

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

2017-0463 & 0475

1

RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Julian Tarver

DATE:

05/08/2017

DESCRIPTION OF REQUESTED RECORDS:

Copies of the 14 specified initial FOIA requests (2017-0463) and the 21 specified initial FOIA requests (2017-0475)

PART I. -- INFORMATION RELEASED

You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>

- ☐ Agency records subject to the request are already available on the Public NRC Website, in Public ADAMS or on microfiche in the NRC Public Document Room.
- ☒ 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

NO FEES

AMOUNT*

\$0.00

*See Comments for details

- ☐ You will be billed by NRC for the amount listed.
- ☐ You will receive a refund for the amount listed.
- ☐ Fees waived.

- ☒ Minimum fee threshold not met.
- ☐ Due to our delayed response, you will not be charged fees.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☐ We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters: it should not be taken to mean that any excluded records do, or do not, exist.
- ☒ We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- ☐ Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- ☒ You may appeal this final determination within 90 calendar days of the date of this response by sending a letter or e-mail to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at <https://ogis.archives.gov/about-ogis/contact-information.htm>

PART I.C COMMENTS (Use attached Comments continuation page if required)

Signature - Freedom of Information Act Officer or Designee

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

2017-0463 & 0475

DATE:

05/08/2017

PART II.A -- APPLICABLE EXEMPTIONS

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- ☐ 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 the 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. 4702(b), which prohibits the disclosure of contractor proposals, 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 confidential commercial or financial information that is being withheld for the reason(s) indicated.
- ☐ 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 is considered to be another type or confidential business (proprietary) information.
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☐ Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
- ☐ Deliberative process privilege.
- ☐ Attorney work product privilege.
- ☐ Attorney-client privilege.
- ☒ Exemption 6: The withheld information from a personnel, medical, or similar file, 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 open enforcement proceeding.
- ☐ (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names 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

PART II.B -- DENYING OFFICIALS

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			EDC	SECY
Stephanie Blaney	FOIA Officer/OCIO	Personal Identifiable Information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

Appeals must be made in writing within 90 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

FOIA/PA REQUEST

Case#: 2015-0469

Date Recd: 9/14/15

FOIA Resource

From: eto@echo-news.net
Sent: Sunday, September 13, 2015 4:46 PM
To: FOIA Resource
Subject: [External_Sender] FOIA Request related to recently released USATODAY Article on DOE

Dear Whoever Concerned,

This is a FOIA request.

The Documents I am seeking are "All the records since 2010 to 2014 which describe (1) numbers of attempted cyber attacks to USNRC (2) Numbers of Cyber attacks to USNRC which succeeded to breach the security (3) The details of offence ways and its seriousness to the Nuclear security the Agency Evaluated. "

This request is submitted influenced by USATODAY's news on cyber attacks to DOE this September.
(<http://www.usatoday.com/story/news/2015/09/09/cyber-attacks-doe-energy/71929786/>)

I am a News Media representative as always, and request for full fee waiver, but still ready to pay up to 25 U.S. dollars.
As for the format, I prefer electronic basis.

And please send me back to your replies to this e-mail. address; since my ex-email (b)(6) is breached.
Also, My postal address is going to change no later than Sep, 25.

My new Address is (b)(6)

(b)(6)

Warmest Regards,

Takanori Eto

(b)(6)

Tel (b)(6)

Email: eto@echo-news.net

FOIA REQUEST

Case No: 2015-0468
Date Recd: 9/11/15
Specialist: _____
Related Case: _____

(b)(6)

NRC FOIA/PA Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-5 F09
Washington, DC 20555-0001

September 3, 2015

RE: Freedom of Information Act and Privacy Act Request

Dear Sir/Madam:

This letter is a formal request for information under the Freedom of Information Act and Privacy Act (FOIA/PA). I am requesting my own records. The records made available to me via this request will be used for personal use only and not for a commercial use.

I request the following:

- All documents used in and generated till date as part of the adjudication of my security clearance for an NRC position, including those related to the determination of the so-called 145b waiver. The requested documents include all forms, notes, memoranda and decisions made by the adjudicator(s) assigned to my case. It is my understanding that the Personnel Security Branch (PSB) at the NRC administers the personnel security clearance program. The PSB reports to the Division of Facilities and Security (DFS), which in turn is part of the Office of Administration (ADM).
- All correspondence till date specifically related to the adjudication of my security clearance for an NRC position, including that related to the determination of the so-called 145b waiver. The requested correspondence includes that to or from the adjudicator(s) assigned to my case as well as any other NRC office (such as NRR/DRA/APLA from which I have received a job offer)
- All correspondence till date specifically related to my security clearance for an NRC position between the NRC, including those by the adjudicator(s) assigned to my case, and the Office of Personnel Management.

Please mail paper copies (i.e., hardcopies) of all the requested documents to the mailing address provided below. I am willing to pay a maximum amount of USD 100.00 for any applicable fees. Please contact me if the estimated fees exceed this amount.

(b)(6)

FOIA/PA Request Page 1 of 2

BEST AVAILABLE COPY

FOIA/PA REQUEST

Case No.:

2015-0470

Date Recd.:

9/14/2015

FOIA Resource

From: eto@echo-news.net
Sent: Monday, September 14, 2015 10:56 AM
To: FOIA Resource
Subject: [External_Sender] Re: FOIA/PA-2015-00469 Acknowledgment Letter with Attachments

Specialist:

Related Case:

Thank you as always, Dear Margo.

I had no problems to open the doc.

P.S. I am also interested in the agency records on Cyber Attacks to the U.S. nuclear reactor Operators, in the same period.

In case the agency rule is not prohibiting, could you tell me whether the relevant or similar FOIAs had been submitted to USNRC?

Since the threat to breach the very operators are not less serious than Attacks to the authority.

All Best

Takanori Eto

On 2015/09/14 23:42, Stevens, Margo wrote:

Acknowledgment letter signed by Roger Andoh, FOIA Officer, with attachments. No hard copy to follow. If you are unable to open either document, please let us know by return email (FOIA.Resource@nrc.gov) or call 301-415-7169.

--

江藤 貴紀

URL: <http://echo-news.net/>

Mail: eto@echo-news.net

Mobile: (b)(6)

TEL/FAX: 03-3843-8334

Address: (b)(6)

The information required to establish my identity in conjunction with this request is as follows:

- Full name [redacted] (b)(6)
- Home/mailling address [redacted] (b)(6)
- SSN [redacted] (b)(6)
- Date of birth [redacted] (b)(6)

In addition, I have attached a copy of my driver's license with this letter.

If you choose to deny any part of the request, please respond in writing and state the reason (along with the statutory exception) authorizing the denial.

Please contact me via phone at [redacted] (b)(6) for any questions or clarifications related to this request.

Sincerely,

[redacted] (b)(6)

9/03/2015

Attached: Copy of driver's license and updated address card.



A **TEGNA** Company | 500 Speer Blvd, Denver, CO 80203

FOIA/PA REQUEST

Case No.: 2015-0472
Date Recd.: 9/17/15
Specialist: _____
Related Cases: _____

September 17, 2015

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of:

-Any and all emails* received by the Secretary of your agency (the head of your agency) from any elected member of Congress and chief of staff of any Congressional office (using public and/or private email accounts) from June 1st, 2015 to August 31st, 2015.

*Please exclude emails that are obviously mass-mailings, newsletters, etc.

*Please include emails that are direct communications between elected members of Congress and/or their chiefs of staff to the Secretary of your agency.

*Please include emails that also originate from non-governmental accounts (like gmail, yahoo, Hotmail, etc.) that belong to members of Congress and/or their chiefs of staff

I agree to pay reasonable fees for this request. Please provide an estimate for the request before processing.

Based on my position as a journalist working in the public interest, I would request no fees or a reduced cost for this records request.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Jeremy Jojola

Reporter

jeremv@9NEWS.com

303-871-1425

FOIA/PA REQUEST

Case No.: 2015-0473
Date Rec'd. 9/17/15
Specialist: _____
Related Case: _____

Nancy Robey

(b)(6)

FREEDOM OF INFORMATION ACT REQUEST

September 3, 2015

District Director
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear District Director:

I would like to obtain a copy the following records:

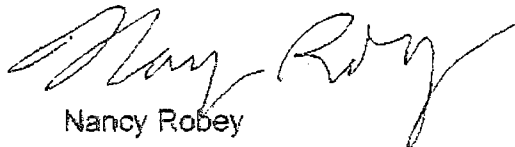
Any letter approving the use of tritium to power a photovoltaic cell.

The purpose of obtaining these records is for requestor's understanding from these years.

This is my firm promise to pay any copying or other expenses.

Thank you for your assistance on this matter.

Respectfully,


Nancy Robey

FOIA/PA REQUEST

Case No.: 2015-0020

Date Rec'd: 10/14/14

Specialist: Brown

Related Case:

FOIA Resource

From: Lawrence Criscione (b)(6)
Sent: Wednesday, October 08, 2014 9:01 PM
To: FOIA Resource
Cc: Dave Lochbaum; Tom Devine; Alicia Reaves
Subject: Meeting Agenda and Minutes for June 10, 2013 Meeting concerning the Jocassee/Oconee FOIA requests

Under the Freedom of Information Act, please provide me the meeting agenda and the minutes for the June 10, 2013 to discuss the Jocassee/Oconee FOIA requests.

I work in Rockville, MD and make it home to (b)(6) infrequently. Please send all correspondence to me electronically. If a document cannot be delivered to me electronically, please call me at (b)(6) and I will come by the FOIA office and get it.

Thank you,
Larry
Lawrence S. Criscione

(b)(6)

FOI/PA REQUEST

Case No.: 2015-0021

FOIA Resource

Date Recd. 10/14/14

From: Lawrence Criscione (b)(6)
Sent: Wednesday, October 08, 2014 9:02 PM
To: FOIA Resource
Cc: Dave Lochbaum; Tom Devine; Alicia Reaves
Subject: Meeting Agenda and Minutes for June 25, 2013 Meeting concerning the Jocassee/Oconee FOIA requests

Specialist: Brown

Related Case:

Under the Freedom of Information Act, please provide me the meeting agenda and the minutes for the June 25, 2013 to discuss the Jocassee/Oconee FOIA requests.

I work in Rockville, MD and make it home to (b)(6) infrequently. Please send all correspondence to me electronically. If a document cannot be delivered to me electronically, please call me at (b)(6) and I will come by the FOIA office and get it.

Thank you,

Larry

Lawrence S. Criscione

(b)(6)

FOIA/PA REQUEST

FOIA Resource

Case No.: 2015-0022
Date Rec'd. 10/14/14
Specialist: Brown
Related Case: _____

From: Lawrence Criscione (b)(6)
Sent: Wednesday, October 08, 2014 9:03 PM
To: FOIA Resource
Cc: Dave Lochbaum; Tom Devine; Alicia Reaves
Subject: Meeting Agenda and Minutes for July 16, 2013 Meeting concerning the Jocassee/Oconee FOIA requests

Under the Freedom of Information Act, please provide me the meeting agenda and the minutes for the July 16, 2013 to discuss the Jocassee/Oconee FOIA requests.

I work in Rockville, MD and make it home to (b)(6) infrequently. Please send all correspondence to me electronically. If a document cannot be delivered to me electronically, please call me at (b)(6) and I will come by the FOIA office and get it.

Thank you,
Larry
Lawrence S. Criscione
(b)(6)

FOIA REQUEST

Case No.: 2016-0348

Date Rec'd: 3/8/16

FOIA Resource

From: Lawrence Criscione (b)(6)
Sent: Monday, March 07, 2016 8:29 PM
To: FOIA Resource
Cc: Dave Lochbaum; Jim Riccio; Paul Gunter
Subject: [External_Sender] FOIA Request for Bill Borchardt's Memo on OCWE
Attachments: IMG_2201.JPG; ATT00001.txt

Specialist

Related Case

Under the Freedom of Information Act I request a copy of Bill Borchardt's memo on an Open & Collaborative Work Environment entitled "It Takes a Team!". For reference, a photograph of a posting of the memo is attached.

Please provide the memo to me electronically, preferably by placing it in ADAMS.

Please send me all correspondence regarding this FOIA request electronically to (b)(6) If for some reason you must provide me a document as a hardcopy, please call me at (b)(6) and I will come by the FOIA desk and retrieve it.

Larry
Lawrence S. Criscione

(b)(6)



BEST AVAILABLE COPY

UNITED STATES NUCLEAR REGULATORY COMMISSION



Team!

...a reputation of being a premier regulator of nuclear
...a great place to work in the federal government!

I have always believed that it is our employees that are a key component
of our success. We hire good people, we train them, we give them
meaningful work, and then we hold them accountable.

At the NRC, we live our organizational values every day and work together to establish and
maintain an open, collaborative work environment that maximizes the potential of all individuals
and improves our regulatory decisionmaking.

Everyone has a role in safety at the NRC.

Whether it's the engineer performing an inspection at a power plant, the budget analyst
approving funds to support the inspection, the IT specialist providing a laptop for the inspection,
or the administrative assistant putting the inspection report into our electronic document system,
we all have a common goal of fulfilling our safety mission. We are all responsible for protecting
people and the environment.

In reaching this goal, we must collectively act as a team and individually behave as NRC Team
Players. In some organizations, being a "team player" means accepting management's views
during the decisionmaking process and not "rocking the boat." Being an NRC Team Player
does not mean those things. NRC holds its employees to a higher standard of involvement and
responsibility for the decisions that are made. We expect all our employees "to get in the game"
and routinely engage in informal discussions on issues with their coworkers and supervisors.

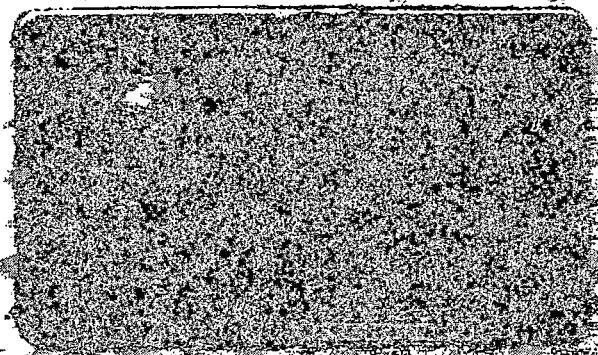
At the NRC, we encourage collaborative problem solving and decisionmaking. We value
diverse views, alternative approaches, critical thinking, unbiased evaluations, and honest
feedback on how decisions are made. We maintain an environment that encourages trust,
respect, and open communication where employees are comfortable speaking up.

I encourage you to review the expectations for being an NRC Team Player and support our
open, collaborative work environment (OCWE).

To learn more, visit NRC@Work > OCWE or call (301) 415-OCWE.

Bill

Bill Borchardt, EDO



FOIA Resource

From: Michael Ravnitzky (b)(6)
Sent: Tuesday, March 08, 2016 2:06 PM
To: FOIA Resource
Subject: [External_Sender] Freedom of Information Act request

March 8, 2016

U.S. Nuclear Regulatory Commission
FOIA/Privacy Officer
Mailstop: T-5 F09
Washington, DC 20555-0001
Fax: 301-415-5130
FOIA.resource@nrc.gov

FOIA REQUEST

Case No.: 2016 - 0349
Date Rec'd 3/9/2016
Specialist _____
Related Case _____

Pursuant to the provisions of the Freedom of Information Act, I respectfully request a copy of documents regarding "cold fusion" or "LENR" or "Low Energy Nuclear Reactions", as retrieved from an electronic search of NRC documents and correspondence files. I am particularly interested in any NRC evaluations of possibility of using LENR technology to ameliorate radioactive waste.

Note: the term "cold fusion" is a misnomer and has nothing to do with nuclear fusion. I am simply including it as a search term.

You may limit this request for an electronic search to records since January 1, 2010.

This is an individual noncommercial request. I agree to pay up to \$35 for applicable fees, if necessary.

Sincerely,

Michael Ravnitzky

(b)(6)

Case No.: 2016 - 0351

Date Rec'd 3/10/2016

Specialist

FOIA Resource

From: Lawrence Criscione (b)(6)
Sent: Wednesday, March 09, 2016 9:43 PM
To: FOIA Resource
Cc: Dave Lochbaum; Tom Devine
Subject: [External_Sender] Allegations and Cases assisted by the CCU

Under the Freedom of Information Act I request the list of all investigations and allegation on which the Cyber Crime Unit (CCU) assisted in conducting a portion of the investigation.

For each allegation, please include:

- the Allegation number and name
- the date received
- the date dispositioned
- the disposition
- any applicable case number
- the program office
- the agent

For each investigation case, please include:

- The case number and title
- the date opened
- the due date
- the date closed
- the case type
- the case agent
- the Program Office
- the Primary Classification
- the Disposition

Please provide me the requested records electronically. Also, please electronically send all correspondence regarding this request to (b)(6). If there are any records that must be delivered in hardcopy, please call or text me at (b)(6) and I will come to the FOIA desk to retrieve them. Please do not send any records or correspondence to my home in (b)(6) as I work in Rockville, MD and am not able to promptly respond to correspondence sent to Illinois.

Thank you,
Larry
Lawrence Criscione
(b)(6)



Property Solutions INC.

