execute Order 12556. Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated. Section 14:1-16 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165). Section 14:1-16 of the Atomic Energy Act, which prohibits the disclosure of contracted proposals in the possession and control of an executive agency and by person under section 552 of 1148 s, U.S.C. (the FOAA exect) which incorporated in the formation (42 U.S.C. 2167). 41 U.S.C., Section 253(b), subsection 552 of 1148 s, U.S.C. (the FOAA exect) which incorporated in the possesion and control of an executive agency and by person under section 552 of 1148 s, U.S.C. (the FOAA (14)). 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 concentrice program for the section or intracerns (14). Deliberative process: Disclosure of predecisional information would und to inhibit the open and frank exchange i discessizential on the predecisional information is completed with the predecisional information program physical. Deliberative proces: Objective of predecisional information would und to inhibit the open and frank exchange i discessizential on the predictional withing discession would result in a clearly unwaranted invosoin dispersi physicas. </td <td>APPEN</td> <td>NDICES</td> <td>Records si</td> <td>bject to the request that are described i</td> <td>in the encl</td> <td>osed Appendices are being</td> <td>withheld in their e</td> <td>ntirety or in</td> <td>n part un</td> <td>nder</td>	APPEN	NDICES	Records si	bject to the request that are described i	in the encl	osed Appendices are being	withheld in their e	ntirety or in	n part un	nder
Exemption 2: The withheid information relates solely to the internal personnel rules and procedures of NRC. Exemption 3: The withheid information is specifically exempted from public disclosure of restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165). Section 141-145 of the Atomic Energy Act, which prohibits the disclosure of contractor proposals in the possession and control of an executive agency and the submitter of the proposal. Exemption 4: The withheid information is a trade secret or commercial or financial information. The information is considered to be proprietary because it contractor proposals in the possession and control of an executive agency is or special nucleis and to 10 CFR 2:780(1). The information is considered to be proprietary because it conterns a licensect or applicant's physical protection or material control and accounting program for special nucleis and to 10 CFR 2:780(1). The information is considered to be proprietary because it conterns a licensect or available through discovery during tilgaton Applicatel protection or material pursuant to 10 CFR 2:780(1). Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ides essential to the disclosure process of the agency. Where mocras are withheid in filter energy, the frank are index of the fract are index available through discovery during tilgaton Applicatel process of the agency. Atomicy work-product privilege. (Documents prepared by an atomey in contemplation of Illigation) Attomicy work-product privilege. (Documents prepared by an atomey in contemplation of lingation) Attomicy work-product privile			the Exemp	tion No.(s) of the PA and/or the FOIA as	s indicated	below (5 U.S.C. 552a and/	or 5 U.S.C. 552(b)).	•	
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□ 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) 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 Appendix G James E. Dyer Regional Administrator, Region III Appendix G √ Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, ULS Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should		\mathbf{V}	(C) Disclosure wo	uld constitute an unwarranted invasion	of persona	l privacy.				
Treasonably 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 James E. Dyer Regional Administrator, Region III Appendix G Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, LS. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should		L	identities of c	onfidential sources.						reveal
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APPENDIX D RECORDS ALREADY AVAILABLE IN THE PDR

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<u>NO.</u>	DATE	ACCESSION NUMBER	DESCRIPTION/(PAGE COUNT)
1.	11/3/1999	ML003676427	Letter from J. Dyer to O. Kingsley transmitting Notice of Violation and Proposed Civil Penalty (4 pages).
2.	11/3/1999	ML003676429	Notice of Violation and Proposed Civil Penalty attached to letter of same date (3 pages)
3.	11/3/1999	ML003676290	Letter from J. Dyer to R. Landrum transmitting Notice of Violation. (4 pages)
4.	11/3/1999	ML003676321	Notice of Violation issued to R. Landrum (2 pages)
5.	11/18/1999	ML003676266	Letter from R. Krich to R. Borchardt requesting Ol Report, predecisional enforcement conference transcripts and extension of time for response to NOV. (2 pages)
6.	11/22/1999	ML993300438	Letter from R. Borchardt to R. Krich responding to request for OI report, predecisional enforcement conference transcripts and extension of time (2 pages)
7.	2/16/2000	ML003699790	Response of R. Landrum to Notice of Violation (18 pages)
8.	3/29/2000	ML003702130	Letter from R. Borchardt to R. Landrum acknowledging receipt of response to Notice of Violation. (3 pages)
9.	6/12/2000	ML003723145	Letter from Frank Miraglia to ComEd transmitting Order Imposing Civil Penalty (8 pages)
10.	7/11/2000	ML003736924	Letter from R. Krich to Director, Office of Enforcement requesting an extension to the NOV response due date (1 page)
11.	8/11/2000	ML003740947	Letter from R. Krich to Director, Office of Enforcement transmitting ComEd payment of civil penalty (2 pages)
12.	8/17/2000	ML003742367	Letter from J. Dyer to R. Landrum withdrawing NOV issued to Landrum on November 3, 1999 (4 pages)

