

2012-0020

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

RESPONSE TYPE FINAL PARTIAL

REQUESTER
M. Alexander Hope, Jr.

DATE
DEC 28 2011

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.
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| APPENDICES
A |
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 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.
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| APPENDICES
B, C |
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 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.
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| APPENDICES
B, C |
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 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 incoming request is in ADAMS at ML11294A348.

Records with a ML Accession Number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. If you need assistance in obtaining these records, please contact the NRC's Public Documents Room (PDR) at 301-415-4737, or 1-800-397-4209, or by e-mail to PDR.Resource@nrc.gov.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donnal L. Sealing

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

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
C, 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 practices 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 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 wrong doing or a violation of NRC requirements from investigators).
 - (C) Disclosure could 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)
Outside of Scope

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
Victor McCree	Regional Administrator, Region II	Appendixes C and D	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 A
RECORDS ALREADY PUBLIC AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	01/20/09	ML090200064	Vogtle Electric Generating Plant- NRC Integrated IR 50-424/2008005 and 50-425/2008005 Fr: Scott Shaeffer to Mr. Tom E. Tynan (43 Pages)
2.	10/30/07	ML073030498	Vogtle Electric Generating Plant – NRC Integrated IR 50-424/2007004 and 50-425/2007004 FR: Scott Shaeffer to Mr. Tom E. Tynan (31 pages)
3.	09/14/07	ML073300645	Letter from Southern Company, J. M. Godfrey to Mr. Steve McManus, Program Manager, Georgia Environmental Protection Division entitled Solid Waste Permit No.017-007D (L)(I) Landfill #3 (212 pages)
4.	09/14/07	ML073300639	Letter from Southern Company, J. M. Godfrey to Mr. Steve McManus, Solid Waste Management Program, Georgia Environmental Protection Division, Entitled Solid Waste Permit No. 017-006D (L)(I) Landfill #2 (71 pages)
5.	05/03/07	ML073240580	Intracompany Correspondence Re: Vogtle Electric Generating Plant- Units 1&2 Groundwater Monitoring Plan for Radionuclides FR: J. G. Aufdenkampe to S. C. Swanson (100 pages)

6. 03/09/07 ML073300638 Letter from Southern Company, J. M. Godfrey, to Mr. Jeff Cown, Program Manager – Solid Waste Management Program, entitled; Solid Waste Permit No. 017-006D (L)(I) Landfill #2 (77 pages)
7. 03/09/07 ML073300644 Letter from Southern Company, J. M. Godfrey to Mr. Jeff Cown, Program Manager-Solid Waste Management Program, entitled; Solid Waste Permit No. 017-007D(L)(I) Landfill #3 (135 pages)
8. 03/09/07 ML073300646 Letter from Southern Company, J. M. Godfrey to Mr. Steve McManus, Program Manager – Solid Waste Management Program, entitled; Solid Waste Permit No. 017-007D(L)(I) Landfill # 3 (3 pages)
9. 01/22/07 ML070220094 Vogtle Electric Generating Plant – NRC Integrated IR 50-424/2006005 and 50-425/2006005 FR: Scott Shaeffer to Mr. T. E. Tynan (40 pages)
10. 09/28/06 ML073300641 Letter from Southern Company, J.M. Godfrey to Mr. Jeff Cown, Program Manager-Solid Waste Management Program, entitled Solid Waste Permit No. 017-007D(L)(I) Landfill #3 (153 pages)
11. 08/28/06 ML073300637 Letter from Southern Company, J.M. Godfrey to Mr. Jeff Cown, Program Manager-Solid Waste Management Program, entitled Solid Waste Permit No 017-006D(L)(I) Landfill #2 (70 pages)
12. 04/28/06 ML073300634 Letter from Southern Company, J.M. Godfrey to Mr. Steve McManus, Solid Waste Management Program, entitled Solid Waste Permit No. 017-006D(L)(I) Landfill#2and Solid Waste Permit No. 017-007D(L)(I) Landfill #3 (228 pages)