Environmental & Engineering Consulting

323 New Albany Road • Moorestown, New Jersey 08057 • 856-813-3000 • Fax 856-813-1068

CASE NO: 2016-0456

REC'D DATE: 5/3/16

SPECIALIST:

RELATED CASE:

May 2, 2016

United States
Nuclear Regulatory Commission
Mail Stop T-5 F09
Washington, DC 20555-0001
ATTN: FOIA Officer
Phone: 301-415-7169
Fax: 301-415-5130
Email: FOIA.resource@nrc.gov
Website: <http://www.nrc.gov/>

RE: The Hilltop Apartments (formerly Irvington General Hospital)
806-842 Chancellor Avenue, 842 Chancellor Avenue
Block 324-Lot 1
Irvington, Essex County, New Jersey 07111
Property Solutions Inc Project #: 20160398

Dear Freedom of Information Officer:

Property Solutions Inc. is conducting a Phase I Environmental Assessment of the aforementioned property. As part of the property assessment, we wish to determine whether the owner of this property is currently or ever licensed to utilize or store radioactive materials on the subject property. Please provide any documentation on what materials are, or have been utilized or stored at the property.

If you have any questions, please call me at 856-813-3000 ext 245, or email me at ecoordinator@propertysolutionsinc.com. If you have no information on the property, please fill in the box below and fax back to me at 856-813-1073. Thank you for your assistance.

Sincerely,
Property Solutions Inc.

Lyla Gray-Etherson, Environmental Coordinator
ecoordinator@propertysolutionsinc.com
856-813-3000 ext 245

<input type="checkbox"/>	No Files for subject property or address
Name:	_____
Title:	_____
Phone:	_____
X	_____
Signature	Date

SERVING YOUR NEEDS NATIONWIDE FROM OUR OFFICES IN:

PHILA • NY • CHICAGO • LA • DALLAS • PORTLAND • ATLANTA • BALTIMORE

Friends of the Earth

May 2, 2016

FOIA/Privacy Officer
U.S. Nuclear Regulatory Commission
Mailstop: T-5 F09
Washington, DC 20555-0001
FOIA.resource@nrc.gov

Re: FOIA request for records regarding communications within the NRC and between NRC and Entergy regarding baffle bolts at Indian Point Units 2 and 3 during the period from March 7, 2016 to the present.

Dear NRC FOIA/Privacy Officer:

On behalf of Friends of the Earth (Friends) (the "Requesting Party"), I write to request disclosure of records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and applicable Nuclear Regulatory Commission ("NRC") regulations at 10 C.F.R. §9.11 et seq.

Friends is a nonprofit organization founded in 1969, with more than 316,600 members and activists in every state in the country. Friends uses policy analysis and advocacy to work for a healthier and just world. For over forty years Friends has campaigned to reduce the health and environmental risks of nuclear power.

I. Description of Records Sought

Requesting Party asks that the NRC provide all records¹ since March 7, 2016 in NRC's possession, custody, or control that contain or reference communication² within the NRC or between the NRC (including NRC

¹ The term "records" is used herein to mean anything denoted by the use of that word or its singular form in the text of FOIA. The term includes correspondence of any kind, minutes of meetings, memoranda, notes, emails, letters, cards, telegrams, teletypes, briefing papers, cables, forms, diaries, schedules, chronological data, meeting and teleconference agendas, notices, facsimiles, charts, tables, presentations, orders, filings, receipts, printed matter, checks, statements, agreements, any evidence of telephone communication, any audio, aural, visual, or video item, including without limitation all cassette tapes, compact disks, digital video disks, microfiche, pictures, photographs, or videotapes, and any writings (handwritten, typed, electronic, or otherwise produced, reproduced, or stored).

² The term "communication" must be given the broadest possible meaning and includes comments, emails, courtesy copies of emails, messages, notes, data sets, calendars, personal digital assistant entries, any record of telephone communication, any other agency record involving communication and/or record of communications, as well as the above-mentioned items considered "records" if and when they mention, are

Commissioners, ASLB Administrative Judges and NRC Staff) and representatives of Entergy Nuclear Operations, Inc. ("Entergy"), regarding baffle bolts or baffle-former assembly bolts at Indian Point reactor units 2 and 3. Records sought should include, but are not limited to, materials relating to baffle bolt inspections, preparation of root cause analysis on baffle bolt deterioration, repair of baffle bolts, and operability assessment under all design basis conditions with as-found defective bolts for either reactor unit 2 and/or Unit 3 (IP2 and/or IP3).

Our request includes but is not limited to records relating to:

- January 12, 2016, Determination of Acceptable Baffle-Former Bolting for Indian Point Units 2 and 3, NYS000586-WCAP-18048-P, Rev 0

- March 29, 2016 Letter from Morgan Lewis on behalf of Entergy Nuclear Operations, Inc to Lawrence G. McDade, Chairman, Dr. Michael F. Kennedy, Dr. Richard E. Wardwell, Atomic Safety and Licensing Board, US Nuclear Regulatory Commission, Washington, DC 20555-0001, Docket Nos. 50-247-LR and 50-286-LR, Re: Licensing Board Notification of Preliminary Indian Point Unit 2 Baffle-Former Assembly Bolt Inspection Findings (Attachment #1)

- April 19, 2016, "Briefing on Indian Point Baffle Bolts Inspections", NRC presentation made to NRC Commissioners Burns, Ostendorff, Svinicki and Baran (staff) (Attachment #2)

- April 22, 2016 Memo from Jeremy S. Bowen, Executive Technical Assistant, Office of the Executive Director for Operations to Houman Rasouli, Deputy Assistant for Operation, Office of the Executive Director for Operations, Subject: Summary of April 19, 2016, Briefings for the Commissioners on Indian Point Baffle Bolts (Attachment #2)

- April 26, 2016 Letter from Sherwin E. Turk, Counsel for NRC Staff to Lawrence G. McDade, Chairman, Dr. Michael F. Kennedy, Dr. Richard E. Wardwell, Atomic Safety and Licensing Board, US Nuclear Regulatory Commission, Washington, DC 20555, Re: In the Matter of ENTERGY NUCLEAR OPERATIONS, INC. Docket Nos 50-247-LR/286-LR (Attachment #2)

- April 27, 2016 NRC Blog post by Neil Sheehan, Public Affairs Officer, Region 1, "An Outage Twist: Degraded bolts at New York Nuclear Plant Warrants Attention" (Attachment #3)

And including but not limited to records relating to any and all communications between Entergy representatives and the following NRC

related to, have been, or are going to be, shared or communicated between Entergy and NRC representatives.

representatives and internal NRC communications involving:

- NRC Public Affairs Officer, Region 1, Neil Sheehan
- Counsel for NRC Staff, Sherwin E. Turk
- Counsel for NRC Staff, Anita Gosh
- Counsel for NRC Staff, Brian Harris
- Counsel for NRC Staff, Joseph Lindell
- Counsel for NRC Staff, Beth Mizuno
- Counsel for NRC Staff, Dave Roth
- NRC Office of the Director for Operations, Deputy Assistant for Operations, Houman Rasouli
- NRC Office of the Executive Director for Operations, Executive Technical Assistant, Jeremy S. Bowen
- NRC Commissioner, Chairman Burns
- NRC Commissioner Ostendorff
- NRC Commissioner Svinicki
- NRC Commissioner Baran
- NRC Atomic Safety and Licensing Board, Administrative Judge McDade
- NRC Atomic Safety and Licensing Board, Administrative Judge Wardwell
- NRC Atomic Safety and Licensing Board, Administrative Judge Kennedy
- NRC EDO V. McCree
- NRC DEDR, M Johnson
- NRC DEDM, D Dorman
- NRC AO, R. Lewis
- NRC OEDO, T. Clark
- NRC OEDO, J Bowen
- NRC NRR, B. Dean
- NRC NRR, M. Evans
- NRC NRR/DE, J. Lubinski
- NRR/DORL, D. Pickett
- NRC Region 1, D. Lew
- NRC Region 1, S. Flanders
- NRC Region 1, M. Scott
- NRC Region 1, D. Pelton
- NRC Region 1, G Dentel

II. Request for Justification of Any Denials and Segregation of Non-Exempt Portions

In an executive order titled "Memorandum for the heads of executive departments and agencies" published in the Federal Register on May 12, 2014, President Barack Obama

stated that:

The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails . . . all agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA. The presumption of disclosure also means that agencies should take affirmative steps to make information public. They should not wait for specific requests from the public. All agencies should use modern technology to inform citizens about what is known and done by their Government. Disclosure should be timely.

Given the above memorandum, if any part of this request is denied, please cite the specific exemptions upon which the NRC relies to refuse release the documents and identify which records are being withheld. Further, since the Freedom of Information Act provides that the remainder of a file must be released if portions are exempt from disclosure, we request that we be provided with all non-exempt portions.

III. Request for Expedited Review

Pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 10 C.F.R. § 9.25(e), the Requesting Parties ***ask for expedited processing of this FOIA request due to compelling need for the information requested.*** A "compelling need" exists where the requester is "primarily engaged in disseminating information" and can demonstrate that "[t]he information is urgently needed . . . in order to inform the public concerning actual or alleged Federal Government activity." 10 C.F.R. § 9.25(e)(1)(ii); *see also* 5 U.S.C. § 552(a)(6)(E)(v).

The Requesting Party is a non-profit organization engaged in, among other things, information dissemination, public education, and advocacy on the health and environmental risks of electricity generation from nuclear power. The Requesting Party has websites, email lists, blogs, and other forms of mass communication with its members and the general public for the express purpose of disseminating information about important environmental issues.

The Requesting Party urgently needs this information because the records, communication, and information sought concern an "[a]ctual or alleged Federal Government activity" within the NRC related to its responsibility to objectively regulate and evaluate the deterioration of baffle bolts at Indian Point 2 & 3, given that the bolts perform a critical safety and operational function in reactors. The requested documents pertain to two related NRC activities: (1) NRC's license renewal proceeding for Indian Point, (2) NRC's public commitment that "NRC staff will ensure the condition is fully understood and addressed prior to the plant returning to service. The NRC staff will also consider all available information in evaluating if changes are needed to the current inspection programs for these bolts across the industry." Given that decisions in both of these activities are pending within the next few months, public access to this information is both time sensitive and critical for public engagement and information.

The Requesting Party also reserves the right to appeal any denial of our request for expedited processing of this request.

III. Request for a Fee Waiver

The Requesting Party asks that NRC waive all fees for search and production of the records described above. FOIA dictates that requested records be provided without charge "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester," 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 10 C.F.R. § 9.39(a) and 10 C.F.R. § 9.41(c). The requested disclosure meets these requirements. The request also meets the criteria of 10 C.F.R. § 9.41(d) and demonstrates the required factors listed in 10 C.F.R. § 9.41 (b).

A. Subject of the request relates directly to the operations or activities of the government

The records requested herein pertain to the activities of the NRC in regulating safe operation and regulatory consistency at Indian Point. NRC is a government agency. The requested records thus directly concern "the operations or activities of the government." *See* 5 U.S.C. § 552(a)(4)(A)(iii); 43 C.F.R. § 9.41(d)(1).

B Contribution to an understanding of the subject by the public is likely to result from disclosure.

The requested records are "likely to contribute" to the public's understanding of government operations and activities. 5 U.S.C. § 552(a)(4)(A)(iii); 10 C.F.R. § 9.41(d)(2). There is intense public concern about the NRC regulation of Indian Point and considerable public concern about the safe operation of both Units 2 and 3 given the as yet to be fully evaluated nature and cause of the baffle bolt deterioration and the possibility that such deterioration could lead to problems in the core cooling systems of either or both of the reactors.

The records requested shed light on a matter of considerable public interest and concern: NRC's actions, contacts and assessments have received extensive attention. This is demonstrated by the following examples of media coverage:

- <http://www.huffingtonpost.com/roger-witherspoon/critical-nuclear-reactor-b-9585718.html>
- <http://www.lohud.com/story/news/local/indian-point/2016/03/29/indian-point-nuclear-power-plant-faulty-bolts-closure/82408462/>
- <http://newyork.cbslocal.com/2016/03/29/cuomo-indian-point-plant/>

- <http://www.bloomberg.com/news/articles/2016-03-29/entergy-discovers-missing-bolts-at-new-york-nuclear-plant>
- <http://abc7ny.com/news/hundreds-of-faulty-missing-bolts-found-during-indian-point-reactor-inspection/1268796/>
- <http://www.wsj.com/articles/entergy-to-replace-some-liner-bolts-at-indian-point-nuclear-power-plant-1459299518>
- <http://www.prnewswire.com/news-releases/hundreds-of-inspections-completed-on-indian-point-unit-2-replacement-of-reactor-liner-bolts-planned-300242845.html>
- <http://www.nydailynews.com/new-york/indian-uke-plant-shutdown-missing-bolts-discovered-article-1.2583408>
- <http://www.foxnews.com/story/2016/03/29/indian-point-nuclear-plant-outage-bolts>

Public understanding of NRC's actions regarding Indian Point would be significantly enhanced by disclosure of the requested records. Disclosure would help the public to more effectively evaluate NRC's recent and future decision-making procedures regarding Indian Point. Disclosure would also help the public to better understand and evaluate NRC's actions regarding the legally binding safety regulations established for the operability of Indian Point.

C. Extent to which the requester has a commercial interest that would be furthered by disclosure of the requested agency records; and whether that commercial interest exceed the public interest in disclosure

The Requesting Party is a nonprofit environmental organization with no commercial interest in obtaining the requested information. Rather, this organization intends to use the requested information to inform the public, so the public can meaningfully participate in the debate around public health, environmental, and safety risks posed by the Indian Point Nuclear Power Plant. The Requesting Party believes that transparency of the relationship between the NRC and its licensee is essential to the NRC's obligation "to protect public health and safety, the environment, and the common defense and security."

"Congress amended FOIA to ensure that it be 'liberally construed in favor of waivers for noncommercial requesters,'" *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003); The Requesting Parties wish to serve the public by reviewing, analyzing and disclosing presently non-public information about operational safety at Indian Point. Any communication within NRC and between the agency and Entergy regarding critical equipment deterioration inside of the reactors at Indian Point relates to matters of considerable public interest and concern because of the significant risk to public health of millions of people should the safety systems of the plant fail during an emergency. Disclosure of the requested records will contribute significantly to public understanding of the safe operability of Indian Point and any associated threats to human health and the environment, and the NRC's regulatory options.

The Requesting Parties thus satisfy the criteria of 10 C.F.R. § 9.41(d). We further demonstrate below each of the eight factors required by NRC under 10 C.F.R. § 9.41(b) to evaluate whether a fee waiver is appropriate for this request.

D. Describe the purpose for which the requester intends to use the requested information.

The Requesting Party intends to use the requested information to understand and better inform the public about the status of the bolt deterioration and about the larger issue of operational safety at Indian Point. Specifically we wish to better understand and inform the public about: the inspection of the damaged baffle bolts and related equipment, the nature of the proposed repairs, the status and nature of the root cause analysis to be conducted and the decision-making process in regard to the timing and completion of repairs and any related decision for reactor restart. The Requesting Party intends to make such understanding and analysis available to their members and the general public.

E. Explain the extent to which the requester will extract and analyze the substantive content of the agency records.

The Requesting Party's members, technical experts and attorneys will carefully analyze the requested documents to evaluate the extent to which the licensee and NRC have complied with their respected and shared safety and regulatory obligations.

F. Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to the public understanding.

The Requesting Party intends to use the requested information to educate its members and the general public about the safety issues raised by the baffle bolt deterioration. This may be through public dissemination to the Requesting Party's members through news releases, blog posts, emails, or other electronic media or legal filings on behalf of the organizations in the current or future license related proceedings.

Friends' is qualified to analyze and disseminate the requested information, as demonstrated by Friends' multi-decade involvement in nuclear energy issues.

G. Describe the likely impact on the public's understanding of the subject as compared to the level of public understanding of the subject before disclosure

It is presently unclear whether Entergy and the NRC are being transparent about the safety risks presented by the deterioration of baffle-former bolts at Indian

Point Unit 2 and 3.. The requested information will aid the Requesting Party and its members in evaluating the response of the NRC and the licensee to the baffle-former bolt problem, and the safety of restarting the Unit 2 reactor and continuing to operate the Unit 3 reactor.

H. Describe the size and nature of the public audience to whose understanding a contribution will be made.

Friends has over 300,000 members across the country. Many of its members are engaged in the safety issues presented by Indian Point. Friends keeps an up-to-date website and often releases press statements on important developments in the safety of nuclear power plants around the country, such as the issues raised in this request. National newspapers such as the New York Times, San Francisco Chronicle, and LA Times often pick up the releases. Friends' analysis of the requested information could therefore reach anyone with a computer and an internet connection.

I. Describe the intended means of dissemination to the general public

The means by which the Requesting Party intends to disseminate the information yielded by this FOIA request is described above in *F*

J. Indicate if public access to information will be provided free of charge or provided for an access fee or public education.

Public access to the requested information will be provided completely free of charge.

K. Describe any commercial or private interest the requester or any other party has in the agency records sought

The Requesting Party is a non-profit organization whose sole purpose in requesting the documents is to educate itself, its members, and the general public regarding the safety issues at Indian Point. The Requesting Party plans to publish the requested information in correspondence with its members and supporters and to post the information on its website. The requested materials will not be used for the Requesting Parties' commercial use or gain.

