



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2017-0521

1

RESPONSE TYPE INTERIM FINAL

REQUESTER:

David Lochbaum

DATE:

05/25/2017

DESCRIPTION OF REQUESTED RECORDS:

ML102150361 and ML102510172

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*

*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

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
DN: cn=US, o=U.S. Government, ou=U.S. Nuclear Regulatory Commission, ou=NRC-PIV, cn=Stephanie A. Blaney, 0.9.2342.19200390.100.1.1=200001997
Date: 2017.05.25 14:22:06 -0400



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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 of 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	
			EDO	SECY
Stephanie Blaney	FOIA Officer/OCIO	Physical security 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."

~~—OFFICIAL USE ONLY—SECURITY RELATED INFORMATION—~~

August 2, 2010

EA-09-273

Mr. John T. Carlin
Site Vice President, R.E. Ginna Nuclear Power Plant
R.E. Ginna Nuclear Power Plant, LLC
1503 Lake Road
Ontario, NY 14519

SUBJECT: NRC Inspection Report 05000244/2009403 and Investigation Report
No. 1-2009-019

Dear Mr. Carlin:

This refers to the investigation conducted by the NRC Region I Office of Investigations (OI) at the R. E. Ginna Nuclear Power Plant (GNPP), to determine whether: (1) a security lieutenant (SL) (acting as a drill controller) and a security officer (SO) deliberately failed to submit themselves to a search, following a licensee force-on-force (FOF) drill, prior to re-entering the protected area (PA); and, (2) whether there was a deliberate failure by a sergeant to control access to the PA.

(b)(4),(b)(7)(F)

After considering the information developed during the investigation, the NRC has concluded that a violation of NRC requirements did not occur. NRC regulations regarding search requirements are intended to provide high assurance that security is maintained. Specific methods

(b)(4),(b)(7)(F)

have been determined by the NRC as providing high assurance that contraband was not introduced

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2

in the PA upon re-entry, regardless of whether an additional screening was conducted.

If you have any questions, please contact James Trapp at (610) 337-5186.

You are not required to respond to this letter. However, should you chose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region I, 475 Allendale Rd., King of Prussia, PA 19406, and marked "Open by Addressee Only," within 30 days of the date of this letter, with a copy to the NRC Resident Inspector at Ginna.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), because of the security related information. Similarly, your response, should you choose to respond in writing, will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/readingrm/adams.html>. However, you should be aware that all final NRC documents, including the final OI investigation report, are official agency records and may be made available to the public under the Freedom of Information Act (FOIA), subject to redaction of information in accordance with the FOIA.

Sincerely,

/RA/

James W. Clifford, Acting Director
Division of Reactor Projects

cc: G. Palmer, Director of Security

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Sincerely,

/RA/
James W. Clifford, Acting Director
Division of Reactor Projects

cc: G. Palmer, Director of Security

SUNSI Review Complete: aed (Reviewer's Initials)

ML102150361

Non-Public Designation Category: MD3.4 Non-Public A. 3

DOCUMENT NAME: G:\DRP\BRANCH1\Ginna\OI Letters\Ginna Closeout Ltr - Licensee Rev 1.doc

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NAME	KFarrar	DHolody	GKentel / GTD*	JTrapp/JMT*	PWilson/PRW*	JClifford/JWC	EWilson/ pr for
DATE	07/16 /10	07/20 /10	07/02 /10	07/06/10	07/06 /10	07/28 /10	07/ 16 /10
OFFICE	RI/ORC	RI/ORA	HQ/OE	HQ/OGC	HQ/NSIR	HQ/NRR	
NAME	KFarrar	DHolody	DFurst**	KSexton**	BWestreich**	MAAshley**	
DATE	07/16 /10	07/20 /10	07/22 /10	07/22 /10	07/22 /10	07/22/10	

*See Concurrence on Previous Sheet

OFFICIAL RECORD COPY

**provided via email from DFurst to ADeFrancisco on 7/22/10

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3

Distribution:

R. Zimmermann, OE
A. Campbell, OE
N. Hilton, OE
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RI Allegation Resource
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D. Screnci, RI ORA
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P. Wilson, RI DRS
J. Trapp, RI DRS
D. Caron, RI DRS
B. Yip, RI DRS
B. Dean, NSIR
R. Albert, NSIR
B. Westreich, NSIR
M. Shannon, RIV
E. Duncan, RIII
M. Ernestes, RII

U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

Docket No. 05000244
License No. DPR-18
Report No. 05000244/2010404
Licensee: Constellation Generation Energy Nuclear Group, LLC
Facility: R.E. Ginna Nuclear Power Plant
Location: Ontario, New York
Inspection Dates: August 2-6, and 23, 2010
In Office Review: August 9, 2010
Inspector: Dennis Lawyer
Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety
Approved By: Judith A. Joustra, Chief
Decommissioning Branch
Division of Nuclear Materials Safety

SUMMARY OF FINDINGS

IR 05000244/2010404; 08/2-23/2010; R.E. Ginna Nuclear Power Plant; Independent Spent Fuel Storage Installation (ISFSI) Security Inspection.