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2.206 Petition from M. Kohn:Peititon to Correct llegal Restraint on Communication with NRC and to Rectify a Current Chilling Effect on the Reporting of Safety Concerns. (25 pages)

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APPENDIX E RECORDS BEING RELEASED IN THEIR ENTIRETY (If copyrighted identify with *)

NO.DATEDESCRIPTION/(PAGE COUNT)1.UndatedSummary of Licensee's Response to Violation and NRC's
Evaluation of Response (1 page)

AMS No. RIII-99-A-0129

2.	Undated	Document Serial List AMS No. RIII-99-A-0129 (1 page)
3.	Undated	Identification sheet, serial # 1 (1 page)
4.	Undated	Allegation Summary of Concerns, serial # 2 (1 page)
5.	07/29/99	Conversation record, serial #4 (1 page)
6.	07/29/99	Memorandum from J. Hopkins to B. Jorgensen re: receipt of new allegation, serial # 5 (1 page)
7.	08/02/99	ARB minutes, serial # 6 (2 pages)
8.	08/03/99	Letter from R. Doornbos to R. Robarge regarding Allegation no. RIII-99-A-0129. (2 pages)
9.	08/26/99	Memorandum from J. Hopkins to B. Jorgensen re: review of DOL- OSHA Area Director's decision, serial #9 (1 page)
10.	08/30/99	Memorandum from B. Jorgensen to J. Hopkins re: review of DOL area director's decision, serial # 10 (1 page)
11.	09/07/99	Note from J. Heller to file re: telephone conversation with DOL, serial # 11 (1 page)
12.	12/30/99	Memorandum from B. Jorgensen to A. Kock re: review of DOL action/closure document, serial # 14 (1 page)
13.	01/24/00	ARB minutes (3 pages)
14.	01/27/00	Letter from C. Pederson to individual re: closure of concern, serial # 16 (5 pages)

AMS No. RIII-00-A-0127

15.	Undated	Document Serial List AMS No. RIII-00-A-0127 (1 page)
16.	Undated	Identification sheet, serial # 1 (1 page)
17.	Undated	Allegation Summary of Concerns, serial # 2 (1 page) ,
18.	Undated	DOL Status, serial # 10 (1 page)
19.	Undated	Memorandum from A. Kock to File re: DOL Status, serial # 15, (1 page)
20.	06/30/00	Memorandum from A. Kock to G. Shear re: Division review of complaint, serial # 4 (1 page)
21.	06/30/00	Memorandum from A. Kock to File re: attempted contact with Cl, serial # 8 listed [actual serial # 5], (1 page)
22.	07/03/00	Memorandum from A. Kock to File re: contact with CI, serial # 6 (1 page)
23.	07/03/00	Memorandum from A. Kock to G. Shear re: review of DOL complaint, serial # 7 (1 page)
24.	07/10/00	Memorandum from B. Jorgensen to A. Kock re: review of DOL complaint, serial # 12 (1 page)
25.	07/11/00	Memorandum from A. Kock to B. Jorgensen re: review of DOL area director's decision, serial # 9 (1 page)
26.	07/12/00	Memorandum from B. Jorgensen to A. Kock re: review of DOL area director's decision, serial # 13 (1 page)
27.	07/17/00	Initial ARB, serial # 11 (3 pages)
28.	07/20/00	Letter from J. Heller to individual, serial # 14 (3 pages)
29.	08/22/00	Memorandum from A. Kock to B. Jorgensen re: review of DOL documents, serial # 18 (1 page)
30.	08/25/00	Memorandum from B. Jorgensen to A. Kock re: review of DOL documents, serial # 19 (1 page)
31.	10/12/00	Letter from C. Pederson to individual re: closure of concern, serial # 21 (5 pages)
32.	02/13/01	Closure information for RIII-2000-A-0127 (1 page)
33.	02/13/01	Closed case chronology, RIII-2000-A-0127 (3 pages)