IV. Willingness to Pay Fees Under Protest

Please provide the records requested above irrespective of the status and outcome of your evaluation of the Requesting Party's fee category assertion and fee waiver request. In order to prevent delay in NRC's provision of the requested records, the Requesting Party states that it will, if necessary and under protest, pay fees in accordance with NRC's FOIA regulations at 10 C.F.R. § 9.33 for all or a portion

of the requested records. Please consult with the Requesting Party, however, before undertaking any action that would cause the fee to exceed **\$100.00**. Such payment will not constitute any waiver of the Requesting Party's right to seek administrative or judicial review of any denial of its fee waiver request and/or rejection of its fee category assertion.

VI. Conclusion

We trust that, in responding to this request, NRC will comply with all relevant deadlines and other obligations set forth in FOIA and NRC's FOIA regulations. *See, e.g.,* 5 U.S.C. § 552(a)(6); 10 C.F.R. § 9.25.

Please produce the records above by emailing or mailing them to me at the Friends' office address listed below. Please produce them on a rolling basis; at no point should NRC's search for--or deliberations concerning--certain records delay the production of others that NRC has already retrieved and elected to produce. In the event that NRC concludes that some of the records requested above may already be publicly available, we will be happy to discuss those conclusions.

Please respond within 20 business days, as provided by 5 U.S.C. § 552(a)(6)(A)(i). If you have any questions regarding this request, please contact me at (202) 587-5242.

Thank you for your prompt attention to this request.

Sincerely,



Damon Moglen
Senior Strategic Advisor
Friends of the Earth
1101 15th Street, NW
11th Floor
Washington, DC 20005
(202) 222-0708
dmoglen@foe.org

Attachment # 1

March 29, 2016 Letter from Morgan Lewis to NRC re.

Docket: Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3), Docket Nos. 50-247-LR and 50-286-LR

Re: Licensing Board Notification of Preliminary Indian Point Unit 2 Baffle-Former Assembly Bolt Inspection Findings

Morgan Lewis

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March 29, 2016

Lawrence G. McDade, Chairman
Dr. Michael F. Kennedy
Dr. Richard E. Wardwell
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Docket: *Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3), Docket Nos. 50-247-LR and 50-286-LR*

Re: Licensing Board Notification of Preliminary Indian Point Unit 2 Baffle-Former Assembly Bolt Inspection Findings

Dear Administrative Judges:

In accordance with its obligation to inform the Licensing Board of relevant developments in a timely fashion,¹ Entergy Nuclear Operations, Inc. ("Entergy") hereby notifies the Licensing Board of recent developments relevant to Contentions NYS-25 and NYS-38 RK-FC-0. By way of explanation, the parties' testimony on those contentions discusses relevant industry operating experience as well as Entergy's planned inspection of baffle-former assembly bolts located within the Indian Point Unit 2 ("IP2") reactor pressure vessel during the now-ongoing refueling and maintenance outage that commenced on March 7, 2016. Specifically, Entergy conducted visual and, where feasible, volumetric (ultrasonic testing, or UT) examinations of approximately 2000 baffle-former assembly bolts (which include baffle-former and baffle-edge bolts) as part of the reactor vessel internals aging management program. The visual and preliminary UT examination results show indications (e.g., missing bolts, and bars meant to hold them in place, and other

¹ See *Duke Power Co.* (William B. McGuire Nuclear Station, Units 1 & 2), ALAB-143, 6 AEC 623, 625 (1973); *Metro Edison Co.* (Three Mile Island Nuclear Station, Unit 1), ALAB-774, 19 NRC 1350, 1359 (1984).

Morgan Lewis

Lawrence G. McDade, Chairman
Dr. Michael F. Kennedy
Dr. Richard E. Wardwell
March 29, 2016
Page 2

degradation requiring replacement of the bolts) on approximately 227 of 832 baffle-former bolts. No failures of the baffle-edge bolts were identified.

Entergy is reporting this event to the Nuclear Regulatory Commission ("NRC") pursuant to 10 C.F.R. § 50.72.

As required by plant procedures, Entergy has entered the inspection findings into its Corrective Action Program and is taking appropriate corrective actions, including the conduct of a root cause analysis. In accordance with its mandatory disclosure obligations in this proceeding, Entergy today disclosed the condition report ("CR") for the preliminary baffle-former bolt inspection findings to the other parties.

In addition, Entergy plans to initiate consultations with New York State, Riverkeeper, and the NRC Staff under 10 C.F.R. § 2.323(b) to discuss the potential implications of the inspection findings for the pending adjudication on Contentions NYS-25 and NYS-38/RK-TC-5, particularly in light of the ongoing nature of Entergy's evaluations of the inspection findings. At this juncture, because New York State's reply supplemental testimony is due on Friday, April 1, Entergy will propose that the parties prepare and submit to the Licensing Board a joint motion requesting a 30-day abeyance of the Track 2 proceedings pending the completion of Entergy's initial evaluation and/or a further report from Entergy.

Respectfully submitted,

Executed in accord with 10 C.F.R. § 2.304(d)

Paul M. Bessette, Esq.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
Phone: (202) 739-5796
Fax: (202) 739-3001
E-mail: paul.bessette@morganlewis.com

Counsel for Entergy Nuclear Operations, Inc.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket Nos. 50-247-LR and
		50-286-LR
ENTERGY NUCLEAR OPERATIONS, INC.		
(Indian Point Nuclear Generating Units 2 and 3)		March 29, 2016

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (as revised), I hereby certify that, on this date, copies of Entergy's "Licensing Board Notification of Preliminary Indian Point Unit 2 Baffle-Former Assembly Bolt Inspection Findings" were served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above-captioned proceeding.

Signed (electronically) by Martin J. O'Neill

Martin J. O'Neill, Esq.
MORGAN, LEWIS & BOCKIUS LLP
1000 Louisiana Street, Suite 4000
Houston, TX 77002
Phone: (713) 890-5710
Fax: (713) 890-5001
E-mail: martin.o'neill@morganlewis.com

Counsel for Entergy Nuclear Operations, Inc.

DBI/ 87058200

Attachment #2

April 26, 2016 Letter from Sherwin Turk to ASLB (with April 22, 2016 letter from Jeremy Bowen to Housman Rasouli and NRC powerpoint attached)

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON DC 20555 - 0001

April 26, 2016

Lawrence G. McDade, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555

Dr. Michael F. Kennedy
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555

Dr. Richard E. Wardwell
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555

In the Matter of
ENTERGY NUCLEAR OPERATIONS, INC.
(Indian Point Nuclear Generating Unit Nos. 2 and 3)
Docket Nos. 50-247-LR/286-LH

Dear Administrative Judges:

The NRC Staff ("Staff") wishes to inform the Atomic Safety and Licensing Board ("Board") and parties that the telephone numbers for Staff Counsel have changed. Effective immediately, Staff Counsel in this proceeding may be reached as follows:

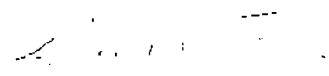
Ghosh, Anita	(301) 287-9175
Harris, Brian	(301) 287-9120
Lindell, Joseph	(301) 287-9114
Mizuno, Beth	(301) 287-9201
Roth, David	(301) 287-9121
Turk, Sherwin	(301) 287-9194

In addition, the Staff wishes to inform the Board and parties that on April 19, 2016, the Staff provided a PowerPoint briefing to the Chairman, Commissioner Ostendorff, Commissioner Svinicki, and Commissioner Baran's staff, regarding the licensee's inspection of baffle-former assembly bolts in the Indian Point Unit 2 reactor pressure vessel. In its briefings, the staff provided an overview of the design of a pressurized water reactor baffle-former assembly and the associated bolts; the regulatory requirements associated with inspection of the baffle-former assembly and bolts; the inspection results at Indian Point Unit 2, including the current status; the implications for Indian Point Unit 3; and the Staff's related ongoing activities.

Atomic Safety and Licensing Board
April 26, 2016
Page 2

Copies of the Staff's meeting summary and briefing slides are enclosed herewith

Respectfully,


Sherwin E. Turk
Counsel for NRC Staff

Encl : As stated

cc w/Encl : EIE Service List

April 22 2016

MEMORANDUM TO: Houman Rasouli
Deputy Assistant for Operations
Office of the Executive Director for Operations

FROM: Jeremy S. Bowen /RA/
Executive Technical Assistant
Office of the Executive Director for Operations

SUBJECT: SUMMARY OF APRIL 19, 2016 BRIEFINGS FOR THE
COMMISSIONERS ON INDIAN POINT BAFFLE BOLTS

On April 19, 2016, the Nuclear Regulatory Commission (NRC) staff provided information briefings for the Commissioners on Baffle Bolts at the Indian Point Nuclear Generating Station (Indian Point). One briefing was held for Chairman Burns and Commissioner Ostendorff; and a separate briefing was held for Commissioner Svinicki. Commissioner Baran was not briefed, but had staff in attendance during the first briefing.

The staff provided (1) an overview of the design of a pressurized water reactor (PWR) baffle-former assembly and the associated bolts; (2) the regulatory requirements associated with inspection of the assembly and bolts; (3) the results of the inspections at Indian Point, Unit 2, including the current status; (4) the implications for Indian Point, Unit 3; and (5) the NRC engagement in the ongoing activities. Information presented on the design was limited to the function of the assembly and the bolts, the associated material properties, and the potential failure mechanisms and related consequences. The process and bases of the regulatory required inspections was provided as it relates to all PWRs. Discussions on the inspection results at Indian Point was limited to factual information about the numbers of bolts that failed, the current plans to replace or further evaluate the affected bolts, and the anticipated schedules for the associated activities. The staff concluded by discussing how the operating experience at Indian Point correlates with industry, and by covering the NRC's ongoing and planned activities.

cc OGC

CONTACT: Jeremy Bowen OEDO
(301) 415-3471

April 22, 2016

MEMORANDUM TO: Houman Rasouli
Deputy Assistant for Operations
Office of the Executive Director for Operations

FROM: Jeremy S. Bowen /RA/
Executive Technical Assistant
Office of the Executive Director for Operations

SUBJECT: SUMMARY OF APRIL 19, 2016 BRIEFINGS FOR THE
COMMISSIONERS ON INDIAN POINT BAFFLE BOLTS

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cc: OGC

CONTACT: Jeremy Bowen, OEDO
(301) 415-3471

DISTRIBUTION:
See next page

ADAMS Accession No.: ML16112A347

OFFICE: OEDO/ETA
NAME: J.Bowen
DATE: 04/21/16

OEDO/DAO
HRasouli
04/22/16

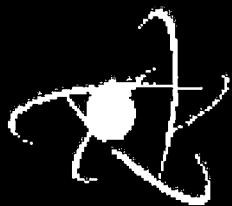
OFFICIAL RECORD COPY

Memo to Houman Rasouli from Jeremy S. Bowen dated April 22, 2016

SUBJECT: SUMMARY OF APRIL 19, 2016, BRIEFINGS FOR THE COMMISSIONERS ON
INDIAN POINT BAFFLE BOLTS

DISTRIBUTION:

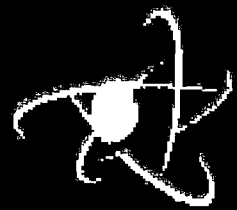
V McCree, EDO
M Johnson, DEDR
D. Dorman, DEDM
R Lewis, AO
T. Clark, OEDO
J. Bowen, OEDO
B. Dean, NRR
B McDermott, NRR
M. Evans, NRR
J Lubinski, NRR/DE
J McHale, NRR/DE
D. Picket, NRR/DORL
D. Lew, Region I
S. Flanders, Region I
M. Scott, Region I
D. Pelton, Region I
G. Dentel, Region I
S. Turk, OGC
OGC
EDO R/F



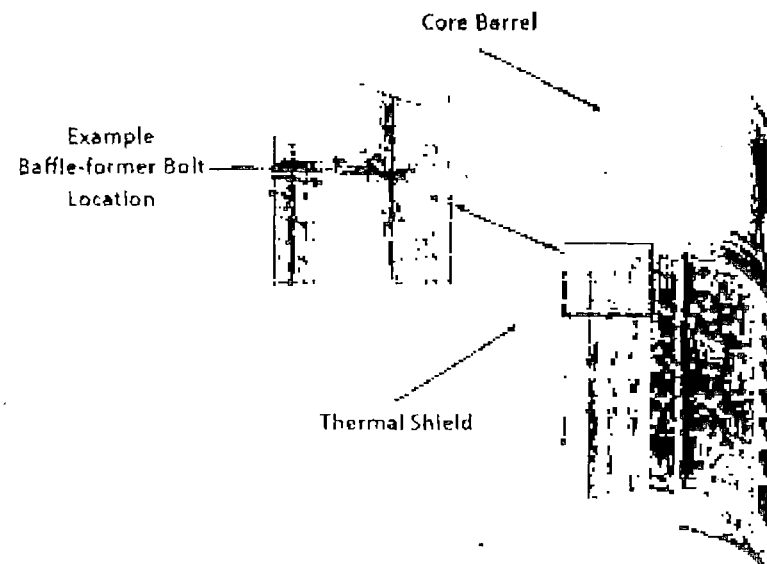
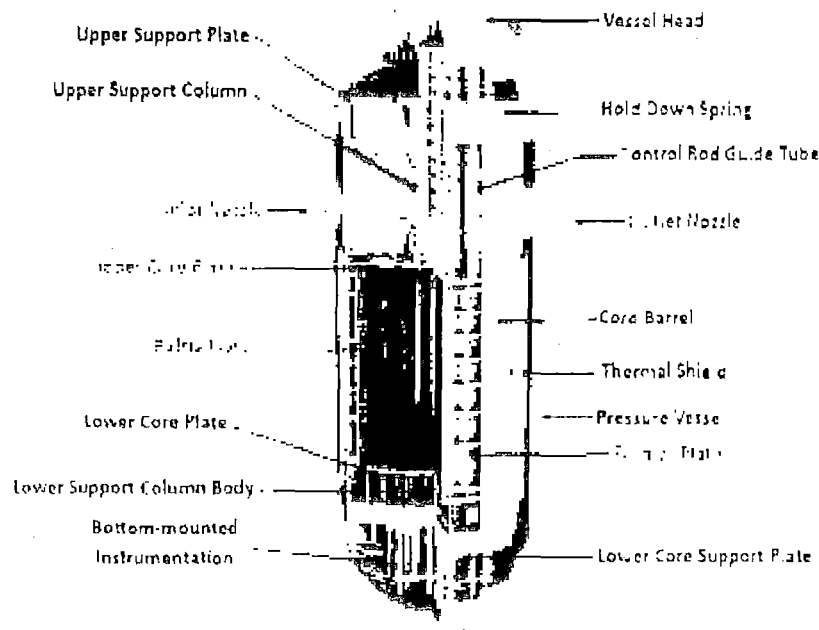
Briefing on Indian Point Baffle Bolt Inspections

April 19, 2016

Protecting People and the Environment

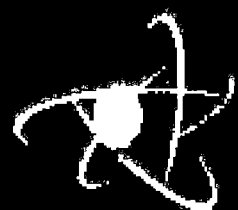


Baffle-former assembly



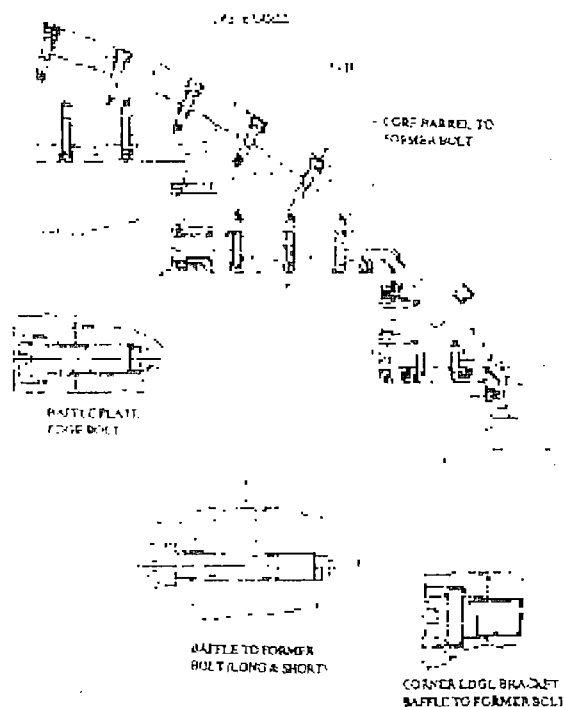
Function of baffle-former assembly is to direct coolant flow through the core. It also provides lateral support to the core during a seismic event or loss-of-coolant accident (LOCA).

