

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

2002-0361

1

RESPONSE  
TYPE

FINAL



PARTIAL

REQUESTER

Maria Webb

DATE

SEP 13 2002

**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,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, 2120 L Street, NW, Washington, DC.
- ☒ **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 \*

\$ 155.14

\* 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)**

The records identified on Appendix A are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>

The actual fees for processing your request are:

1.5 hrs. professional search @ \$42.94 per hr. = \$64.54  
35 minutes professional review @ \$42.94 per hr. = \$25.20  
Duplication of 327 pages @ \$0.20 per page = \$65.40

Total = \$155.14

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

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

2002-0361

SEP 13 2002

## APPENDICES

**C****PART II.A – APPLICABLE EXEMPTIONS**

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	APPELATE OFFICIAL		
			EDO	SECY	IG
Luis A. Reyes	Regional Administrator, RIII	Appendix C	✓		

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."

Re: FOIA 2002-0361

**APPENDIX A  
RECORDS PUBLICLY AVAILABLE**

<u>NO.</u>		<u>DATE</u>	<u>ACCESSION#</u>	<u>DESCRIPTION/(PAGECOUNT)</u>
1.	A	04/29/02	ML021200436	NRC Inspection Report 50-250/01-07, 50-251/01-07 (36 pages)

**APPENDIX B  
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(Page COUNT)</u></b>
1.	05/24/02	E-mail from C. Ogle to L. Williamson; re: Review of DPV (2 pages)
2.	05/29/02	E-mail from C. Ogle to Various addressees; re: Review of DPV (3 pages)
3.	05/20/02	E-mail from C. Evans to C. Ogle; re: Background Information (35 pages)
4.	05/15/02	E-mail from C. Ogle to Various addressees; re: Additional Name-Interview Itinerary - TP Site Secy (1 page)
5.	05/14/02	E-mail from C. Ogle to Various addressees; re: Phone Call on DPV (2 pages)
6.	05/20/02	E-mail from C. Ogle to Various addressees; re: Background Information (2 pages)
7.	05/14/02	E-mail from C. Ogle to J. Dixon-Herrity; re: Attached is the inspection report that documents the issue of concern (2 pages)
8.	05/22/02	E-mail from C. Ogle to J. Dixon-Herrity; re: Thursday Phonecon (2 pages)
9.	05/29/02	E-mail from C. Ogle to J. Dixon-Herrity; re: Questions (2 pages)
10.	06/05/02	E-mail from C. Ogle to J. Dixon-Herrity; re: I changed para 6 to read as follows: (2 pages)
11.	06/05/02	E-mail from C. Ogle to J. Dixon-Herrity; re: I changed para 6 to read as follows: (2 pages)
12.	Undated	Question for Carolyn Evans (1 page)
13.	Undated	Question for Len Williamson (1 page)
14.	05/29/02	E-mail from J. Dixon-Herrity to C. Ogle; re: Questions (1 page)
15.	06/03/02	E-mail from J. Dixon-Herrity to C. Ogle; re: Draft DPV Writeup(1 page)

16. 05/14/02 E-mail from R. Carroll to C. Ogle; re: Phone Call on DPV (1 page)
17. 06/04/02 E-mail from J. Dixon-Herrity to C. Ogle; re: Logic of SL IV (1 page)
18. 06/04/02 E-mail from J. Dixon-Herrity to C. Ogle; re: DPV (1 page)
19. 05/29/02 E-mail from J. Dixon-Herrity to C. Ogle; re: Questions (1 page)
20. 05/29 Handwritten Notes (2 pages)
21. 05/29 Handwritten Notes (1 page)
22. Undated Handwritten Notes (1 page)
23. Undated Handwritten Notes (1 page)
24. 05/01/00 NUREG-1600 (75 pages)
25. 06/03/02 E-mail from J. Dixon-Herrity to C. Ogle; re: Draft DPV Writeup (1 page)
26. 05/20/02 E-mail from C. Evans to C. Ogle; re: Background Information (31 pages)
27. Undated Regional Office Instruction No. 2210, Rev. 8 (2 pages)
28. 12/05/00 Memo to Various addressees from R. W. Borchardt; re: Dispositioning of Enforcement Issues in a Risk Informed Framework (4 pages)
29. 05/20/02 E-mail from C. Ogle to various addressees; re: Items for DPV Panel to Review (2 pages)
30. Undated Handwritten Notes (3 pages)
31. 05/23/02 Questions for Carolyn Evans (1 page)
32. Undated Questions for Len Williamson (1 page)
33. 06/17/99 Regional Office Instruction No. 1004, Revision 3 (3 pages)
34. 08/15/97 Directive Transmittal (25 pages)
35. 06/28/02 Items of Interest (1 page)
36. 06/05/02 DPV BiWeekly Status Update - Reg. II (1 page)
37. 04/30/02 Regional Office Instruction No. 2230, Rev. 2 (4 pages)

