

CASE NO: 2017-0122A
DATE REC'D: 02/17/2017
SPECIALIST: Britt
RELATED CASE: 2017-0190

From: [DeSalvo, Andrew](#)
To: [FOIA Resource](#)
Cc: [Britt, Scott](#)
Subject: [External_Sender] APPEAL Fw: FOIA/PA-2017-0190 Final Response; Freedom of Information Act Request; SEVERITY LEVEL: Action for Technical Specification (TS) 3.7.4, Ultimate Heat Sink (UHS) Notice of Enforcement Discretion (NOED) and, 0-ONOP-.011.1 (Intak...
Date: Friday, February 17, 2017 1:55:52 PM
Attachments: [Final Response.pdf](#)

Andrew DeSalvo
(b) (6)

February 17, 2017

Freedom of Information, Privacy & Information Collections Branch
Customer Service Division, Office of the Chief Information Officer
Mail Stop: T-5F09
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
FOIA.Resource@nrc.gov
Ph: 301-415-7169 Fax: 301-415-5130

SUBJECT: APPEAL Fw: FOIA/PA-2017-0190 Final Response; Freedom of Information Act Request; SEVERITY LEVEL: Action for Technical Specification (TS) 3.7.4, Ultimate Heat Sink (UHS) Notice of Enforcement Discretion (NOED) and, 0-ONOP-.011.1 (Intake Canal Low Level or High Temperature).

To whom it may concern;

I have received FOIA/PA-2017-0190 Final Response to a FOIA request, and the records are described as follows:

"Region II Enforcement and Investigations action Assigning Severity Level for purposes of determining the potential radiological or other hazards associated with continued operation, for Action for Technical Specification (TS) 3.7.4, Ultimate Heat Sink (UHS) Notice of Enforcement Discretion (NOED) . . .".

I regret to inform you that FOIA/PA-2017-0190 Final Response is not responsive to the FOIA request for records described above

Please reference Enforcement Process Diagram (The NRC's enforcement program is based on the recognition that violations occur in a variety of activities and have varying levels of significance. The manner in which the NRC processes a violation is intended to reflect the significance of the violation and the circumstances involved), as follows:

"Violations are either assigned a severity level, ranging from Severity Level I for the most significant to Severity Level IV for those of more than minor concern or are associated with issues assessed through the reactor oversight process's Significance Determination Process (SDP) that are assigned a color of green, white, yellow, or red based on the risk significance."

I wish to APPEAL FOIA/PA-2017-0190 Final Response to a FOIA request, and the records are described as follows:

"Region II Enforcement and Investigations action Assigning Severity Level for purposes of determining the potential radiological or other hazards associated with continued operation, for Action for Technical Specification (TS) 3.7.4, Ultimate Heat Sink (UHS) Notice of Enforcement Discretion (NOED) . . .".

I describe the requested records (or information), on APPEAL, as specifically as possible:

REPEAT, WITH NOTES

DESCRIPTION OF THE REQUESTED RECORDS, on APPEAL:

Region II Enforcement and Investigations action Assigning Severity Level (NOTE: say, Severity Level I, II, III, or IV; and, for Significance Determination Process (SDP) say, green, white, yellow, or red) for purposes of determining the potential radiological or other hazards associated with continued operation, for (NOTE: Turkey Point Nuclear Reactor 3 & 4) Action for Technical Specification (TS) 3.7.4, Ultimate Heat Sink (UHS) Notice of Enforcement Discretion (NOED) which increased the ultimate heat sink temperature from 100 degrees F to 103 degrees F and prevented the shutdown of both units; and, 0-ONOP-.011.1 (Intake Canal Low Level or High Temperature) entered 22 times prior to the event" (NOTE: in the year 2014).

REPEAT, WITH BREVITY

DESCRIPTION OF THE REQUESTED RECORDS, on APPEAL

Assigning Severity Level (Level I, II, III, or IV; and, green, white, yellow, or red) for Turkey Point Nuclear Reactor 3 & 4 Action for Technical Specification (TS) 3.7.4, Ultimate Heat Sink (UHS) Notice of Enforcement Discretion (NOED) and, 0-ONOP-.011.1 (Intake Canal Low Level or High Temperature), in the year 2014.

REQUESTED RECORDS, on APPEAL

SAY: Assigning Severity Level (Level I, II, III, or IV; and, green, white, yellow, or red) for TPN UHS NOED and 0-ONOP-.011.1, in 2014.

Yours sincerely,

ANDREW DeSALVO
(b) (6)

1 Attachments
96KB

PDF
Final Response.pdf
96KB

enclosure

CITE
NRC Enforcement Policy (SRM-15-0163). ML16271A446 11/07/2016 01:33 PM EST 11/01/2016 486.06
Kb

See Attachments PDFML16271A446.pdf488KB

REFERENCE

Severity level designations reflect different degrees of significance depending on the activity area in which the severity level is designated. For example, the immediacy of any hazard to the public associated with SL I in reactor operations is not directly comparable to that associated with SL I violations in facility construction.

- a. SL I violations are those that resulted in or could have resulted in serious safety or security consequences (e.g., violations that created the substantial potential for serious safety or security consequences or violations that involved systems failing when actually called on to prevent or mitigate a serious safety or security event).
- b. SL II violations are those that resulted in or could have resulted in significant safety or

security consequences (e.g., violations that created the potential for substantial safety or security consequences or violations that involved systems not being capable, for an extended period, of preventing or mitigating a serious safety or security event).

c. SL III violations are those that resulted in or could have resulted in moderate safety or security consequences (e.g., violations that created a potential for moderate safety or security consequences or violations that involved systems not being capable, for a relatively short period, of preventing or mitigating a serious safety or security event).

NRC Enforcement Policy

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d. SL IV violations are those that are less serious, but are of more than minor concern, that resulted in no or relatively inappreciable potential safety or security consequences (e.g., violations that created the potential of more than minor safety or security consequences).

e. Minor Violations are those that are less significant than a SL IV violation. Minor violations do not warrant enforcement action and are not normally documented in inspection reports. However, minor violations must be corrected.

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--- On Thu, 2/16/17, Admin, Admin <foia.resource@nrc.gov> wrote:

> From: Admin, Admin <foia.resource@nrc.gov>
> Subject: FOIA/PA-2017-0190 Final Response
> To: (b) (6)
> Cc: Scott.Britt@nrc.gov
> Date: Thursday, February 16, 2017, 1:48 PM
> Dear Mr. DeSalvo:
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> We
> are pleased to inform you that we have completed work on
> your request, FOIA/PA-2017-00190. Because the size of the
> file, consisting of the Form 464 response, and set of
> released records, is too large to be emailed to you, we are
> mailing the Form 464 response, accompanied by a CD
> containing the released records, to you today.
>
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> Once
> you have received the response, we would appreciate your
> taking a moment to help us improve our FOIA processes, and
> let us know what your experience has been. Just click on
> the embedded link: <http://www.nrc.gov/reading-rm/foia/foia-user-survey.html>.
>
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> Once you complete the survey, just click on the
> "SUBMIT" button and your survey response will be
> returned to us.
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> Thank you.
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