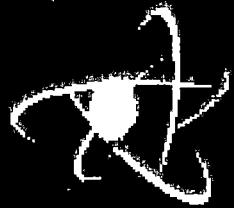
Protecting People and the Environment



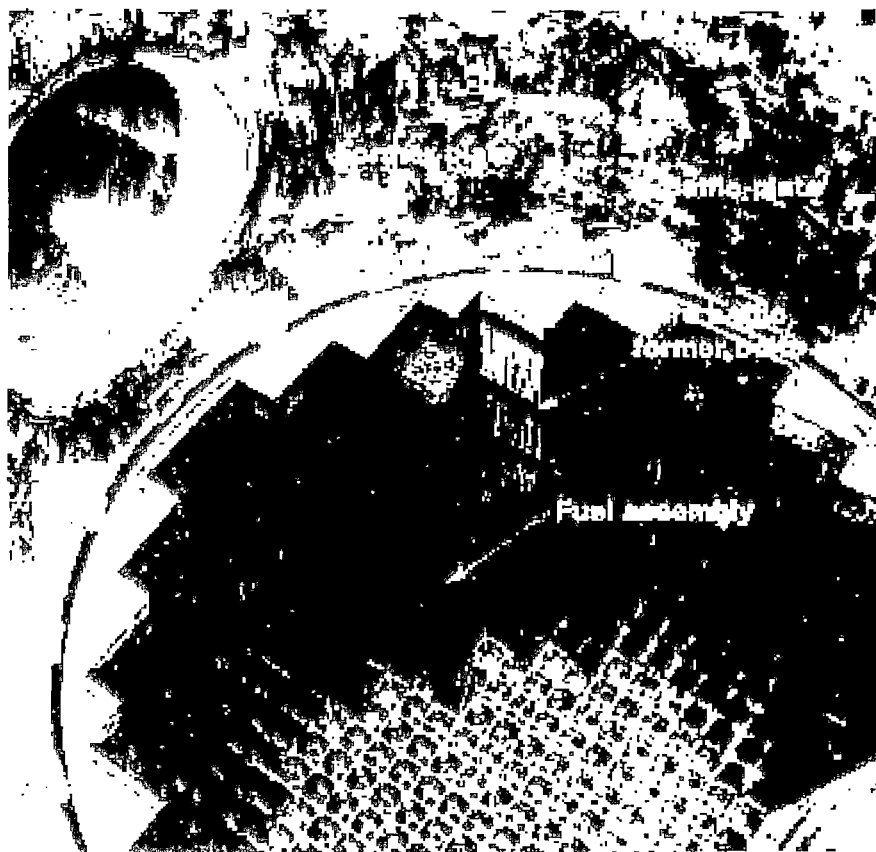
Baffle-former bolts

- Stainless steel bolts are 5/8" dia. x ~2" long and attach the baffle plates to the former plates to form the baffle assembly

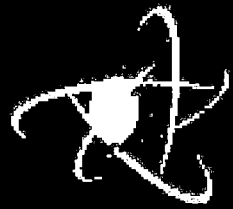




Potential consequences

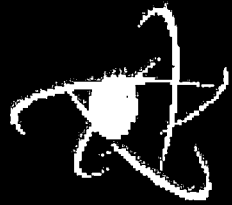


- No impact from a few bolt failures
- Large numbers of failed bolts could cause:
 - Flow leakage through gaps between adjacent plates
 - Fuel degradation (baffle jetting erosion)
 - Increased core bypass flow (less fuel cooling)
 - Baffle plates impacting fuel assemblies during LOCA event, potentially leading to grid deformation



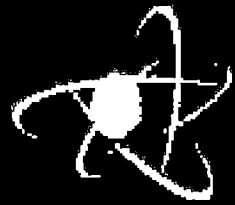
Baffle-Former Bolt Inspections – Regulatory Basis – First 40 years

- **10 CFR 50.55a “Codes and Standards”**
 - Incorporates by Reference ASME Code, Section XI
 - Section XI mandates general visual condition examination of reactor vessel internals (RVI) every 10 years
- **All PWRs have been performing every 10 years during the first 40 years of operation**



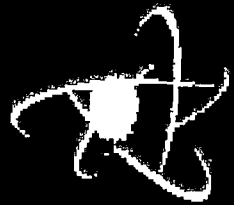
Baffle-Former Bolt Inspections Regulatory Basis – Period of Extended Operation

- Guidance for PWR RVI aging management program is based on NRC-approved topical report MRP-227-A
- To manage aging of RVI, IP2 committed to enhanced inspections following MRP-227-A, consistent with NRC guidance



MRP-227-A Inspection Requirements for Baffle-Former Bolts

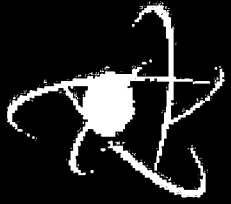
- **Ultrasonic (UT) Examination**
- **Initial (baseline) inspection between 25-35 effective full power years**
- **100% of bolts**
- **Inspect every 10 years thereafter**
- **All PWRs with baffle-former bolts must perform these inspections (most PWR designs)**



2016 Indian Point Results

Entergy Unit 2 Activities

- Conducted visual examination of 1232 baffle-edge bolts
- Conducted ultrasonic and visual examination of 832 baffle-former bolts
- Results:
 - All baffle edge-bolts were acceptable
 - 227 total baffle-former bolt identified as failed
 - 182 ultrasonic testing failures
 - 31 visually identified as protruding
 - 14 inaccessible, conservatively assumed failed
- Bolts to be sent out for analysis by Westinghouse and LPI, an independent engineering firm



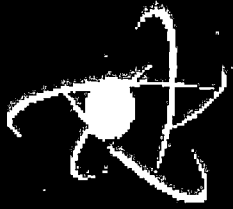
2016 Indian Point Activities

Indian Point Unit 2 (IP2)

- Removing degraded bolts using mechanical extraction and Electrical Discharge Machining (EDM) tools
- Developing plans to replace baffle-former bolts
- Developing safety evaluation of as-found condition
- Developing analysis to support baffle-former assembly return to service (if not all bolts are replaced)

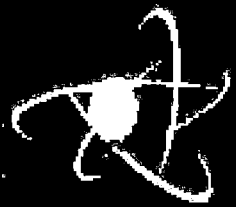
Indian Point Unit 3 (IP3)

- Developing evaluation of baffle-former assembly considering information from IP2
- Evaluating schedule for future baffle bolt examinations, currently planned in 2019



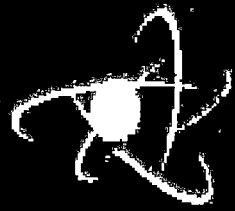
NRC Inspections to Ensure Safety Of Indian Point Unit 2

- Evaluated Entergy's Inservice Inspection to verify their examination methods/acceptance criteria were appropriate
- Baseline Inspections being planned and implemented to:
 - Verify Entergy completes bolt replacement and analyses that ensure the baffle-former assembly will perform intended safety functions
 - Review Entergy's evaluation of the as-found conditions to independently assess the safety significance and whether there were prior performance issues



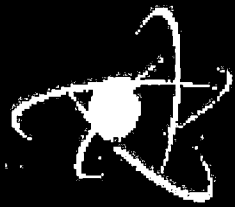
NRC Inspections to Ensure Safety Of Indian Point Unit 3

- **NRC staff's current assessment is that IP3 is safe to operate**
 - Smaller number of failed bolts expected because:
 - IP3's baffle-former bolts are exposed to less radiation than those in IP2
 - Less operating time than IP2
 - No current indication of fuel leaks which would indicate significant problems with baffle-former bolts
 - Analysis for other Westinghouse plants have demonstrated significant margin regarding the total number of required bolts
 - Will reassess IP3 functionality based on results of IP2 analysis currently in progress
- **Resident Inspectors onsite to independently assess if conditions change**
- **NRC will review Entergy's evaluation of IP3 and their plans for future baffle-former assembly exams**



Operating Experience – Inspection Results

- Only one plant found broken baffle-former bolts via Section XI visual inspections
- Over 12,000 baffle-former bolts ultrasonically inspected to date
- Only 3.6% defective (potentially cracked)
- Excluding IP2 results, 2% defective
- Several plants of similar age or older to IP2 have inspected
- These older plants have found no more than 10% defective bolts



Industry Response

- **Entergy will perform root cause analysis**
- **Results will be shared with the industry through the EPRI Materials Reliability Program (MRP)**
- **EPRI considers MRP-227-A a living program**
- **Changes can be made in response to operating experience**



NRC Response

- Region I and NRR monitoring IP2 analysis, repair and root cause, and IP3 implications
- Decide if regulatory action needed based on:
 - Operating experience with baffle-former bolt inspections
 - IP2 root cause analysis results
 - Operability of IP2 under all design basis conditions with as-found defective bolts
- Potential actions could include acceleration of baseline inspection schedule, shorten reinspection interval, or no change
- Could implement through modification to guidance, or generic communication if warranted by safety impact

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

NOTICE OF ADOPTION OF A COURT-APPROVED

In the Matter of

ENTERGY NUCLEAR OPERATIONS, INC.

Docket Nos. 50-247/286-LR

(Indian Point Nuclear Generating
Units 2 and 3)

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (as revised), I hereby certify that copies of the foregoing letter from Sherwin E. Turk to the Atomic Safety and Licensing Board, dated April 26, 2016, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above-captioned proceeding, this 26th day of April, 2016.

Sherwin E. Turk
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-15D21
Washington, DC 20555
Telephone: (301) 287-9194
E-mail: Sherwin.Turk@nrc.gov

Attachment #3

**NRC Blog Post, April 27, 2016, Neil Sheehan: "An Outage Twist:
Degraded bolts at New York Nuclear Power Plant Warrant Attention"**

<https://public-blog.nrc-gateway.gov/2016/04/27/an-outage-twist-degraded-bolts-at-new-york-nuclear-plant-warrant-attention/>

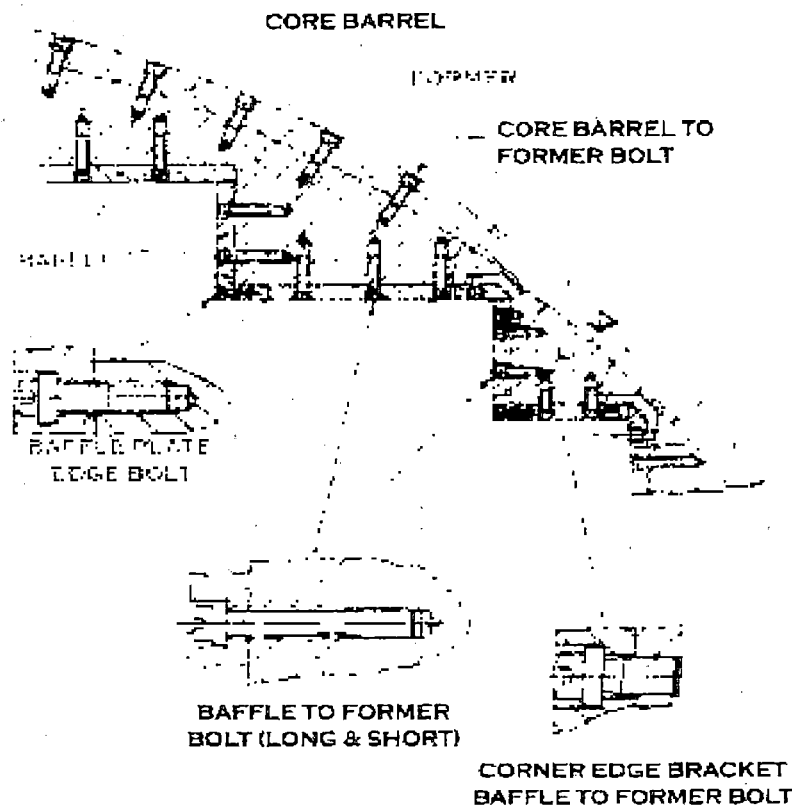
An Outage Twist: Degraded bolts at New York Nuclear Plant Warrant Attention

11 Comments Posted by Moderator on April 27, 2016

*Neil Sheehan
Public Affairs Officer
Region I*

When the Indian Point Unit 2 nuclear power plant entered a refueling and maintenance outage in early March, the to-do list included a task born of industry operating experience, both in the United States and overseas

Baffle-Former Assembly Bolts



EPRI

Specialists were geared up to check on the condition of bolts employed in the reactor vessel at the Buchanan, N.Y., facility. These are the kind of bolts you likely wouldn't find at your local hardware store. Rather, they are made of a stainless-steel alloy capable of withstanding decades' worth of neutron bombardment, as well as extraordinarily high temperatures and pressure.

Measuring about 2 inches in length and 5/8ths of an inch in diameter, the bolts hold in place a series of vertical metal plates. Known as baffle plates, they help direct water up through the nuclear fuel assemblies, where it is heated and subsequently used for power production.

The baffle plates are attached to eight levels of horizontal plates called baffle-former plates, which are in turn connected to the reactor core barrel.

As far back as the late 1980s, cracking was identified in baffle-former bolts — the bolts securing the baffle plates to the baffle-former plates — in pressurized-water reactors (PWRs) in France. (Both Indian Point Units 2 and 3 are PWRs.) The degradation is caused by what is known as irradiation-assisted stress corrosion cracking.

In response, the U.S. nuclear industry began checking on these bolts in a small number of domestic PWRs on a sample basis.

The NRC staff also made use of a communications tool called an Information Notice to advise U.S. plant owners of what had been observed in Europe. A March 1998 notice let U.S. plant owners know that the baffle-former bolt cracking reported in foreign PWRs had occurred at the juncture of the bolt head and the shank, a location not accessible for visual examination.

Several U.S. plants subsequently evaluated their baffle-former bolts and in some cases replaced a sizable number.

Jumping ahead, the Electric Power Research Institute developed a standard industry program for the aging management of PWR reactor vessel internals and submitted it to the NRC in January 2009. The NRC staff approved the approach in an Information Notice issued in December 2011 and then published in January 2012 as MRP-227-A. (MRP is short for Materials Reliability Program.)

Under this new standard, U.S. PWRs were to conduct an initial ultrasonic examination of all of their baffle-former bolts when the plant had between 25 and 35 effective full power years of service.

This is exactly what was being done at Indian Point Unit 2 during the current outage. It was adhering to the standards of MRP-227-A. In the course of this review, it was determined that 227 of 832 baffle-former bolts at the plant were degraded, which means any indication of cracking. What's more, two bolt heads were missing.

The number of degraded baffle-former bolts was the largest seen to date at a U.S. reactor.

Entergy, Indian Point's owner, is in the process of analyzing the condition and replacing the degraded bolts. It will also assess any implications for Indian Point Unit 3, though that reactor is believed to be less susceptible to the condition for several reasons, including fewer operational cycles.

As for the NRC, we will independently review the company's analysis and bolt-replacement plans to ensure safety. The results of those reviews will be documented in an upcoming inspection report for the plant.

We have already had a metallurgical specialist on-site reviewing the company's evaluations of the bolts and have agency experts reviewing the matter.

More information will be forthcoming on the issue. However, it's important to note that the NRC staff will ensure the condition is fully understood and addressed prior to the plant returning to service. The NRC staff will also consider all available information in evaluating if changes are needed to the current inspection programs for these bolts across the industry.

FOIA Resource

From: Accomando, Jane T. <jane.accomando@morganlewis.com>
Sent: Monday, May 02, 2016 8:54 PM
To: FOIA Resource
Cc: Csedrik, Lewis M.
Subject: [External_Sender] FOIA Request - OI Investigation Report No. 4-2013-003

Pursuant to the Freedom of Information Act ("FOIA") and the Nuclear Regulatory Commission's ("NRC") implementing regulations at 10 CFR Part 9, I hereby request a copy of any materials* that were generated in connection with Case No. 4-2013-003, which the NRC Office of Investigations ("OI") investigated. I understand that OI concluded that no discrimination for engaging in protected activity had occurred and closed its investigation on or about February 25, 2014. I agree to pay all reasonable charges associated with this FOIA request. Please contact me in advance of production, if the charge exceeds \$150.00. My contact information is in my signature line below.

Sincerely,
Jane Accomando

*"Materials" include, but are not limited to, notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, interim and final reports, status reports, and other records.

Jane T. Accomando
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541
Direct: +1.202.739.5815 | Main: 202.739.3000 | Fax: 202.739.3001
jane.accomando@morganlewis.com | www.morganlewis.com
Assistant: Lesa Williams-Richardson | 202.739.5581 | lesa.williams-richardson@morganlewis.com

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CASE NO: 2017-0028
DATE REC'D: 10/6/2016
SPECIALIST:
RELATED CASE:

From: Itai Vardi
To: FOIA Resource
Subject: [External_Sender] Requesting documents previously FOIA'd
Date: Wednesday, October 05, 2016 1:27:31 PM

Hi,

I'm a journalist writing for DeSmogBlog.com on energy and environment issues. I'd like to obtain documents that have been FOIA'd last year. They are: FOIA/PA-2015-0099 ("schedules for Commissioners Burns, Svinicki, Ostendorff & Baran, 2014-2015").

Please let me know how I can obtain those.