13. 01/10/06 ML061000451 Vogtle Electric Generating Plant, Groundwater Monitoring Program (22 pages)
14. 09/19/05 ML073300622 Letter from Southern Company, J.M. Godfrey to Mr. Pete Cown, Unit Coordinator– Industrial Solid Waste Unit, entitled Solid Waste Permit No. 017-006D(L)(I) Landfill #2 and Solid Waste Permit No. 017-007D(L)(I) Landfill #3 (200 pages)
15. 03/16/05 ML073300619 Letter from Southern Company, J.M. Godfrey to Mr. H C. Gillespie, Unit Coordinator – Industrial Solid Waste Unit, entitled Solid Waste Permit No. 17-006D(L)(I) Landfill #2 and Solid Waste Permit No. 017-007D(L)(I) Landfill #3 (142pages)
16. 11/01/04 ML073300617 Letter from Southern Company, A. Harris to Mr. H. C. Gillespie, Unit Coordinator – Industrial Solid Waste Unit, entitled Solid Waste Permit No. 017-006D(L)(I) Landfill #2 and Solid Waste Permit No. 017-007D(L)(I) Landfill #3 (106 pages)
17. 03/17/04 ML073300611 Letter from Southern Company, W. C. Car to Mr. H. C. Gillespie, Unit Coordinator – Industrial Solid Waste Unit, entitled Solid Waste Permit No. 017-006D(L)(I) Landfill #2 and Solid Waste Permit No. 017-007D(L)(I) Landfill #3 (199 pages)
18. 09/24/03 ML073300609 Letter from Southern Company, W. C. Car to Mr. H. C. Gillespie, Unit Coordinator – Industrial Solid Waste Unit, entitled Solid Waste Permit No. 017-006D(L)(I) Landfill #2 and Solid Waste Permit No. 017-007D(L)(I) Landfill #3 (141 pages)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	Undated	Vogtle Onsite Ground/Surface Water Questionnaire, Onsite Radiological Effluent/REMP Monitoring Program (3 pages)
2.	10/02/08	Southern Nuclear Operating Company- Nuclear Management Procedure, Actions for Potential Groundwater Contamination Events (35 pages)
3.	05/03/07	Southern Company Letter RE: Vogtle Electric Generating Plant- Units 1&2 Groundwater Monitoring Plan for Radionuclides from: J. G. Aufdenkampe to S. C. Swanson (101 pages)
4.	07/31/06	Southern Nuclear Groundwater Protection Initiation Action (2 pages)

APPENDIX C
RECORDS BEING WITHHELD IN PART

<u>No.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1.	02/02/11	E-Mail from [Lloyd, MaryB. [MBLLOYD@southernco.com]] to Kellner, Robert, cc: Nielsen, Adam, [Elmore, Gregory D.; Fulton, Dale Lane; Brown, Celeste; Dye, Gary B.; Jones, Michael P.; Wright, Michael J.] SUBJECT: RE: Vogtle Inspection (2 pages) / EX.6
2.	04/15/10	E-Mail from [Lloyd, Mary B. [MBLLOYD@southernco.com]] to Nielsen, Adam, SUBJECT: SNC GW Info (1 page) / EX6
3.	05/18/10	E-Mail from Conatser, Richard to Nielsen, Adam, cc: Bonser, Brian, SUBJECT: RE: FYI... Comments on The List of Tritium Leaks and Spills at Reactor Sites (6 pages) / Portions Outside of Scope, EX. 6
4.	06/18/10	E-Mail from Bonser, Brian to Dykes, Carmen; Nielsen, Adam cc: Kuzo, George SUBJECT: FW: Historical List of Reactor Sites with Groundwater Tritium greater than 20,000 pCi/l (2 pages) / EX 6
5.	Undated	Rll's Tritium and Buried Piping Background Information (14 pages) / Portions Outside of Scope
6.	06/29/06	Vogtle Electric Generating Plant, Quality Assurance Records Administration (24 pages) / EX 6

APPENDIX D
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>No.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Photograph of Plant (1 page) / EX.4