This report covers an announced inspection conducted by a regional-based ISFSI/decommissioning inspector. This inspection consisted of a review and evaluation of the physical security program for the ISFSI at the R.E. Ginna Nuclear Power Plant in Ontario, New York. The inspection consisted of observations of ISFSI physical security-related activities in progress, evaluation of additional security measures (ASMs) in place for the ISFSI, interviews with personnel, and an examination of procedures and security records. The inspector used Temporary Instruction (TI) 2690/008, "Inspection of ASMs for Dry Cask Storage at ISFSI(s) located within the Protected Area of an Operating Reactor Facility," to conduct the inspection.

NRC-Identified and Self-Revealing Findings

Cornerstone: ISFSI Security

No findings were identified.

REPORT DETAILS

1.0 ISFSI Security

1.1 Independent Spent Fuel Storage Installation (ISFSI) located within the Protected Area of an Operating Reactor Facility (T1 2690/008)

a. Inspection Scope

The inspector reviewed the R.E. Ginna Nuclear Power Plant's Physical Security Plan (PSP) and implementation of the requirements of the Additional Security Measures (ASMs) in place for the ISFSI. The inspector reviewed procedures and records and interviewed security personnel. The inspector verified that the licensee's facility had appropriate physical barriers, and had redundant communications capability between the onsite security force members and designated response force or the Local Law Enforcement Agency (LLEA). The inspector toured the ISFSI and Central Alarm Station, and observed the licensee's security officers use communication systems between the Alarm Stations and security officers. The inspector observed the licensee demonstrate the effectiveness and operability of the camera surveillance system. Additionally, the inspector evaluated the licensee's handling and storage of Safeguards Information in accordance with regulatory requirements.

b. Findings

No findings were identified.

2.0 Exit Meeting

The ISFSI security inspection results were discussed with Jared Jackson, ISFSI Licensing Engineer on August 23, 2010. The licensee did not identify any of the documents reviewed or statements referenced to specific processes as proprietary in nature.

ATTACHMENT: SUPPLEMENTAL INFORMATION

SUPPLEMENTAL INFORMATION**PARTIAL LIST OF PERSONS CONTACTED**

Gene Palmer, Director of Security
Duane Sims, Security Procedure Specialist
Neil Brehse, Senior EP Analyst
Len Sucheski, System Engineering
Scott Baily, Security Officer
David Barrett, Security Officer

INSPECTION PROCEDURES USED

TI 2690/008 Inspection of ASMs for Dry Cask Storage at ISFSI(s) Located Within the Protected Area of an Operating Reactor Facility

ITEMS OPENED, CLOSED, AND DISCUSSEDOpened, Closed, and Discussed

None

LIST OF DOCUMENTS REVIEWED

The following is a list of documents reviewed during the inspection. Inclusion on the list does not imply the NRC inspector reviewed the documents in their entirety but rather that selected sections or portions of the documents were evaluated as part of the overall inspection effort. Inclusion of a document on this list does not imply NRC acceptance of the document, or any part of it, unless this is stated in the body of the inspection report.

Security Access Vehicle Escort, GS 2.11
Controlled Access into the Protected Area, GS 2.03
Security Organization Protective Strategies, GS 1.11
Law Enforcement Response Plan, GS 1.12
Protective Strategy, GS 1.11
Ginna Station Event Evaluation and Classification, EPIP-1-0
ISFSI Standoff Calculation, Calc CNSG046-CALC-00

ACRONYMS

ADAMS	Agencywide Documents Access and Management System
ASM	Additional Security Measures
CFR	Code of Federal Regulations
DNMS	Division of Nuclear Materials Safety
DRS	Division of Reactor Safety
ISFSI	Independent Spent Fuel Storage Installation
LLEA	Local Law Enforcement Agency
NRC	Nuclear Regulatory Commission
PSP	Physical Security Plan
TI	Temporary Instruction