Thanks,

Itai Vardi
Freelance Journalist
Tel: (b)(6)
DeSmogBlog.com

CASE NO: 2017-0064
DATE REC'D: 10/14/2016
SPECIALIST:
RELATED CASE:

From: Itai Vardi
To: FOIA.Resource
Subject: WWW Form Submission
Date: Thursday, October 13, 2016 6:33:42 PM

Below is the result of your feedback form. It was submitted by

Itai Vardi (b)(6) on Thursday, October 13, 2016 at 18:36:26

through the IP (b)(6)

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

Company/Affiliation:

Address1: (b)(6)

Address2:

City: (b)(6)

State: (b)(6)

Zip: (b)(6)

Country: United_States

Country-Other:

Phone: (b)(6)

Desc: Hi,

I'd like to request the following documents:

All schedules for NRC Commissioners Ostendorff, Svinicki, Burns & Baran. from January 1, 2015 to December 31, 2015. These should include, but not be limited to, google and outlook calendars, agenda sheets, itineraries, appointments, and timetables.

Thank you.

Itai Vardi
Freelance Journalist
Tel: (b)(6)
DeSmogBlog.com

FeeCategory: NewsMedia

MediaType:

MediaType_Other_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInformText:

Waiver_Purpose: News media, not for commercial use. Please waive fee.

Waiver_ExtentToExtractAnalyze:

Waiver_SpecificActivityQuals:

Waiver_ImpactPublicUnderstanding:

Waiver_NatureOfPublic:

Waiver_MeansOfDissemination:

Waiver_FreeToPublicOrFee:

Waiver_PrivateCommericalInterest:

CASE NO: 2017-0065
DATE REC'D: 10/13/2016
SPECIALIST:
RELATED CASE:

From: 江藤 浩一
To: FOIA Resource
Subject: [External_Sender] FOIA request on Form agency response to Fukushima related FOIA, and others (Takanori Eto
Date: Friday, October 14, 2016 4:16:21 AM

Dear FOIA OFFICERS,

Good evening,

I request the documents written by NRC, on FOIA to Fukushima disaster, which had been drafted since January, 2013 to the date of this request, which can be categorized as below.

1. NRC's internal argument on the FOIAs submitted on Fukushima.
2. The Agency's policy drafted to deal with the FOIAs related to Fukushima Daiichi Disaster.
3. NRC's review of the Agency's response to Fukushima related FOIAs.
4. The list of Docs, which had been once denied (regardless of partially or fully) for being classified or any other reasons, but now it is O.K. to released more broad or fully extent, since the classifications have been modified or any other reasons.
5. All the contact by TEPCO or the Foreign Government's Agency, to US government, on NRC's FOIA released docs.
6. All the records USNRC got from Japanese government or TEPCO, concerned about your agencies FOIA released documents.

I, as always, request the Full fee waiver of the fee, as a media representative intending to contribute (U.S. Japan, and other countries') public understanding of the agency and the purpose of this request is not for the commercial one.

As for the formats, docs including, but not limited to, CD, Paper, fax e-mil, or phone conversation records.

And in this request the documents uploaded in USNRC website are excluded.

Best Wishes,

Editor in chief of Echo-News, <http://echo-news.red>
Journalist Associate Member of Foreign Corresponding Club of Japan <http://www.fccj.or.jp>

Takanori Eto

CASE NO: 2017-0191
DATE REC'D: 12/05/2016
SPECIALIST:
RELATED CASE:

From: Voorhees, Josh
To: FOIA Resource
Subject: [External_Sender] Freedom of Information Act Request
Date: Friday, December 02, 2016 4:27:46 PM

To whom it may concern:

This is a request for records under the provisions of the Freedom of Information Act.

<!--[if !supportLineBreakNewLine]-->

<!--[endif]-->

I request a copy of each email sent on November 8th, November 9th, November 10th, or November 11th of this year (2016) to or from any employee of the Nuclear Regulatory Commission; which contains any of the following words: "Trump," "Clinton," "Fuck," "Fucking," "Fucked," "Shit," or "Damn."

This is a request for news-reporting purposes. I agree to pay up to \$25 for applicable fees associated with this request if necessary.

Sincerely,
Josh Voorhees
Slate magazine
318 E. Jefferson St., Apt. 1
Iowa City, IA 52245
josh.voorhees@slate.com
(202) 200-8218

CASE NO: 2017-0108
DATE REC'D: 10/27/2016
SPECIALIST:
RELATED CASE:

From: (b)(6)
To: FOIA Resource
Subject: WWW Form Submission
Date: Wednesday, October 26, 2016 5:50:51 PM

Below is the result of your feedback form. It was submitted by

(b)(6) on Wednesday, October 26, 2016 at 17:54:06

through the IP (b)(6)

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

Company/Affiliation: (b)(6)

Address1: (b)(6)

Address2:

City: (b)(6)

State: (b)(6)

Zip: (b)(6)

Country: United_States

Country-Other:

Phone: (b)(6)

Description: (b)(6) worked for Burns and Roe at the Hanford II nuclear power plant from 1973 to 1976. We are trying to verify his records for that time. Please send me to the right people to talk to about this or verify his employment at that time. Thank you (b)(6)

FeeCategory: Personal_Noncommercial

MediaType:

MediaType_Other_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInformText:

Waiver_Purpose:

Waiver_ExtentToExtract/Analyze:

Waiver_SpecificActivityQuals:

Waiver_ImpactPublicUnderstanding:

Waiver_NatureOfPublic:

Waiver_MeansOfDissemination:

Waiver_FreeToPublicOrFee:

Waiver_PrivateCommericalInterest:



800 20th Street NW • Washington, D.C. 20009 • 202-588-1000 • www.citizen.org

CASE NO: 2017-0123
DATE REC'D: 11/08/2016
SPECIALIST:
RELATED CASE:

November 8, 2016

U.S. Nuclear Regulatory Commission
FOIA/Privacy Officer
Mail Stop T-5 F09
Washington, DC 20555-0001

[SENT BY EMAIL TO: FOIA.resource@nrc.gov]

To Whom It May Concern:

In 2012, 2014, and 2015, Public Citizen's Health Research Group (HRG) submitted Freedom of Information Act (FOIA) requests for data relating to lifetime radiation exposure, by both length of employment and by calendar year, in nuclear power plant workers from 1977-2009, 1977-2010, and 1977-2011, respectively (see **FOIA/PA-2012-00307**, **FOIA/PA-2014-00173**, and **FOIA/PA-2016-00003**). You fulfilled those requests and we appreciated your efforts to get us the data in a prompt fashion.

We are writing today to request the same data for the years for which data have been made available since the 2015 FOIA request was fulfilled. Pursuant to 5 U.S.C. § 552 as amended, we specifically request:

1. Additional tables analogous to that in **Appendix, Figure 1** ("Career External Dose Distribution By Dose and Career Length At Reactor Facilities 1977– 2011") for each calendar year since 2011 for which data are now available. We request that, if possible, these data again be sent as Excel files in order to minimize the potential for human error when manually transcribing the data from a PDF to an Excel file for analysis.
2. A revised version of the table in **Appendix, Figure 2** ("2015 Table5.7 FOIA Response"), as an Excel file, that includes lifetime radiation exposures by career length, which factors in all years since 2011 for which data are now available.

If possible, please send digital copies of these documents by email to salmashat@citizen.org.

Please send us documents as they become available rather than waiting to assemble all of the requested documents. If it is your position that records exist that are responsive to this request, but that those records (or portions of those records) are exempt from disclosure, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the nonexempt portions of the records.

Fee Waiver Request

Public Citizen, which has 400,000 members and supporters, is a nonprofit research, litigation, and advocacy organization that represents the public interest before Congress, the executive branch, and the courts. It fights for openness and democratic accountability in government; for social and economic justice in globalization and trade policies; for strong health, safety, human subjects and environmental protections; and for safe, effective and affordable medicines and health care. It is composed, in part, by its Health Research Group.

Public Citizen requests that all fees in connection with this FOIA request be waived in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and the eight-factor test under 10 C.F.R. § 9.41(b). Our responses to each of 10 C.F.R. § 9.41(b)'s eight criteria are as follows:

1. Describe the purpose for which you intend to use the requested information.

- a. Public Citizen intends to use the information to inform the public debate on nuclear power. The documents being sought will allow the public to evaluate these exposures within the context of the broader debate over the benefits and risks of nuclear power. Public Citizen intends to make the information obtained as a result of this request publicly available on its freely accessible website, and through dissemination to the news media.

2. Explain the extent to which you will extract & analyze the substantive content of the records.

- a. Public Citizen will extract and analyze the substantive content of the records sought through the current FOIA to the fullest extent possible. The requested records are composed of data on lifetime radiation exposure in nuclear power plant workers, which we will extract in their entirety for use in a subsequent report made available to the public.

3. Describe the nature of the specific activity or research in which the records will be used & the specific qualifications you possess to utilize information for the intended use in such a way that it will contribute to public understanding.

- a. The requested information will be used for research and advocacy purposes, in the form of a published report. A group of medical researchers at Public Citizen will use the data to estimate the health risks incurred by nuclear power plant workers over the course of their working lifetime.¹ This will contribute to public understanding and debate on the risks and benefits of nuclear power.

¹ A description of Public Citizen's experts and their work is available at <http://www.citizen.org/Page.aspx?pid=2499>. Public Citizen's Health Research Group has produced numerous reports similar to the one it intends to produce using the requested information. See Health Research Group Publications, available at www.citizen.org/hrpublications.

4. Describe the likely impact on the public's understanding of the subject as compared to the level of understanding of the subject existing prior to disclosure.

- a. The requested records are not currently available to the public. We expect that the responsive records will reveal data relating to the lifetime radiation exposure incurred by nuclear power plant workers who terminated their employment since 2011. The documents being sought will allow the public to evaluate these exposures within the context of the broader debate over the benefits and risks of nuclear power.

Because NRC does not make available to the public, on a regular basis, comprehensive, updated data on lifetime radiation exposures of nuclear power plant workers, the only information currently available on the issue is based on estimates in peer-reviewed literature. These estimates are, by definition, insufficient as a basis for a fully informed assessment, as they are uncertain approximations, based on partial data, of the true scale of lifetime exposure.² The release of data in the requested records, once disseminated along with the data received from NRC as a result of prior Public Citizen FOIA requests, will provide new information unlike anything else available and therefore make a significant contribution to the public's understanding of the issue of lifetime radiation exposure of nuclear power plant workers and inform potential regulation of such exposure, which NRC does not currently regulate. It will also reveal to the public the potential dangers to worker safety of which NRC is aware, and thus indicate how NRC has reacted to the implications of these non-public data in the past. The public unquestionably has an interest in this critical issue of worker safety and whether the government acts to regulate workplace dangers. *See Citizens for Responsibility & Ethics in Washington v. U.S. Dep't of Health & Human Servs.*, 481 F. Supp. 2d 99, 116 (D.D.C. 2006) (stating that whether disclosure will significantly contribute to public understanding "involves comparing the public understanding with and without the potential disclosure"). No additional showing is required under FOIA. *See id.* at 118 (holding that release of information would significantly contribute to public understanding where the administrative record "contain[ed] no indication that the records of [agency] contracts with public affairs organizations were already publicly available").

The public's current level of understanding of the lifetime radiation burden experienced by nuclear power plant workers is limited, given that comprehensive, updated data on lifetime exposures are not publicly released on a regular basis by

² See e.g. Howe GR, Zablotska LB, Fix JJ, Egel J, Buchanan J. Analysis of the mortality experience amongst U.S. nuclear power industry workers after chronic low-dose exposure to ionizing radiation. *Radiat Res.* 2004 Nov;162(5):517-26.

NRC. The release and subsequent dissemination of these most recent data, together with the data received from NRC as a result of prior Public Citizen FOIA requests, will therefore immediately enhance the public's understanding of this issue. The impact of this enhanced understanding, in turn, will be to inform future public discussion and debate concerning the occupational health risks experienced by nuclear power plant workers in the United States, and on whether current federal protections in place to mitigate these risks are sufficient.

5. Describe the size & nature of the public to whose understanding a contribution will be made.

- a. Public Citizen has more than 400,000 members and supporters, and it disseminates free information—in the form of reports and other products—to the general public.

6. Describe the intended means of dissemination to the general public.

- a. Public Citizen has several full-time staff who actively disseminate the results of our research on the Internet, including to our more than 400,000 members and supporters, hundreds of media outlets, and the general public through direct mail/email and posting to social media outlets, such as Twitter. Public Citizen also maintains several active blogs, including CitizenVox [<http://www.citizenvox.org/>], and two monthly newsletters, Worst Pills Best Pills News and Health Letter, for our members and the general public, respectively.

In addition, Public Citizen regularly releases information about its reports and other products to the media. Our work regularly garners national coverage in outlets such as *Reuters*,³ the *New York Times*,⁴ and *CBS News*.⁵ As these facts demonstrate, Public Citizen qualifies as a representative of the news media because it “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii).

7. Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee.

³ Grover N. Watchdog urges FDA to revoke approval of Genzyme surgical implant. *Reuters*. July 7, 2015. <http://www.reuters.com/article/2015/07/07/us-sanofi-sa-implant-fda-idUSKCN0PII1DN20150707>. Accessed November 8, 2016.

⁴ Tavernise S. Makers of Generic Drugs Challenge F.D.A. Plan for Updated Warnings. *New York Times*. March 27, 2015. <http://www.nytimes.com/2015/03/28/science/makers-of-generic-drugs-challenge-fda-plan-for-updated-warnings.html>. Accessed November 8, 2016.

⁵ Castillo M. Group asks FDA for black box warning on testosterone products due to heart risks. *CBS*. Feb. 25, 2014. <http://www.cbsnews.com/news/group-asks-fda-for-black-box-warning-on-testosterone-products-due-to-heart-risks/>. Accessed November 8, 2016.

- a. Public Citizen is a non-profit, public interest organization. We intend to distribute information obtained from this request free of charge to the public.

8. Describe any commercial or private interest you or any other party has in the agency records sought.

- a. Public Citizen does not have any commercial or private interest in the records sought.

If, however, a public interest fee waiver is not granted, please advise us of the estimated cost of fulfilling the request before conducting any work that would result in an assessment of any fees to Public Citizen.

Thank you for your prompt attention to this request.

Sincerely,



Sammy Almashat, MD, MPH
Researcher, Health Research Group
Public Citizen
1600 20th St NW
Washington, DC 20009
P: 202-588-7782
F: 202-588-7796
salmashat@citizen.org

Appendix.

Figure 1. Career External Dose (DDE) Distribution By Dose and Career Length At Reactor Facilities, 1977-2011.

Career Length	Number of Persons in Dose Range (rems)																Grand Total
	No Meas.	.001 - .1	.1 - .5	.5 - 1	1 - 2	2 - 3	3 - 4	4 - 5	5 - 10	10 - 15	15 - 20	20 - 25	25 - 30	30 - 50	>=50		
<=30 days	160,233	25,557	9,692	2,767	3,190	1,730	63	7	3					1		205,586	
31 days - 6 mos	74,745	42,568	26,341	8,863	7,028	2,455	1,183	324	48	3	2					163,576	
6 mos - 1 yr	32,998	15,226	10,462	3,282	2,551	1,235	676	321	246	3						60,977	
1 - 2 yrs	29,355	13,341	12,938	4,946	4,036	1,524	1,022	616	757	34	2	1				76,456	
2 - 3 yrs	14,537	7,260	8,498	3,566	3,179	1,552	857	555	947	103	9	1				45,552	
3 - 4 yrs	9,232	5,073	6,479	3,116	2,772	1,375	753	472	892	168	32	3	1			33,344	
4 - 5 yrs	6,728	5,229	5,229	2,642	2,493	1,330	776	469	959	206	39	15	3			27,355	
5 - 10 yrs	16,574	5,690	16,061	8,557	8,814	4,925	3,060	2,025	4,450	1,297	401	131	49	23	2	85,777	
10 - 15 yrs	6,557	9,688	6,925	4,763	5,430	3,373	2,226	1,643	3,949	1,328	545	246	108	81	6	49,772	
15 - 20 yrs	3,758	5,640	5,547	3,039	3,446	2,247	1,508	1,106	3,334	1,318	540	310	175	166	7	31,523	
20 - 25 yrs	1,565	3,417	3,564	1,986	2,281	1,559	1,000	655	2,518	1,208	565	328	152	235	35	21,383	
25 - 30 yrs	558	1,693	2,036	1,144	1,367	935	704	522	1,736	888	573	273	146	208	34	12,575	
30 - 35 yrs	59	504	736	455	600	357	272	200	752	431	254	154	107	147	21	5,257	
>=35 yrs	33	80	143	90	129	87	62	53	167	103	50	51	23	59	13	1,435	
Grand Total	357,755	173,964	116,649	48,397	47,296	24,331	14,401	9,400	26,738	7,000	2,954	1,513	808	930	118	826,855	

Average Career Length for Individuals with Measurable Career Exposure: 5.00 yrs
Average Career Dose for Individuals with Measurable Dose (667,376 rems): 459,099 persons; 1.42 rem

Average Career Length for Individuals with Measurable Career Exposure and Career Lengths of at Least One Year: 9.42 yrs
Average Career Dose for Individuals with Measurable Dose with Career Lengths of at Least One Year (601,656 rems): 297,907 persons; 2.02 rem

Values where individuals averaged 5 rem/yr during their career - established by querying cumulative dose divided by cumulative number of work years.
Values where individuals averaged 2 rem/yr during their career - established by querying cumulative dose divided by cumulative number of work years.

Only individuals that were monitoring after 1977 but before 2011 are included in this analysis.

