NRC FORM 464 Part I
(06-2019)

U.S. NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC	RESPONSE NUMBER
2019-000253	5

RESPONSE TYPE ☑ INTERIM ☐ FINAL

REQUESTER:	DATE:
Thomas C. Poindexter	06/26/2020

DESCRIPTION OF REQUESTED RECORDS:

Records about the NRC's inspection and enforcement of the Clinton Power Station. See additional details in Section 1.D, "Comments".

PART I. -- INFORMATION RELEASED

☑ The NRC has made some, or all, of the requested records publicly available through one or more of the following means: (1) https://www.nrc.gov ; (2) public ADAMS, https://www.nrc.gov/reading-rm/adams.html; (3) microfiche available in the NRC Public Document Room; or FOIA Online, https://foiaonline.gov/foiaonline/action/public/home.

☑ 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 Part I.D -- Comments) for a disclosure determination and direct response to you.

☑ We are continuing to process your request.

☑ See Part I.D -- Comments.

PART I.A -- FEES

AMOUNT

☐ You will be billed by NRC for the amount indicated.

☐ You will receive a refund for the amount indicated.

☐ Fees waived.

☐ Since the minimum fee threshold was not met, you will not be charged fees.

☐ Due to our delayed response, you will not be charged search and/or duplication fees that would otherwise be applicable to your request.

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"). See 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. If you submit an appeal by mail, address it to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Mail Stop T-6 A60M, Washington, D.C. 20555-0001. You may submit an appeal by e-mail to FOIA.resource@nrc.gov. You may fax an appeal to (301) 415-5130. Please be sure to include on your submission that it is a "FOIA Appeal." Only a pre-registered user may file an appeal through FOIA Online, https://foiaonline.gov/foiaonline/action/public/home. A user who has not registered an account prior to filing the initial FOIA request may still submit their appeal by one of the above mentioned options.

PART I.C -- REFERENCES AND POINTS OF CONTACT

You have the right to seek assistance from the NRC's FOIA Public Liaison by submitting your inquiry at https://www.nrc.gov/reading-rm/foia/contact-foia.html, or by calling the FOIA Public Liaison at (301) 415-1276.

If we have denied your request, you have the right to seek dispute resolution services from the NRC's Public Liaison or the Office of Government Information Services (OGIS). To seek dispute resolution services from OGIS, you may e-mail OGIS at ogis@nara.gov, send a fax to (202) 741-5789, or send a letter to: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. For additional information about OGIS, please visit the OGIS website at https://www.archives.gov/ogis.

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PART I.D -- COMMENTS

Your request, as clarified in April 2019, is as follows:

"Any and all records including, but not limited to, analyses, inter-office correspondence, documents, emails, notes, differing professional opinions, etc., related to the NRC's inspection and enforcement involving the Clinton Power Station in reference to the NRC's "Final Significance Determination of a White Finding" and NRC Inspection Report Numbers 05000461/2018051 and 05000461/2018092. Responsive records do not include licensee generated documents, but does include records in reference to NRC Inspection Report 0500461/2018050, but only as they relate to the Diesel Generator."

This fifth interim response includes documents from both the NRC Office of Nuclear Reactor Regulation (NRR) and the NRC Region III office.

We are continuing to process the remainder of the responsive records, and appreciate your patience.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
Date: 2020.06.26 09:31:07 -04'00'

NRC FORM 464 Part II
(04-2018)

U.S. NUCLEAR REGULATORY COMMISSION

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC: 2019-000253

DATE: 06/19/2020

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
  - ☐ Other:
- ☐ 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 any individual.
- ☑ Other: Non-responsive record

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	Draft documents, preliminary opinions, non-responsive portions of records	☑	☐
	Select Title/Office from drop-down list		☐	☐
	Select Title/Office from drop-down list		☐	☐
	Select Title/Office from drop-down list		☐	☐