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34.	Undated	Priority Enforcement Action Sheet (1 page)
35.	Undated	Priority Enforcement Action Sheet (1 page)
36.	Undated	Priority Enforcement Action Sheet (1 page)
37.	06/23/99	Notice of Significant Licensee Meeting (2 pages)
38.	07/20/99	Letter to O. Kingsley from J. Dyer, re: Notice of Violation (NRC Office of Investigations Report No. 3-98-017) (6 pages)
39.	08/30/99	Email to B. Clayton, C. Pederson, J. Caldwell from C. Weil, re: Resetting Clock for Several Enforcement Cases (2 pages)
40.	08/30/99	Email to B. Berson, B. Jorgensen, C. Weil, C from B. Clayton, re: Fwd: NOVs to Individuals re H&I (1 pages)
41.	12/08/99	Email to C. Weil from G. Cant, re: IA-99-052, Response to request for Additional Documents (1 page)
42.	12/08/99	Email to C. Weil from D. Dambly, re: IA-99-052, Response to request for Additional Documents (1 page)
43.	12/09/99	Email to C. Weil from C. Pederson, re: IA-99-052, Response to request for Additional Documents (1 page)
44.	12/10/99	Email to J. Fitzgerald from G. Cant, re: Copy of Ol Report (1 page)
45.	03/14/00	Letter to R. Krich from R. Borchardt, re: request for Withholding Information from Public Disclosure (Zion Nuclear Power Station, Units 1 and 2) (2 pages)

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APPENDIX F RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	DATE	DESCRIPTION/(PAGE COUNT)
1.	Undated	Letter to O. Kingsley from C. Pederson (5 pages)
2	Undated	Letter to O. Kingsley from C. Pederson; Subject: Predecisional Enforcement Conference (6 pages)
3.	Undated	Memo to B. Clayton from R. Caniano; Subject: Review of Ol Investigation Zion: Alleged Discrimination Against a Senior Reactor Operator for Reporting Safety Concerns (3 pages)
4.	Undated	Memo to B. Clayton from R. Caniano; Subject: Review of Ol Investigation Zion: Alleged Discrimination Against a Senior Reactor Operator for Reporting Safety Concerns (1 page)
5.	Undated	Memo to B. Clayton from R. Caniano; Subject: Review of Ol Investigation Zion: Alleged Discrimination Against a Senior Reactor Operator for Reporting Safety Concerns (1 page)
6.	Undated	Synopsis (1 page)
7.	11/02/98	Memo to B. Clayton from R. Caniano; Subject: Review of Ol Investigation Zion: Alleged Discrimination Against a Senior Reactor Operator for Reporting Safety Concerns (1 page)
8.	05/xx/99	Letter to O. Kingsley from C. Pederson (3 pages)
9.	06/09/99	Notice of Significant Meeting (1 page)
10.	08/24/99	Post-Enforcement Conference Coordination Meeting Agenda (1 page)
11	8/24/1999	EA Request & Enforcement Strategy Form for Zion, documents decision to cite a Severity Level II violation with a civil penalty of \$110,000 (2 pages)
12.	2/18/2000	EA Request & Enforcement Strategy Form for Zion, documents decision impose the civil penalty after review of licensee's response (1 pages)
13.	2/24/2000	Letter from R. Krich to Director, Office of Enforcement providing a correction to response to Notice of Violation and Proposed Imposition of Civil Penalty. (4 pages)
14.	3/14/2000	Letter from R. Borchardt to R. Krich approving request to withhold ComEd's NOV and Proposed Civil Penalty response due to privacy information contained in the response (2 pages)
15.	3/17/2000	EA Request & Enforcement Strategy Form for Zion, documents panel review of draft order imposing the civil penalty (1 pages)

16.	6/12/2000	Notification of Significant Enforcement Action to notify Commission of pending Imposition of a civil penalty (1 page)
17.	6/12/2000	Memo from J. Luehman to D. Meyer forwarding copies of Order Imposing Civil Monetary Penalty for the <i>Federal Register</i> (2 pages)
18.	8/14/2000	Accounting receipt for \$110,000. (1 page)
19.	8/18/2000	Letter from J. Luehman to R. Krisch acknowledging receipt of civil penalty payment (2 pages)
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APPENDIX G RECORDS BEING WITHHELD IN PART