For career length and dose bins, values that are equal to the maximum end of the range are assigned to the next higher bin (i.e., a dose of 0.1 would be assigned to the 0.1-0.5 dose bin).

Figure 2. 2015 Table 5.7 FOIA Response.

Career Length	Number of Persons in Dose Range (rems)																Grand Total
	No Meas.	.001 - .1	.1 - .5	.5 - 1	1 - 2	2 - 3	3 - 4	4 - 5	5 - 10	10 - 15	15 - 20	20 - 25	25 - 30	30 - 50	>=50		
<=30 days	2,920	473	113	73	1	-	-	-	-	-	-	-	-	-	-	3,517	
31 days - 6 mos	1,912	776	295	23	-	-	-	-	-	-	-	-	-	-	-	2,967	
6 mos - 1 yr	1,530	278	294	33	4	-	-	-	-	-	-	-	-	-	-	2,739	
1 - 2 yrs	838	571	381	55	19	5	-	-	-	-	-	-	-	-	-	1,989	
2 - 3 yrs	476	380	327	59	50	5	-	-	-	-	-	-	-	-	-	1,290	
3 - 4 yrs	236	234	179	57	35	9	3	-	3	-	-	-	-	-	-	759	
4 - 5 yrs	216	194	197	78	36	10	2	-	-	-	-	-	-	-	-	733	
5 - 10 yrs	502	493	538	279	150	62	19	16	13	1	-	-	-	-	-	2,013	
10 - 15 yrs	152	227	247	129	155	59	29	26	15	5	1	1	-	-	-	1,023	
15 - 20 yrs	116	180	200	138	105	62	39	26	48	10	2	-	-	-	-	927	
20 - 25 yrs	121	221	182	126	131	94	51	42	66	29	14	3	2	4	-	1,094	
25 - 30 yrs	91	292	254	145	164	97	72	57	152	75	22	15	5	8	-	1,459	
30 - 35 yrs	21	107	159	78	126	73	40	40	157	79	39	21	-	16	-	954	
>=35 yrs	11	26	52	25	47	35	20	20	52	31	11	12	8	11	5	364	
Grand Total	9,258	5,652	3,386	1,174	979	511	283	237	515	228	89	52	26	41	6	21,326	

11.72 yrs Average Career Length for Individuals with Measurable Career Exposure
1.45 rem Average Career Dose for Individuals with Measurable Dose

16.34 yrs Average Career Length for Individuals with Measurable Career Exposure and Career Lengths of at Least One Year
1.85 rem Average Career Dose for Individuals with Measurable Dose with Career Lengths of at Least One Year

Only individuals that were monitoring in 2011 are included in this analysis.

For career length and dose bins, values that are equal to the maximum end of the range are assigned to the next higher bin (i.e., a dose of 0.1 would be assigned to the 0.1-0.5 dose bin).

Scroll to the right for
source data

Hello,

Please send detailed information about nuclear radiation releases, leaks, Contamination at "Hanford", Richland, Washington State, past, present, about "Oyster Creek", any nuclear Contamination in Ocean County NJ, anywhere in the Country also. Thank you.

Justin Bregoff

(b)(6)

(b)(6)

CASE NO: 2017-0172
DATE REC'D: 11/15/16
SPECIALIST:
RELATED CASE: 2017-0105

P.S. I am
Indigent,

Sincerely
Justin Bregoff

request fee waiver!

Please process as part of
FOIA/PA 2017-00105 and as
a new FOIA, and a new OPRA,
and as a new FPA, and as a
new NWPA and as a new
general information request,
including HCFR 9.41 fee
waiver request. Thank you.

Sincerely
J. [Signature]

CASE NO: 2017-0067
DATE REC'D: 10/14/2016
SPECIALIST:
RELATED CASE:

From: Mark Edwin Walker
To: FOIA Resource
Subject: WWW Form Submission
Date: Friday, October 14, 2016 10:49:57 AM

Below is the result of your feedback form. It was submitted by

Mark Edwin Walker (markew@princeton.edu) on Friday, October 14, 2016 at 10:52:44
through the IP 63.141.200.6

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

Company/Affiliation: Princeton University

Address1: 221 Nassau St

Address2: 2nd Floor

City: Princeton

State: NJ

Zip: 08542

Country: United_States

Country-Other:

Phone: 865-567-8826

Desc: I am requesting copies of all U.S. Nuclear Regulatory Commission records containing the term "HEXAPARTITE SAFEGUARDS," or the acronym "HSP," or both the terms "CENTRIFUGE" and "INTERNATIONAL SAFEGUARDS," or both the terms "ALMELO" and "SAFEGUARDS" within the timeframe of 01/01/1977 to 01/01/1985. As the FOIA requires, please release all reasonably segregable nonexempt portions of documents.

FeeCategory: Educational

MediaType:

MediaType_Other_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInformText:

Waiver_Purpose:

Waiver_ExtentToExtractAnalyze:

Waiver_SpecificActivityQuals:

Waiver_ImpactPublicUnderstanding:

Waiver_NatureOfPublic:

Waiver_MeansOfDissemination:

Waiver_FreeToPublicOrFee:

Waiver_PrivateCommericalInterest:

CASE NO: 2017-0072
DATE REC'D: 10/20/2016
SPECIALIST:
RELATED CASE:

From: Christopher Robinson
To: FOIA Resource
Subject: WWW Form Submission
Date: Wednesday, October 19, 2016 1:11:01 PM

Below is the result of your feedback form. It was submitted by

Christopher Robinson (b)(6) on Wednesday, October 19, 2016 at 13:13:58

through the IP (b)(6)

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

Company/Affiliation: Penn State University

Address1: 3368 Endsleigh Ln

Address2:

City: Ypsilanti

State: MI

Zip: 48197

Country: United_States

Country-Other:

Phone: 734-790-1790

Desc: Please provide copies of the following documents which are referenced within FERMI POWER PLANT,
UNIT 2 - NRC INTEGRATED INSPECTION REPORT 05000341/2015003:

- 1) Root Cause Evaluation Report for CARD 15-22090 titled "Evaluate Reactor Scram From OPRM Upscale During Single Loop Operation"
- 2) Plant Process Computer System Post Trip Report; dated March 19, 2015

Item #2 is also known as a "TAP" report.

With regards to Item #1, please do not send copies of any plant operating procedures, training lesson plans or site briefing sheets/generic communications referred to in the CARD. I am only requesting a copy of the final revised version of the Root Cause Evaluation and associated post-scrum report (a.k.a. TAP Report: Transient Analysis Program Report.

FeeCategory: Educational

MediaType:

MediaType_Other_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInformText:

Waiver_Purpose:

Waiver_ExtentToExtractAnalyze:

Waiver_SpecificActivityQuals:

Waiver_ImpactPublicUnderstanding:

Waiver_NatureOfPublic:

Waiver_MeansOfDissemination:

Waiver_FreeToPublicOrFee:

Waiver_PrivateCommericalInterest:

BEST AVAILABLE COPY

CASE NO: 2017-0196
DATE REC'D: 12/13/16
SPECIALIST:
RELATED CASE:

Date : Dec 12, 2016 21:23 GMT
To : 13014155130
From : fax@requests.muckrock.com
Subject: MR#30830-311826 - Freedom of Information Request: pilgrim emails

December 12, 2016
Nuclear Regulatory Commission
U.S. Nuclear Regulatory Commission
FOIA/Privacy Officer
Mailstop: T-5 F09
Washington, DC 20555-0001

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

Any email communications with Diane Turco;

and anybody whose email addresses are:

tturco@comcast.net
dagnew@capedownwinders.org
jazarovitz@comcast.net

and anybody whose email address ends in:

@capedownwinders.org

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Adam Vaccaro

Filed via MuckRock.com
E-mail (Preferred): 30830-462026453requests.muckrock.com

For mailed responses, please address (see note):
MuckRock
DEPT MR 30830
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

CASE NO: 2017-0204
DATE REC'D: 12/21/16
SPECIALIST: Francis
RELATED CASE: 2017-0172

(Re, FOIA, EFOIA)

Please modify search results to consist
of some short summary^(only) of all nuclear,
radioactive materials, waste^{radioactive leaks} in the U.S.

and process a fee waiver. I am
indigent and the files will be used
solely by me, not for profit, sale,

resale. Thank you.

Please send short,
printed summary.

Sincerely
J. [Signature]

CASE NO: 2017-0112
DATE REC'D: 10/31/2016
SPECIALIST:
RELATED CASE:

From: Michael Ravnitzky
To: FOIA Resource
Subject: [External_Sender] FOIA request
Date: Sunday, October 30, 2016 12:22:00 PM

October 30, 2016

Dear FOIA Officer:

Pursuant to the provisions of the Freedom of Information Act, I hereby request a copy of the following records:

A copy of the Freedom of Information Act APPEALS Log for the Nuclear Regulatory Commission for the time period since 2009.

I prefer to receive the records in electronic format if practicable. Please release all segregable releasable records.

This is an individual noncommercial request. I agree to pay up to \$25 for applicable fees if necessary.

Sincerely,

Michael Ravnitzky

(b)(6)

Scott Parker
Director of Investigations
Republican National Committee
310 First St. SE
Washington, D.C. 20003
202-863-5122
Sparker@gop.com

8/5/14

16-00098 101

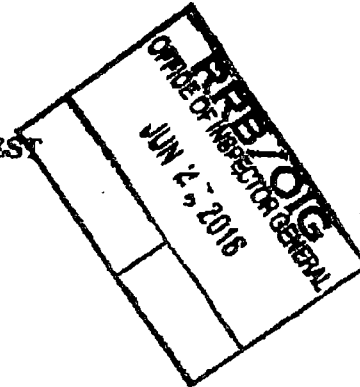
CASE NO: 2017-0178
DATE REC'D: 11/22/16
SPECIALIST:
RELATED CASE:

June 20, 2016

RE: FREEDOM OF INFORMATION ACT REQUEST

VIA U.S. CERTIFIED MAIL

FOIA Officer
Railroad Retirement Board
Office of Inspector General
844 North Rush Street
4th Floor
Chicago, IL 60611-1275



Dear FOIA Officer:

This is a request under the Freedom of Information Act.

The records I request can be described as follows:

Any and all records, correspondence, emails, notes, and memos, in any format, that mention, reference, or otherwise relate to the production of the 2011 report generated by the Railroad Retirement Board Office of Inspector General representing a peer review of the U.S. State Department Office of Inspector General.

In order to help you determine my status to assess fees, you should know that I am requesting on behalf of the Republican National Committee (RNC) and this information is not primarily in the commercial interest of the RNC.

I am willing to pay fees for this request up to a maximum of \$25. If you estimate that the fees will exceed this limit, please inform me first. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is primarily in the public interest and will contribute significantly to the public's understanding of the operations of your agency.¹

The Department Of Justice recommends that each federal agency employ six factors to determine whether a fee waiver is appropriate in a FOIA request.² The first such factor is "whether the subject of the requested records concerns 'the operations or activities of the government.'"³ The records requested here go directly to the actions of agency personnel as they operated in their official capacities.

¹ See 5 U.S.C. § 552(1)(4)(A)(iii).

² See FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

³ Id.

The second factor is "whether the disclosure is 'likely to contribute' to an understanding of government operations or activities."⁴ Here a primary focus is on the present availability of the information and whether it has previously been released to the public.⁵ To the best of the requestor's knowledge, the information contained in the requested records has never been publicly disclosed nor appeared in news reports. As such, its undisclosed nature makes it very likely to contribute to the understanding of the government operations that it describes.

The third factor is "whether the disclosure of the requested information will contribute to 'public understanding.'"⁶ This turns on "whether the requester will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject."⁷ The RNC is in a position to make the information widely available. It has an extensive history of publications on its website, GOP.com, and its members and affiliates regularly interact with and appear on national media outlets. Thus, the RNC not only has the desire to furnish these records to a broad audience, but has a substantial ability to do so.⁸

Fourth, an agency is directed to consider "whether disclosure is likely to contribute 'significantly' to public understanding of government operations or activities."⁹ In determining the significance of the contribution, an important element is media attention and public interest in the material. Widespread media attention of an issue greatly increases the likelihood that additional information would significantly contribute to the public's understanding of the government operation or activity in question.¹⁰ As previously noted, the RNC is well positioned to bring media attention to an issue and routinely engages with issues of public import that garner substantial press coverage.

The fee waiver guidance next looks at the question of "whether the requester has a commercial interest that would be furthered by the requested disclosure."¹¹ The RNC is not a corporation or business that exists to pursue profits or actively participate in the commercial sphere. There is no readily identifiable commercial interest of the RNC to which this information pertains.

Should your agency determine, however, that some commercial interest exists, it would then have to turn to the final factor: "whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is 'primarily in the commercial interest of the requester.'"¹² Given the RNC's significant ability to contribute to the public discourse on matters of national significance, any potential commercial interest would be dwarfed in comparison to the public interest in the disclosure of such information.

If responsive records are not produced within the statutorily mandated time frame, the FOIA, as amended, dictates that the RNC is entitled to a complete fee waiver for all search fees.¹³

Where exemptions to the Freedom of Information Act are discretionary, I ask you not withhold such records, even if they might qualify for withholding under the law. If you withhold any records as exempt, please redact the exempted portions and release the remainder of the records. In any case

⁴ FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

⁵ 5 *Sec. e.g., Monaghan v. FBI*, 506 F. App'x 596, 598 (9th Cir. Jan 28, 2013) (prior availability of records linked to whether they are likely to contribute to public understanding); *Judicial Watch, Inc. v. DOJ*, 365 F.3d 1108, 1127 (D.C. Cir. 2004) (emphasizing that requester should address whether information is already in the public domain).

⁶ FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

⁷ *Carney v. DOJ*, 19 F.3d 807, 814 (2d Cir. 1994).

⁸ *Sec. generally, Citizens Progressive Alliance v. U.S. Bureau of Indian Affairs*, 241 F. Supp. 2d 1342, 1366 (D.N.M. 2002) (stating that when applying the fee waiver standard, it is relevant to consider the ability of the requester to disseminate information).

⁹ FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

¹⁰ *Poderson v. RTC*, 847 F. Supp. 851, 855 (D. Colo. 1994) (finding that widespread media attention can demonstrate information's significant contribution to public understanding).

¹¹ FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

¹² *Id.*

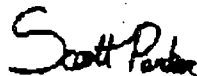
¹³ 5 U.S.C. 552(a)(4)(A)(viii).

where you withhold any records, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption.¹⁴ Please release all reasonably segregable material.

In the interest of assisting your agency to meet the stringent document production requirements of the FOIA, the RNC is willing to accept any responsive records in an electronic format (e.g. email, pdf). Further, if necessary, the RNC is willing to consider a "rolling production" of records.

Thank you for your consideration of this request. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,



Scott Parker
Director of Investigations
Republican National Committee
310 First St. SE
Washington, D.C. 20003
202-863-5122
Sparker@gop.com

¹⁴ See, *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

CASE NO: 2017-0173
DATE REC'D: 11/21/2016
SPECIALIST:
RELATED CASE:

From: Michael Ravnitzky
To: FOIA Resource
Subject: [External_Sender] FOIA request
Date: Sunday, November 20, 2016 11:29:58 AM

November 20, 2016

U.S. Nuclear Regulatory Commission
FOIA Officer
Mailstop: T-5 F08
Washington, DC 20555-0001

To whom it may concern:

Pursuant to the provisions of the Freedom of Information Act, I request a copy of any reports and memos or interagency correspondence associated with David Charles Hahn, who died recently. He was born on October 30, 1976 and who died on September 27, 2016.

I am most interested in reports, memos and interagency correspondence associated with his experiments with nuclear materials and subsequent investigations, circa 1994 through 1998.

<http://arstechnica.com/science/2016/11/this-fall-the-radioactive-boy-scout-died-at-age-39/>

See death notice

<http://www.tributes.com/obituary/show/David-Charles-Hahn-103989982>

You may limit this request to records dating from 1994 through 1998. You may limit this request to records that can be retrieved within a three hour timeframe, to minimize your administrative burden.

If any records are designated as classified, I ask that they be reviewed for declassification.

This is an individual noncommercial request. I agree to pay up to \$25 for applicable fees, if necessary.

Sincerely,

Michael Ravnitzky

(b)(6)

CASE NO: 2017-0152
DATE REC'D: 11/15/2016
SPECIALIST:
RELATED CASE:

From: Cyrus Farivar
To: FOIA Resource
Subject: [External_Sender] FOIA / Farivar
Date: Monday, November 14, 2016 1:22:08 PM

To Whom It May Concern:

My name is Cyrus Farivar and I am a journalist with Ars Technica (<http://arstechnica.com>). We are a technology news website published by Condé Nast, which also publishes The New Yorker, Wired and other magazines.

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name: Cyrus Farivar
Address: 4200 Park Blvd. #512 Oakland, CA 94602
Email: cyrus.farivar@arstechnica.com
Phone: 510-938-1439

RECORDS SOUGHT

I am hereby requesting any and all materials consisting of, concerning, discussing, relating to, or referring to "David Charles Hahn" (1976-2016) of Michigan.

