



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

2005-0261

1

RESPONSE TYPE FINAL PARTIAL

REQUESTER

David Lochbaum

DATE

NOV - 2 2005

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,B** 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 **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, ~~2420 L Street, NW, Washington, DC~~ **11555 Rockville Aka, Rockville, MD.**
- APPENDICES **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 *
\$

- 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)

Records C/7 thru C/9 are copyrighted and therefore not enclosed. Should you wish to view these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by e-mail to pdr@nrc.gov.

The incoming FOIA/PA-2005-0261 request is located in ADAMS at ML051650095.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols *Russell A. Nichols*

**APPENDIX A
RECORDS ALREADY AVAILABLE IN THE PDR**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION</u>
1.	Various	ML040780844	Package of 0350 Panel Minutes (160 pages)
2.	Various	ML040790056	Package of 0350 Panel Minutes (296 pages)
3.	12/06/02	ML023310723	Response to Request for Technical Assistance - Risk Assessment of Davis-Besse Reactor Head Degradation (TIA 2002-01) (29 pages)
4.	02/25/03	ML030560426	Davis-Besse Control Rod Drive Mechanism Penetration Cracking and Reactor Pressure Vessel Head Degradation Preliminary Significance Assessment (46 pages)
5.	05/29/03	ML031490778	Final Significance Determination for a Red Finding (7 pages)
6.	10/17/03	ML032930385	OIG Report (Case No. 03-02S): NRC's Oversight of Davis-Besse Boric Acid Leakage and Corrosion during the April 2000 Refueling Outage (27 pages)
7.	04/21/05	ML051090552	Notice of Violation and Proposed Imposition of Civil Penalties - \$5,450,000 (EA-03-025; EA-05-066; EA-05-067; EA-05-068; EA-05-069; EA-05-070; EA-05-071; EA-05-072) (22 pages)
8.	04/21/05	ML051110336	NRC News Release (2 pages)
9.	04/24/2003	ML031200318	Response to 04/29/2003, Final Significance Determination for a Red Finding
10.	05/02/2005	Federal Register	70 FR, No 83, page 22719 "Order Prohibiting Involvement in NRC-Licensed Activities"

11.	05/11/2005	ML051430203	Memorandum from Annette L. Vietti-Cook to G. Paul Bollwerk, Request for Hearing Submitted on Behalf of Andrew Siemaszko
12.	05/13/2005	ML051430255	Request for Hearing in Response to Order (IA-05-021) from Ohio Citizen Action
13.	05/17/2005	ML051380441	NRC Staff Answer to Request for a Hearing
14.	05/17/2005	ML051380456	NRC Staff Motion of Delay of Proceeding
15.	05/18/2005	ML051390475	Establishment of Atomic Safety and Licensing Board
16.	05/19/2005	ML051390490	Order Granting Hearing Request
17.	05/31/05	ML051530141	Response to NRC Staff Motion for Delay of Proceedings (24 pages)

APPENDIX B
RECORDS ALREADY PUBLICLY AVAILABLE

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	12/14/1988	http://www.nrc.gov/what-we-do/regulatory/enforcement/moudoj.pdf	MOU Between the NRC and DOJ (4 pages)
2.	04/21/2005	ML051090537	Letter to Andrew Siemaszko, from Ellis W. Merschoff, NRC/OEDO, Subject: Order Prohibiting Involvement in NRC-Licensed Activities (NRC Special Inspection Report No. 50-346/2002-08 (DRS)) (14 pages)
3.	04/22/2005	ML051430169	Letter to NRC/Secretary, from Billie Pirner Garde, Clifford & Garde Law Office, Subject: Request for Hearing in Response to Order Prohibiting Involvement in NRC-Licensed Activities, <i>In the Matter of Andrew Siemaszko, IA-05-021</i> , (2 pages)
4.	10/02/2002	ML022750524	Letter to Lew W. Myers, FirstEnergy Nuclear Operating Company, from John A. Grobe, NRC, Subject: Davis-Besse Nuclear Power Station NRC Augmented Inspection Team Follow-Up Special Inspection Report No.50-346/02-08 w/ attachment, USNRC Inspection Report # 50-346/02-08 (DRS) (33 pages)
5.	04/20/2005	ML051100424	Office of Enforcement Notification of Significant Regulatory Action, EN-05-013, For: FENOC, Davis-Besse Nuclear Power Station, (EA-03-025, EA-05-066, EA-05-067, EA-05-068, EA-05-069, EA-05-070, EA-05-071, EA-05-072, IA-05-021), Subject: Proposed imposition of Civil Penalty - \$5,450,000 (2 pages)
6.	05/23/2005	ML051440257	Application for a Temporary Stay prepared by NRC/OGC to Atomic Safety and Licensing Board (ASLB) (6 pages)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	4/7/05	E-Mail from Shoop to Hart, TA brief on Davis Besse enforcement action (1 page)
2.	4/11/05	E-Mail from Shoop to Gamberoni, Attendees #1 (1 page)
3.	4/19/05	E-Mail from Jaegers to srm, M050419A Enforcement Issue (1 page)
4.	4/19/05	E-Mail from Jaegers to dsrm, M050419A-Supp Enforcement Issue (1 page)
5.	4/19/05	Memo to Reyes from Vietti-Cook, Staff Requirements - Discussion of Enforcement Issue (1 page)
6.	4/22/05	E-Mail from Dixon-Herrity to Wetzel, Potential Hearing on Davis Besse Enforcement (1 page)
7.	4/22/05	The Plain Dealer, Besse Troubles Bring Big Fine, www.cleveland.com (2 pages)
8.	4/22/05	Beacon Journal, Utility Hit with Record High Fine, www.ohio.com (2 pages)
9.	4/22/05	Toledo Blade, First Energy is Slapped with \$5.45M fine, www.toledoblade.com (3 pages)
10.	4/25/05	Memo from Congel to Lesar, Federal Register Publication (2 pages)
11.	5/6/05	E-Mail from Strasma to Brenner (1 page)
12.	5/26/05	E-Mail from Gagner to Brenner, Media Interest (1 page)
13.	4/21/05	Timeline for Enforcement Actions (1 page)
14.	Undated	First Energy Nuclear Operating Company Reviewing NRC Notice of Violation in Davis-Besse Corrosion Issue (2 pages)