**APPENDIX C**  
**RECORDS BEING RELEASED IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	05/13/02	Memo to C. Ogle from L. Reyes; re: Differing Professional View AD Hoc Panel (8 pages) (Exemption 6)
2.	05/13/02	Memo to Individual from L. Reyes; re: Differing Professional View (1 page) (Exemption 6)
3.	5/14/02	E-mail from Individual to B. Mallett; re: Differing Professional View (1 page) (Exemption 6)
4.	08/05/02	E-mail from Individual to L. Reyes; re: DPV on 10 CFR 50.70 Violation (2 pages) (Exemption 6)
5.	06/04/02	Memo to L. Reyes from Various Addressees; re: DPV Review Panel - Results of Review (3 pages) (Exemption 6)
6.	06/07/02	Memo to Individual from L. Reyes; re: Differing Professional View (DPV) on 10 CFR 50.70 Violation at Turkey Point Nuclear Plant (4 pages) (Exemption 6)
7.	05/14/02	E-mail from Individual to C. Ogle; re: Phone call on DPV (1 page) (Exemption 6)
8.	08/05/02	E-mail from Individual to L. Reyes; re: DPV on 10 CFR 50.70 Violation (2 pages) (Exemption 6)
9.	06/03/02	E-mail from C. Ogle to O. West; re: DPV Memo (5 pages) (Exemption 6)
10.	06/03/02	E-mail from C. Ogle to Various addressees; re: DPV (8 pages) (Exemption 6)
11.	05/31/02	E-mail from C. Ogle to Various addressees; re: Draft DPV Writeup (5 pages) (Exemption 6)
12.	05/31/02	Background (3 pages) (Exemption 6)
13.	Undated	Background (1 page) (Exemption 6)
14.	05/31/02	Background (3 pages) (Exemption 6)

15. Undated Background (3 pages) (Exemption 6)
16. 05/16/02 Handwritten notes (3 pages) (Exemption 6)
17. Undated Background (2 pages) (Exemption 6)
18. 05/31/02 Background (3 pages) (Exemption 6)
19. Undated Handwritten Notes (1 page) (Exemption 6)
20. 03/28/02 Condition Report (11 pages) (Exemption 6)
21. 02/05/02 ARB Meeting Summary (2 pages) (Exemption 6)
22. 05/31/02 Background (3 pages) (Exemption 6)
23. 06/05/02 Memo to L. Reyes from Various addressees; re: DPV Review Panel - Results of Review (4 pages) (Exemption 6)
24. 04/29/02 Concurrence page (1 page) (Exemption 6)
25. Undated Handwritten Notes (2 pages) (Exemption 6)
26. 05/24/02 Handwritten Notes (2 pages) (Exemption 6)
27. 05/24 Handwritten Notes (3 pages) (Exemption 6)
28. Undated Handwritten Notes (4 pages) (Exemption 6)
29. 05/29 Handwritten Notes (2 pages) (Exemption 6)
30. 05/23/02 E-mail from C. Ogle to L. Williamson; re: DPV (1 page) (Exemption 6)
31. 08/13/02 Items to be addressed (1 page) (Exemption 6)
32. 05/20/02 E-mail from C. Ogle to Various addressees; re: Items for DPV Panel to Review (3 pages) (Exemption 6)
33. 05/15/02 E-mail from Individual to C. Ogle; re: Additional Name - Interview Itinerary - TP Site Secy (1 page) (Exemption 6)
34. 05/22/02 E-mail from C. Ogle to L. Williamson; re: DPV (2 pages) (Exemption 6)
35. 05/23/02 E-mail from C. Ogle to L. Williamson; re: DPV (2 pages) (Exemption 6)
36. 05/23/02 E-mail from C. Ogle to L. Williamson; re: DPV (2 pages) (Exemption 6)

- 37. 05/13/02 E-mail from Individual to R. Musser; re: DPV (1 page) (Exemption 6)
- 38. 05/13/02 E-mail from B. Mallett to Individual; re: Differing Professional View (1 page) (Exemption 6)
- 39. 05/15/02 E-mail from Individual to R Musser re: Various (1 page) (Exemption 6)
- 40. 05/13/02 E-mail from L. Plisco to various addressees; re: DPV (1 page) (Exemption 6)