<http://harpers.org/archive/1998/11/the-radioactive-boy-scout/>

Hahn gained some notoriety in the 1990s for attempting to build a homemade breeder nuclear reactor in his mother's backyard shed. Your agency was one of several called in to respond.

Hahn passed away in September 2016
(<http://www.tributes.com/obituary/show/David-Charles-Hahn->

103989982), and thus there is no relevant privacy interest.

This request is meant to include any and all internal or external correspondence, documents, training materials, talking points, marketing materials, images, diagrams, videos, audio recordings, legal memos, illustrations briefs, incident reports, invoices, contracts, grant applications and associated documents with this request.

Please consider this request from January 1, 1994 until the date the search for responsive records is conducted.

If specific portions of any documents are exempt from disclosure, please provide the non-exempt portions.

I request that all records be provided to me in electronic form or format.

1. Instructions Regarding "Leads":

As required by the relevant case law, your agency should follow any leads it discovers during the conduct of its searches and perform additional searches when said leads indicate that records may be located in another system. Failure to follow clear leads is a violation of FOIA.

2. Request for Public Records:

Please search for any records even if they are already publicly available.

3. Request for Electronic and Paper/Manual Searches:

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted.

4. Request regarding Photographs and other Visual Materials:

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if your agency maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

5. Request for Duplicate Pages:

I request disclosure of any and all supposedly "duplicate" pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all "duplicate" pages.

6. Request to Search Emails:

Please search for e-mails relating to the subject matter of my request.

7. Request for Search of Records Transferred to Other Agencies:

I request that in conducting its search, your agency disclose releasable records even if they are available publicly through other outside sources, such as NARA.

8. Regarding Destroyed Records

If any records responsive or potentially responsive to my request have been destroyed, my request includes, but is not limited to, any and all records relating or referring to the destruction of those records. This includes, but is not limited to, any and all records relating or referring to the events leading to the destruction of those records.

Fee Category and Request for a Waiver of Fees:

I am willing to pay any reasonable expenses associated with this request, however, as the purpose of the requested disclosure is in full conformity with the statutory requirements for a waiver of fees, I formally request such a waiver. I request a waiver of all costs pursuant to 5 U.S.C. §552(a)(4)(A)(iii) ("Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."). Disclosure in this case meets the statutory criteria, and a fee waiver would fulfill Congress's legislative intent in amending FOIA. See *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be 'liberally construed in favor of waivers for noncommercial requesters.'")

As the legislative history of FOIA reveals, "It is critical that the phrase 'representative of the news media' be broadly interpreted if the act is to work as expected. . . . In fact, any person or organization which regularly publishes or disseminates information to the public . . . should qualify for waivers as a 'representative of the news media.'" 132 Cong. Rec. S14298 (daily ed. Sept. 30, 1986) (emphasis in original quotation); and 2) "A request by a reporter or other person affiliated with a newspaper, magazine, television or radio station, or other entity that is in the business of publishing or otherwise disseminating information to the public qualifies under this provision." 132 Cong. Rec. H9463 (Oct. 8, 1986) (emphasis in

original quotation)). Therefore, in accordance with the Freedom of Information Act and relevant case law, I, Cyrus Farivar, should be considered a representative of the news media.

Federal regulation provides that the agency may waive or reduce fees upon written request if the requester can "demonstrate that a waiver or reduction in fees is in the public interest because disclosure of the requested records is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in [the requester's] commercial interest." 6 CFR 1001.10(l).

As explained below, this is the type of request, and I am the type of requestor, for which courts have held that waiver of fees is required under FOIA.

I. DISCLOSURE OF THE REQUESTED RECORDS IS IN THE PUBLIC INTEREST BECAUSE IT IS LIKELY TO CONTRIBUTE SIGNIFICANTLY TO THE PUBLIC UNDERSTANDING OF THE OPERATIONS AND ACTIVITIES OF THE GOVERNMENT.

A. The subject of the requested records concerns the operations and activities of the federal government with respect to how it deals with secure communications.

B. The disclosure is likely to contribute to an understanding of government operations and activities because the disclosable portions of the requested records will be meaningfully informative about those operations and activities. The vast majority of disclosable information is not already in the public domain, in either a duplicative or a substantially identical form, and therefore the disclosure would add substantial new information to the public's understanding of issues including but not limited to: privacy, law enforcement, foreign affairs, civil liberties, surveillance, security and criminal justice.

C. The disclosure of the requested records will contribute to the

increased understanding of a broad audience of persons interested in the subject, rather than merely my own individual understanding. Further, I will be collaborating with professionals who have great expertise in the subject area, and I have the ability and intention to effectively convey information to the public.

As explained herein in more detail, the audience likely to be interested in the subject is broad, and includes, historians of modern American government, politics, culture, and national security; journalists reporting on American politics, government, national security, and society; civil liberties attorneys; and the general public.

I firmly intend to analyze the requested records in order to facilitate significant expansion of public understanding of government operations. I am well qualified to perform this analysis.

I have been a professional journalist for over a decade, and have held my current position for over three years. Prior to working at Ars Technica, for two years I was the Science and Technology Editor at Deutsche Welle English, the English-language service of the German international public broadcaster. I have also reported for The New York Times, The Economist, Wired, Slate, Foreign Policy, National Public Radio, Public Radio International, the Canadian Broadcasting Corporation, and many others.

As should be clear from the above, I have the ability and firm intention to disseminate to the public significant expansions of understanding of government operations based on my analysis of the requested disclosures.

Case law on this matter is emphatically clear that journalistic inquiry alone satisfies the FOIPA public interest requirement. *National Treasury Employees Union v. Griffin*, 811 F.2d, 644, 649 (D.C. Cir. 1987). As articulated in the amendments to FOIA established by the OPEN Government Act of 2007, I solidly meet the applicable definition of "a representative of the news media[.]" The OPEN Government Act of 2007 established that for FOIA purposes, 'a

representative of the news media' means any person or entity that gathers information of potential interest to the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. 552(a)(4)(A)(ii)

Based on my completed and firmly intended research, analysis, and information dissemination activities detailed at length herein, I clearly satisfy this description.

Further, the OPEN Government Act of 2007's definition of "a representative of the news media" is taken nearly verbatim from language used by the United States Court of Appeals, District of Columbia Circuit in the court's 1989 FOIA fee waiver-oriented ruling in *National Security Archive v. Department of Defense*.^[1] As the court also relatedly found in *National Security Archive v. Department of Defense*, a requester need not already have published numerous works in order to qualify as a representative of the news media. The court found that the express "intention" to publish or disseminate analysis of requested documents amply satisfies the above noted requirement for journalists to "publish or disseminat[e] information to the public." *National Security Archive v. Department of Defense*, 880 F.2d 1386, (D.C. Cir, 1989). I have expressed a firm intention to continue disseminating significant analysis of documents obtained through FOIPA requests. And I have demonstrated my ability to continue disseminating significant analysis of documents obtained through FOIPA requests.

Therefore, in that I am "person or entity that gathers information of potential interest to the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience," I solidly meet the applicable definition of "a representative of the news media." As such, I have more than satisfied the requirement for a fee waiver.

II. DISCLOSURE OF THE INFORMATION IS NOT PRIMARILY IN MY COMMERCIAL INTEREST.

A. Any commercial interest that I have which would be furthered by the requested disclosure is de minimis.

I am requesting the release of records to analyze for use in the dissemination of news articles. Though journalists do get paid for writing news articles, payment is not the primary purpose for which such work is conducted. As the D.C. Circuit explained in *National Treasury Employees Union v. Griffin*, 811 F.2d, 644, 649 (D.C. Cir. 1987), "While private interests clearly drive journalists (and journals) in their search for news, they advance those interests almost exclusively by dissemination of news, so that the public benefit from news distribution necessarily rises with any private benefit. Thus it is reasonable to presume that furnishing journalists with information will primarily benefit the general public[.]"

The disclosure of records will significantly benefit the public interest, and this benefit to the public is of vastly greater magnitude than my minimal commercial interest.

Additionally, the courts and the legislature have been deeply invested in ensuring that FOIPA duplication and search fees are not used by government agencies to deliberately or otherwise thwart legitimate scholarly and journalistic research:

This was made clear in *Better Government Ass'n v. Department of State*, in which the court ruled that, "The legislative history of the fee waiver provision reveals that it was added to FOIA 'in an attempt to prevent government agencies from using high fees to discourage certain types of requesters, and requests,' in particular those from journalists, scholars and nonprofit public interest groups." *Better Government Ass'n v. Department of State*, 780 F.2d 86, 89 (D.C. Cir. 1986).

This point is further elaborated in *Ettlinger v. FBI*. The legislative history of the FOIA clearly indicates that Congress intended that the public interest standard for fee waivers embodied in 5 U.S.C. § 552(a)(4)(A) be liberally construed. In 1974, Congress added the fee

waiver provision as an amendment to the FOIA in an attempt to prevent government agencies from using high fees to discourage certain types of requesters and requests. The 1974 Senate Report and the sources relied on in it make it clear that the public interest/benefit test was consistently associated with requests from journalists, scholars and non-profit public interest groups. There was a clear message from Congress that "this public-interest standard should be liberally construed by the agencies." The 1974 Conference Report, in which differences between the House and Senate amendments were ironed out, retained the Senate-originated public-interest fee waiver standard and further stated "the conferees intend that fees should not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information."

Further evidence of congressional intent regarding the granting of fee waivers comes from a 1980 Senate Subcommittee report. The report stated that "excessive fee charges . . . and refusal to waive fees in the public interest remain . . . 'toll gates' on the public access road to information." The report noted that "most agencies have also been too restrictive with regard to granting fee waivers for the indigent, news media, scholars . . ." and recommended that the Department of Justice develop guidelines to deal with these fee waiver problems. The report concluded: The guidelines should recommend that each agency authorize as part of its FOIA regulations fee waivers for the indigent, the news media, researchers, scholars, and non-profit public interest groups. The guidelines should note that the presumption should be that requesters in these categories are entitled to fee waivers, especially if the requesters will publish the information or otherwise make it available to the general public.

The court, in its *Ettlinger v. FBI* decision, continued that on 18 December 1980, a policy statement was sent to the heads of all federal departments and agencies accompanied by a cover memorandum from then United States Attorney General Civiletti

which stated that he had "concluded that the Federal Government often fails to grant fee waivers under the Freedom of Information Act when requesters have demonstrated that sufficient public interest exists to support such waivers." The Attorney General went on to state: Examples of requesters who should ordinarily receive consideration of partial fee waivers, at minimum, would be representatives of the news media or public interest organizations, and historical researchers. Such waivers should extend to both search and copying fees, and in appropriate cases, complete rather than partial waivers should be granted.

III. CONCLUSION.

As demonstrated above, the disclosure of the requested records will significantly contribute to expanded public understanding of government operations. I have the intent and ability to disseminate this significant expansion of public understanding of government operations. The public interest in this significant expansion of public understanding of government operations far outweighs any commercial interest of my own in the requested release.

Accordingly, my fee waiver request amply satisfies the rules of 6 C.F.R. 1001.10(l). Legislative history and judicial authority emphatically support this determination. For these reasons, and based upon their extensive elaboration above, I request a full waiver of fees be granted. I will administratively appeal any denial of my request for a waiver of fees and sue to enforce my rights in court if necessary.

Finally, I call your attention to President Obama's 21 January 2009 Memorandum concerning the Freedom of Information Act, in which he states: "All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA [....] The presumption of disclosure should be applied to all decisions involving FOIA."

In the same Memorandum, President Obama added that

government information should not be kept confidential "merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears."

Finally, President Obama ordered that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails."

Nonetheless, if any responsive record or portion thereof is claimed to be exempt from production, FOIA/PA statutes provide that even if some of the requested material is properly exempt from mandatory disclosure, all segregable portions must be released. If documents are denied in part or in whole, please specify which exemption(s) is (are) claimed for each passage or whole document denied. Please provide a complete itemized inventory and a detailed factual justification of total or partial denial of documents. Specify the number of pages in each document and the total number of pages pertaining to this request. For "classified" material denied, please include the following information: the classification (confidential, secret or top secret); identity of the classifier; date or event for automatic declassification or classification review or downgrading; if applicable, identity of official authorizing extension of automatic declassification or review past six years; and, if applicable, the reason for extended classification beyond six years.

In excising material, please "black out" the material rather than "white out" or "cut out." I expect, as provided by FOIA, that the remaining non-exempt portions of documents will be released. Please release all pages regardless of the extent of excising, even if all that remains are the stationary headings or administrative markings. In addition, I ask that your agency exercise its discretion to release records which may be technically exempt, but where withholding serves no important public interest.

Please do not hesitate to contact me if you have any questions

concerning this request.

Thank you. I appreciate your time and attention to this matter.

Cyrus Farivar
"suh-ROOS FAR-ih-var"

Senior Business Editor, Ars Technica
<https://arstechnica.com/author/cyrus-farivar/>

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Twitter: @cfarivar
PGP/OTR: <https://arstechnica.com/ars-staff-pgp-keys/#cyrus-farivar>

This is fee waiver request about
FOIA, EFOIA, OPRA request
FOIA/PA-2017-00172:

I am researching the death of
a long time military power supply
designer from Lutemid, and investigating
the possibility I was also exposed
to nuclear radiation while in Ocean
County NJ, via drinking water. This
is not a commercial venture, enterprise,
there will be no fees, disclosure of
this information by me to the
public or to anyone.
Thank you.

CASE NO: 2017-0200
DATE REC'D: 12/14/16
SPECIALIST: Francis
RELATED CASE: 2017-0172

(b)(6)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 16, 2016

FOIA/PA-2017-00172

(b)(6)

Dear (b)(6)

Hanford "Reservation"

We received your Freedom of Information Act (FOIA) request on November 15, 2016.

Your request, which seeks access to Detailed information about nuclear radiation released, leaks, contamination at "Hanford", ~~Richland~~, Washington State, past, present, about "Oyster Creek", any nuclear contamination in Ocean County, NJ, has been assigned the following reference number that you should use in any future communications with us about your request: FOIA/PA-2017-00172.

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, we estimate completion of your request will be on or before December 14, 2016.

Please know that this date roughly estimates how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate based on the complexity of all of the requests in the simple track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the volume of potentially responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: Non-Exempted. If applicable, you will be charged appropriate fees for: Search and Duplication of Records.

A sheet has been enclosed that explains in detail the fee charges that may be applicable. **Please do not submit any payment unless we notify you to do so.**

You requested that fees be waived for your request and I have determined that your request for a waiver of fees does not meet the criteria required under 10 CFR 9.41 (copy enclosed) for the following reason(s): Failed to address any of the factors for a waiver. Any such appeal must be made in writing within 30 calendar days by addressing the appeal to the Executive Director for Operations.¹

¹ In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that, in connection with our fee waiver denial: (1) you have the right to seek assistance from the NRC's FOIA Public Liaison;

The following person is the Government Information Specialist who has been assigned responsibility for your request: Lezlie Francis at 301-415-5966 or Lezlie.Francis@nrc.gov.

If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

Nina Argent /s/

Nina Argent
Acting FOIA Officer
Office of the Chief Information Officer

Enclosures:

Explanation of Fees

Fee Waiver Justification Requirements

Please amend my request to include info on Pantex, TX, and high level nuclear materials in Colorado, as well as Hanford, wherever Uranium or Plutonium is stored, leaving. Thank you.

(2) you have the right to seek dispute resolution services from the NRC's FOIA Public Liaison or the Office of Government Information Services; and (3) notwithstanding the standard language in this letter, which will be revised once the NRC issues its revised regulations, you may appeal this fee waiver denial determination within 90 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

CASE NO: 2017-0198
DATE REC'D: 12/14/2016
SPECIALIST:
RELATED CASE:

From: DeSalvo, Andrew
To: FOIA Resource
Cc: R2Allegations Resource
Subject: [External_Sender] Allegation-Related FOIA Requests; ALLEGATION REPORT RII-2016-A-0014
Date: Tuesday, December 13, 2016 4:38:53 PM

Andrew DeSalvo

(b)(6)

December 13, 2016

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: Allegation-Related FOIA Requests; ALLEGATION REPORT RII-2016-A-0014

To whom it may concern;

Please provide the maximum protection allowed by the FOIA to protect against the disclosure of the identity of
allegers, for Allegation-Related FOIA Requests, enclosed below.