<u>NO.</u>	DATE	DESCRIPTION/(PAGE COUNT)/EXEMPTIONS
1.	Undated	Draft letter to Individual; Subject: Predecisional Enforcement Conference (2 pages) (EX. 7C)
2.	Undated	Draft letter to Individual; Subject: Predecisional Enforcement Conference (3 pages) (EX. 7C)
3	Undated	Draft letter to Individual; Subject: Predecisional Enforcement Conference (3 pages) (EX. 7C)
4.	Undated	Draft letter to Individual from C. Pederson (3 pages) (EX. 7C)
5.	Undated	Draft letter to Individual from C. Pederson (3 pages) (EX. 7C)
6.	Undated	Draft letter to Individual from C. Pederson (3 pages) (EX. 7C)
7.	Undated	Letter to C. Pederson from individual (1 page) (EX. 7C)
8.	05/18/99	Internet People Search Results (1 page) (EX. 7C)
9.	06/07/99	Email to B. Jorgensen, J. House from C. Weil re: Zion Employment Discrimination Case (EA 98-518) (1 page) (EX. 7C)
10.	06/10/99	Letter to individual from C. Pederson, re: Predecisional Enforcement Conference (NRC Office of Investigations Case No. 3-1998-012) (7 pages) (EX 7C)
11.	07/07/99	Agenda - Predecisional Enforcement Conference (1 page) (EX. 7C)
12.	10/29/99	Internet People Search Results (1 page) (EX. 7C)
13.	11/03/99	Letter to individual from J. Dyer, re: Notice of Violation (6 pages) (EX. 7C)
14.	11/03/99	Letter to individual from J. Dyer, re: Notice of Violation [another version of above document with fax transmittal information] (6 pages) (EX. 7C)
15.	11/24/99	Letter to J. Dyer from individual (3 pages) (EX. 7C)
16.	12/15/99	Letter to individual from J. Dyer, re: Request for Documents

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(4 pages) (EX. 7C)

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17.	08/17/00	Letter to individual from J. Dyer, re: Withdrawal of Notice of Violation (NRC Office of Investigations Report No. 3-1998-012) (2 pages) (EX. 7C)
18.	08/17/00	Letter to individual from J. Dyer, re: Withdrawal of Notice of Violation (NRC Office of Investigations No. 3-1998-012) [another version of above document with concurrence] (4 pages) (EX. 7C)
19.	08/17/00	Letter from J. Dyer to individual re: Withdrawal of Notice of Violation (2 pages) (EX. 7C)
20.	09/29/00	Letter to individual from B. Clayton, re: Request for Additional Correspondence (2 pages) (EX. 7C)
21.	06/04/99	Letter to H. Clayton from Individual (2 pages) (EX. 7C)
22.	06/10/99	Letter to Individual from C. Pederson, re: Apparent Violation of Employee Discrimination Requirements (NRC Office of Investigations Report No. 3-1998-012) (10 pages) (EX. 7C)
23.	09/03/99	Email to C. Weil from S. Rothstein, re: Individual (1 page) (EX. 7C)
24.	11/18/99	Letter to R. Borchardt from R. Krich, re: requests for NRC Office of Investigations Report, Predecisional Enforcement Conference Transcripts and Extension of Time for the Due Date of the responses to the Notice of Violation and Proposed Imposition of Civil Penalty (2 pages) (EX. 7C)
25.	11/22/99	Letter to R. Krich from R. Borchardt, re: Requests for Documents and Extension of Time to Respond to Enforcement Actions (2 pages) (EX. 7C)
26.	12/07/99	Letter to R. Krich from B. Clayton, re: request for Documents (1 page) (EX. 7C)
27.	01/04/00	Letter to R. Krich from R. Borchardt, re: Request for Documents (2 pages) (EX. 7C)
28.	01/24/00	Email to B. Clayton, B. Jorgensen, C. Pederson, from C. Weil, re: IA 99-052, Request for Extension of Time for Response (1 page) (EX. 7C)
29.	01/27/00	Letter to C. Weil from D. Stenger, re: Notice of Violation (NRC Office of Investigations No. 3-1998-012) (2 pages) (EX. 7C)

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30.	02/16/00	Reply of Individual to Notice of Violation (Redacted Version) (19 pages) (EX. 7C)
31.	02/17/00	Fax from Hopkins & Sutter to J. Dyer, re: Notice of Violation - IA 99-052 (11 pages) (EX. 7C)
32.	02/18/00	Letter to Document Control Desk from D. Stenger, re: Notice of Violation - IA 99-052 (2 pages) (EX. 7C)
33.	03/29/00	Letter to Individual from J. Dyer, re: Response to Notice of Violation (3 pages) (EX. 7C)
34.	08/17/00	Letter to Individual from J. Dyer, re: Withdrawal of Notice of Violation (NRC Office of Investigations No. 3-1998-012) (2 pages) (EX. 7C)

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