



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

2010-0245

2

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Tom Carpenter

DATE

SEP 30 2010

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 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 & D** 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)

The records identified on Appendix B are already publicly available in the NRC electronic public reading room (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>. You may access the records by using the accession number provided for each record. If you need assistance in reviewing the records, please contact the NRC Public Document Room on (301) 415-4737, or toll free on (800) 397-4209.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing
Donna L. Sealing

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
D

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.
 - Low 2-Internal matters of a relatively trivial nature.
 - High 2 Disclosure would risk circumvention of a legal requirement.
- 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 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
Elmo E. Collins	Regional Administrator, Region IV	Appendix D	✓		

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 B
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	08/02/2005	ml052140627	Letter from T. Farnholtz, NRC Region IV, to J. V. Parrish, Energy Northwest, transmitting Columbia Generating Station NRC Integrated Inspection Report 05000397/2005003. 43 pages
2.	11/07/2005	ml053110531	Letter from Claude Johnson, NRC Region IV, to J. V. Parrish, transmitting Columbia Generating Station – NRC Integrated inspection Report 05000397/2005004. 53 pages
3.	07/03/2006	ml061860723	Letter from Claude Johnson to J. V. Parrish, subject: Columbia Generating Station – NRC Integrated Inspection Report 05000397/2006011. 28 pages
4.	11/07/07	ml073180737	Letter from Claude Johnson to J. V. Parrish, subject: Columbia Generating Station – NRC Integrated Inspection Report 05000397/2007004. 36 pages
5.	02/11/2008	ml080430365	Letter from Claude Johnson to J. V. Parrish, subject: Columbia Generating Station – NRC Integrated Inspection Report 05000397/2007005 and Office of Investigation Report 4-007-038.
6.	06/05/2008	ml081570429	Letter from Roy Caniano, NRC Region IV, to J. V. Parrish, subject: Columbia Generating Station – NRC Inspection Report 05000397/2008008, Investigation Report 4-2008-003 and Notice of Violation.

**APPENDIX C
RECORDS BEING RELEASED IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	No date	Memo from Claude Johnson to Allegation File RIV-2006-A-0002, subject: Closure of Assigned Concerns for allegation RIV-2006-A-0002. 6 pages
2.	No date	Memo from Thomas Farnholtz to Allegation File RIV-2005-A-0130, subject: Closure of Assigned Concerns for Allegation. 8 pages
3.	08/15/2005	ARB Summary – RIV-2005-A-0089. 3 pages
4.	09/25/2005	Memo from Claude Johnson to Allegation File RIV-2005-A-0064, subject: closure of Assigned Concerns for Allegation. 3 pages
5.	12/30/2005	Email from Thomas Farnholtz, subject: CGS Allegations RIV-2005-A-0115 and RIV-2005-A-0130. 7 pages
6.	03/09/2006	Memo to Allegation File RIVC-2005-A-0164 and RIV-2005-A-0165 Re Closure of Assigned Concerns. 4 pages
7.	04/11/2006	Memo to Allegation file RIV-2006-A-0011 Re Closure of Assigned Concerns for Allegation. 3 pages
8.	09/06/2006	Memo from David Holman to Harry Freeman, subject: Closure of Allegation 2005-A-0061, Concerns Eight and Ten, with attached 08/11/2006 memo re closure of Concerns One Through Six; and 03/06/06 memo re Closure of Concern 9. 8 pages
9.	03/30/2007	Memo from Claude Johnson re CGS Allegation RIV-2007-A-0036 Concerns List. 3 pages
10.	05/12/2007	Memo from Davis Proulx to Harry Freeman re Review and Closure of Allegation RIV-2007-A-0004. 3 pages
11.	09/28/2007	Memo from Donal Sterns to Harry Freeman, subject: Columbia Generating Station, Allegation Closure (RIV-2007-A-0079). 5 pages
12.	08/14/2008	Memo from Gilbert Guerra to Harry Freeman, subject: Review of Licensee Response to Allegation (RIV-2008-A-0086). 2 pages
13.	03/30/2009	Email from Bernadette Baca, subject: FW: RIV-2009-A-0028 Phone call records – Additional information. 4 pages
14.	No date	Memo to Allegation File RIV-2005-A-0130 from Claude Johnson, subject:

Results of Followup Inspection Activities of Allegation RIV-2005-A-0130, Concerns 1 Through 5, 7 Through 10, and 12. 9 pages **EX. 7C**

15. No date Memo to Allegation File RIV-2005-A-0115 from Claude Johnson, subject: Results of Followup Inspection Activities of Allegation RIV-2005-A-0115, Concerns 1 Through 6. 3 pages **EX. 7C**
16. 05/19/2006 Letter from Bruce Mallett to The Honorable Christine Gregoire regarding completion of review of concerns in RIV-2005-A-0164. 9 pages **EX. 7C**

APPENDIX D
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	11/09/07	Letter from Harry Freeman re Closure of Allegation No. RIV-2006-A-0081. 14 pages EX. 7C
2.	06/03/2008	Email from Greg Pick re IR 2007005 excerpt for 2007-A-0071.doc. 7 pages EX. 7C
3.	07/28/2008	Letter from Harry Freeman re Allegation No. RIV-2007-A-0039. 3 pages EX. 7C
4.	01/19/2010	Letter from Dwight Chamberlain, subject: Response to Concerns you Raised to the Nuclear Regulatory Commission Regarding Columbia Generating Station – Allegation RIV-2009-A-0041. 7 pages EX. 7C
5.	04/15/2010	Letter from Roy Caniano, subject: Response to Concerns You Raised to the USNRC Regarding the Columbia Generating Station – Allegation RIV-2009-A-0180. 8 pages EX. 7C
6.	04/01/2008	Email from Greg Pick re 2007-071. 2 pages EX. 7C