Yours sincerely,

ANDREW DeSALVO

(b)(6)

enclosure

ANNEX I

Allegation-Related FOIA Requests

FOIA/PA-2017-0070
FOIA/PA-2017-00190
FOIA/PA-2017-00074A
FOIA/PA-2017-0075A
FOIA 017-0113 Appeal 2017-0074A
FOIA/PA-2017-00120 (Design of the Turkey Point Cooling Reservoir)
FOIA/PA-2017-00121 (topographic (hydrographic) survey)
FOIA/PA-2017-00078A
FOIA/PA-2016-0225
FOIA/PA-2017-00120
FOIA 2017-00121
FOIA/PA-2017-0070 Final Response; RECORDS DENIED: Prima Facie Information. 4 pgs.
FOIA/PA-2016-00623 design control measures ICW, CCW, CCS Turkey Point Units 3 and 4;
FOIA/PA-2016-00281

ANNEX II

MEMORANDUM OF POINTS AND AUTHORITY

6.0 Freedom of Information Act Requests

6.1 Allegation-Related FOIA Requests

Upon receipt of a FOIA request, it is normal practice under the Privacy Act (PA) to protect from release, an alleged's identity or alleged-identifying information unless mandated by the FOIA in some circumstances. (See Manual Sections 1.2 and 4.2.a). "Fingerprinting" information that may lead to identifying an alleged is also normally redacted when responding to a FOIA request. In cases involving non-discrimination issues in which NRC determines that it is appropriate to release the identity of an alleged because the alleged is considered "widely known" in association with an allegation concern, the responsible OAC will make reasonable efforts to inform the alleged before the FOIA release. The means of determining an alleged to be "widely known" in association with an allegation concern and subsequently notifying the alleged about the information release are discussed in Manual Section 4.2.f (See definition of "widely known alleged" in the Manual Glossary). (8.8 Handbook, Section II.Q.1)

6.2 "Fingerprinting" Information

"Fingerprinting" information includes any piece or pieces of information which, separately or combined, may be analyzed and result in the identification of the alleged. Questions regarding whether specified information would fingerprint or has fingerprinted an alleged may be directed to an OAC, a regional/headquarters office FOIA coordinator, the AAA, regional counsel or a designated OGC attorney, or the FOIA Privacy, and Information Collections Branch in OIS (see Manual Exhibit 23).

6.3 General Guidance for Responding to Allegation-Related FOIA Requests

Disclosures may be necessary to further the NRC mission or to address safety concerns; however, it is NRC policy to provide the maximum protection allowed by the FOIA to protect against the disclosure of the identity of alleged. More specific guidance with regard to allegation-related information that may or may not be disclosed in response to a FOIA request, based on the type of information requested and the source of the request (alleged or third party), is provided in Sections 6.4 through 6.13 below and in Manual Exhibit 23. (8.8 Handbook, Section II.Q.2)

6.4 OE Allegation-Related FOIA Response Reviews

Management Directive 3.1, "Freedom of Information Act," directs the AAA or his/her designee in OE to review and concur in all responses to FOIA requests involving allegation records. Through concurrence, the AAA certifies that the information to be disclosed from the record, or portion thereof, would not cause harm to an open allegation or disclose the identity of an alleged whose identity still warrants protection. This supplemental review by OE provides an independent look and quality check of the documents identified and reviewed by the regional and headquarters offices in response to allegation-related FOIA requests. Effort is made by OE to complete the review and provide the results to the FOIA Privacy, and Information Collections Branch in OIS within 5 working days, so as not to delay FOIA response times.

6.5 FOIA Exemptions Related to Withholding Alleged-Identifying Information

The FOIA exemptions that may justify withholding information that would identify an alleged, NRC Allegation Manual, Rev. 1 4/23/2015

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witness, or confidential source are 5 U.S.C. 552(b)(7)(C), and (b)(7)(D). These FOIA exemptions are to be considered on a case-by-case basis by those responding to an allegation-related FOIA request including the OAC, the Director of OI (for OI confidential sources), regional counsel or a designated attorney in OGC, a regional/headquarters office FOIA coordinator, OIS FOIA Privacy, and Information Collections Branch support personnel, or other designated individuals. FOIA Exemption 7(C) authorizes protection of records or information compiled for law enforcement purposes for which release could reasonably be expected to constitute an unwarranted invasion of personal privacy. Alleged and witnesses who have standard allegation process identity protection or have been granted confidential source status are protected under FOIA Exemption 7(D). As such, NRC may withhold information that has the potential for causing the identity of these individuals to be revealed.

6.6 Withholding Release of an Alleged's Name in Response to a FOIA Related to an Overriding Safety Issue

In cases in which the NRC has disclosed the name of an alleged to the licensee in furtherance of an investigation or because of an overriding safety issue, the NRC will continue to withhold the alleged's name from release pursuant to a FOIA request from another party, unless the alleged is already widely known in association with the allegation. The reason for withholding the alleged's name in this instance is to protect the alleged from public scrutiny or criticism that might arise if the alleged's identity was publicly revealed.

6.7 FOIA Exemption 7(A)

During review of an open allegation file, all documentation related to the allegation may be exempt from release under FOIA, in accordance with FOIA Exemption 7(A), when the release of information could reasonably be expected to interfere with potential or ongoing law enforcement proceedings. When an allegation is closed, its documentation may be subject to release under the FOIA, with appropriate redactions to protect the identity of the alleged and to avoid the release of other sensitive information.

While Exemption 7(A) would apply in most circumstances if an allegation is still open, information can be released from an open allegation file in response to a FOIA request in some cases.

Examples:

if a FOIA request is submitted after an OI investigation is completed and all subsequent related actions, including enforcement, are also completed, and the only remaining action is to develop allegation closure documentation, it would be difficult to assert in this circumstance that the allegation was still open. (In this instance, every effort should be made to issue the allegation closure documentation before the FOIA response documentation is released.)

as noted in Manual Section 5.9.f.2, an individual may be provided with a copy of the transcript of his/her interview with OI in order to prepare for a preliminary enforcement conference.

as noted in Manual Section 5.9.f.3, when OI has completed its investigation of a discrimination concern but the allegation file remains open because the matter remains

NRC Allegation Manual, Rev. 1 4/23/2015

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open with DOL, information about the results of the OI investigation is provided to both the alleged and the licensee in the form of an OI synopsis, and OI report factual summary, or a redacted copy of the OI report itself. The letters providing this information to the alleged and the licensee also inform both parties that the complete OI report may be requested under the FOIA, if desired. Subsequently, if the OI report is requested under FOIA by the alleged, or another party (including the licensee), even though the DOL case and related allegation file remain open, the OI report would normally be released, after review and appropriate redaction.

The decision to release the OI report should be determined on a case-by-case basis, since FOIA Exemption 7(A) specifies that an open case can be withheld in its entirety if release of the information could inappropriately interfere with the efforts of any regulatory authority evaluating a particular concern, not just NRC. As an example, if OI concludes that a discrimination concern is unsubstantiated, but the matter remains open with DOL, it is possible that the release of the OI report could interfere with DOL's evaluation. Since, in most instances of this type, the investigation stage of DOL's review has already been completed (i.e., the concern is past the DOL/OSHA investigative stage and is with either DOL/AIJ or DOL/ARB), it is reasonable to assume that releasing the OI report will not impact subsequent DOL investigatory efforts. Notwithstanding, this aspect must be considered before making the decision to release the OI report. There is no requirement for NRC to notify DOL of its decision in this matter.

6.8 Document Retention Requirements Applying to FOIA Exemption 7(A)

When withholding the release of an entire allegation file under FOIA Exemption 7(A), the OAC may either provide the records to the FOIA contact in OIS with indication that they are to be withheld or retain the records and provide the FOIA contact with a 7(A) certification signed by two individuals (see Management Directive 3.1, "Freedom of Information Act," for further information). If a 7(A) certification is used, the FOIA request will "freeze" the documents in the file for 6 years, i.e., the documents cannot be destroyed because they have been captured

under a FOIA request. A copy of the 7(A) certification form should be placed in the allegation file as a reminder of the "document freeze." In the absence of a 7(A) certification form, when an allegation file is closed, only those documents necessary to account for official action are required to be retained.

6.9 Allegor FOIA Request for Documents from Closed Allegations Submitted by the Allegor

When an allegor files a FOIA request seeking documents from closed allegation files that were submitted by him/her, much of the related allegation file may be released, unless the documents would identify a witness or affect the personal privacy of another individual, the documents were covered by attorney/client privilege, the document contains pre-decisional information, or the release of a particular document could reasonably be expected to harm an NRC investigation. Manual Exhibit 23 provides additional detail regarding information that may be withheld/redacted, and FOIA exemptions that may be applied depending on the affiliation of an individual identified in a document that has been captured under FOIA. If an allegor's FOIA request captures an open allegation, the contents of the open allegation file may be withheld in whole or in part, under Exemption 7(A), 7(C) or 7(D). If an allegor files a FOIA request seeking the documents from his/her own open allegation file(s), the entire file may be withheld under Exemption 7(A) if disclosure could reasonably be expected to interfere with an ongoing

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investigation or proceeding. However, anytime Exemption 7(A) is employed, each record or category of records must be considered for disclosure on a case-by-case basis. It is also noted that a FOIA request made by an allegor for information pertaining to himself/herself must be accompanied by written certification of the allegor's identity (see MD 3.1, "Freedom of Information Act").

6.10 Third Party FOIA Request

When a FOIA request is filed by a third party (i.e., the public, the licensee, licensee counsel, licensee employees, or the media), the agency will not release the name of the allegor or fingerprinting information related to the allegor unless the allegor is widely known in association with the allegation. The third party will receive redacted versions of the documents protecting the name of the allegor or witnesses, if any, and any other information that might allow the requestor (or the public) to identify the allegor or witnesses. The staff will also redact information concerning other persons mentioned who have personal privacy interests, information covered by the attorney/client privilege, information that is pre-decisional, safeguards or proprietary information, or information that would interfere with an ongoing investigation. Manual Exhibit 23 provides additional detail regarding information that may be withheld/redacted, and FOIA exemptions that may be applied depending on the affiliation of an individual identified in a document that has been captured under FOIA. The third party will receive licensee and agency technical evaluations and the OI investigation synopsis. When a third party files a FOIA request seeking documents from an open allegation file, the entire file may be withheld if disclosure could reasonably be expected to interfere with an ongoing investigation or proceeding. However, each record or category of records must be considered for disclosure on a case-by-case basis to determine whether Exemption 7(A) applies. If Exemption 7(A) does not apply, information that merits withholding under another exemption may be withheld (see Manual Section 6.7).

6.11 Third Party FOIA Request for Allegations Submitted by a Specific Individual

If a FOIA request is filed by a third party for allegations submitted to NRC by a specific individual, the requestor should be informed that the NRC cannot confirm or deny the existence of records subject to the request, because even denying the existence of records could provide information that the documents the FOIA requester is seeking indeed exist. This neitherconfirm-nor-deny response is occasionally referred to as a "Glomar response," based on a legal case that established this precedent. If a Glomar response is employed, case law has demonstrated that it is unnecessary for responsible staff to provide estimates for efforts required to respond to the FOIA request.

6.12 Use of AMS to Create Reports Responsive to FOIA Requests

Both the AAA and the OACs are authorized to create special reports derived from the AMS database using Microsoft Access to be responsive to FOIA requests. For this reason, every

effort should be made to ensure that data entered into AMS is current and accurate (see Manual Section 7.3.j). Reports prepared for the purpose of responding to FOIA requests must be suitably redacted to protect the identity of the alleged and any witnesses before being released. NRC Allegation Manual, Rev. 1 4/23/2015

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6.13 FOIA Response Reference Table

A reference table providing guidance for the processing of FOIA requests after an OI investigation is closed and enforcement action is completed is provided in Manual Exhibit 23.

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Confidentiality Statement:

This electronic message, and any attachment, contains privileged and confidential information from Andrew J. DeSalvo, intended for the use of the individual or entity named above. If you are not the intended RECIPIENT, immediately and permanently delete the message and any attachment from your system. Disclosure, copying, distribution, or use of the contents of this message is strictly prohibited. If you have received this email in error, please notify promptly by telephone at (b)(6) or by email reply.

Hello,

Please list all publications, Active or Draft Regulatory Guides, Technical Reports, Books, manuals, etc. available to the public, free, via postal mail. I do not have internet access. Also, please list all locations of radioactive leaks, other, contamination etc. Thank you.

Justin Bregoff

(b)(6)

(b)(6)

CASE NO: 2017-0105
DATE REC'D: 10/26/16
SPECIALIST:
RELATED CASE:

Sincerely,
Justin Bregoff

CASE NO: 2017-0124
DATE REC'D: 11/14/2016
SPECIALIST:
RELATED CASE:

From: Russ Kick
To: FOIA Resource
Subject: [External_Sender] FOIA request
Date: Sunday, November 13, 2016 5:32:27 PM

Russ Kick

(b)(6)

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

I hereby request all "briefing materials and information relating to the Presidential transition" prepared by the NRC for the Trump administration's Agency Review Teams and incoming political appointees.

The Executive Order "Facilitation of a Presidential Transition" (May 6, 2016) established the Agency Transition Directors Council (ATDC). The Presidential Transition website says:

"In line with guidance from the ATDC, agencies prepare briefing materials and information relating to the Presidential transition for Agency Review Teams (also known as Agency Landing Teams), who will review briefing materials and meet with internal agency transition teams to better understand each agency and its current state of affairs. Briefing materials are prepared for two audiences: Agency Review Teams and incoming political appointees following the Inauguration."

<https://presidentialtransition.usa.gov/2016transitionactivities/>

According to this same website, these materials should have been finalized by your agency no later than November 1, 2016.

Further, I request that these files be sent to me in any digital formats in which they exist (PDF, Word, PowerPoint, etc.). Under the terms of the E-FOIA Amendments of 1996, Section 5, if a document exists in electronic format, it must be released in that format upon request.

This information will be made freely available online, and will not be used in a commercial manner. I agree to pay up to \$10 for this request. If it will be more than this, please notify me.

Thank you for your help.

--Russ

CASE NO: 2017-0183
DATE REC'D: 11/25/2016
SPECIALIST:
RELATED CASE:

From: [Yelena Sivaya](#)
To: [FOIA Resource](#)
Subject: WWW Form Submission
Date: Wednesday, November 23, 2016 9:53:31 PM

Below is the result of your feedback form. It was submitted by

Yelena Sivaya (yelena@advancedcombatsolutions.com) on Wednesday, November 23, 2016 at 21:57:50

through the IP 63.141.200.6

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

Company/Affiliation: Advanced Combat Solutions Inc.

Address1: 333 Las Olas Way

Address2: CU 1

City: Fort Lauderdale

State: FL

Zip: 33301

Country: United_States

Country-Other: United States

Phone: 9546484327

Desc: NR-1382-D-101-E

FeeCategory: Private_Corporation

MediaType:

MediaType_Other_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInformText:

Waiver_Purpose:

Waiver_ExtentToExtractAnalyze:

Waiver_SpecificActivityQuals:

Waiver_ImpactPublicUnderstanding:

Waiver_NatureOfPublic:

Waiver_MeansOfDissemination:

Waiver_FreeToPublicOrFee:

Waiver_PrivateCommericalInterest:

CASE NO: 2017-0175
DATE REC'D: 11/22/2016
SPECIALIST:
RELATED CASE:

From: Thomas M. Tuori
To: FOIA Resource
Subject: WWW Form Submission
Date: Monday, November 21, 2016 4:22:44 PM

Below is the result of your feedback form. It was submitted by

Thomas M. Tuori (tuori@hselaw.com) on Monday, November 21, 2016 at 16:26:58

through the IP 209.170.118.134

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

Company/Affiliation: Harter Secrest & Emery LLP

Address1: 1600 Bausch and Lomb Place

Address2:

City: Rochester

State: NY

Zip: 14604

Country: United_States

Country-Other:

Phone: 585-231-1449

Desc: I am requesting a copy (preferably an electronic copy) of all records in a box associated with NARA Accession No. 431-02-0001. My understanding is that this box is held by the National Records Center in Suitland, MD, and has also been referred to as "Job 1700, box 78."

Please contact me with any questions concerning this request. Thank you.

FeeCategory: Private_Corporation

MediaType:

MediaType_Other_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInformText:

Waiver_Purpose:

Waiver_ExtentToExtractAnalyze:

Waiver_SpecificActivityQuals:

Waiver_ImpactPublicUnderstanding:

Waiver_NatureOfPublic:

Waiver_MeansOfDissemination:

Waiver_FreeToPublicOrFee:

Waiver_PrivateCommericalInterest:

_____	_____	_____	_____	PDR CF
_____	_____	_____	_____	PDR CF
_____	_____	_____	_____	PDR CF
_____	_____	_____	_____	PDR CF
_____	_____	_____	_____	PDR CF
_____	_____	_____	_____	PDR CF
_____	_____	_____	_____	PDR CF
_____	_____	_____	_____	PDR CF

AA	RA	DKT	TASK	F2	DESCRIPTION: _____
AA	RA	DKT	TASK	F2	DESCRIPTION: _____
AA	RA	DKT	TASK	F2	DESCRIPTION: _____
AA	RA	DKT	TASK	F2	DESCRIPTION: _____
AA	RA	DKT	TASK	F2	DESCRIPTION: _____
AA	RA	DKT	TASK	F2	DESCRIPTION: _____
AA	RA	DKT	TASK	F2	DESCRIPTION: _____
AA	RA	DKT	TASK	F2	DESCRIPTION: _____

PRIMARY FILE LOCATION/LEVEL

DSB #:

_____	_____	_____	_____	_____
FCEN	F1	F2	F3	

NOTES/SPECIAL INSTRUCTIONS

INDEXER QC DDC

Generate New Label

Generate New RIDS Sheet

Encl Contains Prop Info

Refilm: PDR CF PROP

Encl Contains Foldout Pages

Do Not Refilm

NUCLEAR DOCUMENTS SYSTEM



ADMIN: _____

RIDS: _____

REV 2. 06/22/88