



GOVERNMENT ACCOUNTABILITY PROJECT

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October 2, 2017

U.S. Nuclear Regulatory Commission
FOIA/PA Privacy Act Officer
Washington, DC 20555-0001
(via Email: FOIA.Resource@NRC.gov)

RE: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, and 10 CFR 9.23 of the Commission's regulations, The Government Accountability Project (GAP) requests that the US Nuclear Regulatory Commission (NRC) provide any and all records described in the numbered paragraphs below.

In the absence of guidance from the Trump Administration, the current presidential guidance comes from President Obama's 2009-Jan-21 memo, in which he declared the following policy for Executive Branch agencies such as the US NRC:

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 President's policy of openness was reiterated in guidelines issued on March 19, 2009 by Attorney General Eric Holder. Contained in those guidelines was the following direction:

First, an agency should not withhold information simply because it may do so legally. I strongly encourage agencies to make discretionary disclosures of information. An agency should not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption.

In recognition of the FOIA policy declared by the President and the guidelines promulgated by the Attorney General, GAP expects that all records requested below will be released in their entirety except where release is prohibited by law. That is, GAP expects the NRC to act in a manner such that the "presumption of disclosure" is applied "to all decisions involving FOIA" and such that the agency will "not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption". However, GAP

does not desire the release of the name of any individual who, prior to providing information to the agency, specifically requested confidentiality or anonymity; as such you can consider the names of such individuals—but not the information they provided—as outside the scope of this FOIA request.

For the requests in the numbered paragraphs below we are requesting any and all records, including, but not limited to, reports, studies, test results, digital or tape recordings of interviews or interrogations, correspondence, memoranda, meeting notes, meeting minutes, working papers, graphs, charts, diagrams, notes from drop-in visits, summaries of conversations and interviews, computer records, transcripts, emails, and any other electronic or hardcopy documents or recorded audio or video.

For the requests that reference earlier FOIA requests, GAP requests unredacted copies of records that were assembled in response to those request and not the redacted versions released under the request. GAP expects all information not prohibited from release by law and that redactions will not be made “*merely because [the NRC] can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption.*” GAP also desires all portions of the records assembled and not just those portions that the NRC decided fell in the scope. That is, nothing should be marked as “Out of Scope” except, as mentioned above, for cases of the appearance of the name of an individual specifically granted confidentiality. When referencing earlier FOIA requests, the scope of this request is all records assembled and not the subset of records released.

Some of the requested records refer to NRC employee Lawrence Criscione. As detailed in the fee waiver request below, GAP is seeking to understand how the NRC has handled Mr. Criscione’s concerns regarding Callaway Plant and Generic Issue 204. GAP is also seeking to determine whether or not Mr. Criscione’s outspokenness on these issues have resulted in any retaliation from the NRC. Mr. Criscione is aware of this FOIA request and has consented to the release of any information regarding him and contained in the records sought below to GAP. Mr. Criscione has been copied on this request. We have attached a signed Privacy Act release form from him at the bottom.

1. NRC ADAMS document ML100271591, *Evaluation of Duke Energy Carolina, LLC (Duke), November 30, 2009 Response To Nuclear Regulatory Commission (NRC) Letter Dated April 30, 2009, Related To External Flooding at Oconee Nuclear Station, Units 1, 2, And 3 (Oconee)*
2. NRC ADAMS document ML100780084, *Generic Failure Rate Evaluation for Jocassee Dam Risk Analysis*
3. NRC ADAMS document ML102910480, *NRC Assessment of Oconee External Flooding Issue (October 18, 2010)*
4. NRC ADAMS document ML110740482, *Analysis Report for the Proposed Generic Issue on Flooding of Nuclear Power Plant Sites Following Upstream Dam Failures*
5. NRC ADAMS document ML12335A059, *LIC-504EMcKenna*
6. NRC ADAMS document ML13063A110, *Oconee Nuclear Station, Units 1, 2, and 3 – Documentation of Staff Decision Regarding Implementation of Permanent Modifications for Protection from External Flooding*
7. NRC ADAMS document ML13084A022, *03/25/2013 Slides From Meeting With Duke Energy Carolinas, LLC, Oconee Nuclear Station Units 1, 2, and 3, Concerning the Flooding Hazard Reevaluation Report*
8. NRC ADAMS document ML13149A079, *Second Quarter Operating Plan FY-2013*

9. NRC ADAMS document ML13218A150, *Template for Staff Assessment of Response to 10 CFR 50.54(f) Information Request – Flooding Mechanisms*
10. NRC ADAMS document ML14090A406, *US Army Corps of Engineers Evaluation of Missouri River Dams and Potential Flood Hydrographs at Fort Calhoun and Cooper Plants*
11. NRC ADAMS document ML14325A850, *Concern about the Appearance of Obstruction of Justice*
12. NRC ADAMS document ML15356A158, *Oconee Station, Units 1, 2, and 3 (NON-PUBLIC)-Staff Assessment of Response to Request for Information Pursuant to 10 CFR 50.54(f) Flood-Causing Mechanisms Reevaluation (TACs MF1012, MF1013 and MF 1014)*
13. NRC ADAMS document ML16201A086, *2016-May-19 0734, Failure to study Dam Security, from Criscione to Kirkwood, Holahan and Clark. (dated 5/19/16)*
14. NRC ADAMS document ML16201A093, *2016-May-19 0800, MOU between USACE and ACRS, from Criscione to Kirkwood, Holahan and Clark. (dated 5/19/16)*
15. NRC ADAMS document ML16201A095, *2016-May-19 0754, Need-to-Know regarding nuclear safety issues associated with flooding, from Criscione to Kirkwood, Holahan and Clark. (dated 5/19/16)*
16. NRC ADAMS document ML16201A100, *2016-May-19 0813, Email Regarding Keeping Inundation Levels from the Public, from Criscione to Kirkwood, Holahan and Clark. (dated 5/19/16)*
17. NRC ADAMS document ML16202A536, *2016-May-9 email from Criscione to Kirkwood, Holahan and Clark.pdf (dated 5/9/16)*
18. NRC ADAMS document ML16202A537, *2016-May-17 0849 email regarding initial interview, sent from Criscione to Kirkwood, Holahan and Clark.pdf (dated 5/17/16)*
19. NRC ADAMS document ML16202A538, *2016-May-20 0600, Clarification regarding pumps at Peach Bottom, from Criscione to Kirkwood, Holahan and Clark.pdf (dated 5/20/16)*
20. NRC ADAMS document ML16204A001, *2012-Sep-14, email from Criscione to various Congressional staff concerning NRC Concealing Concerns Regarding Oconee Nuclear Station.pdf (dated 9/14/12)*
21. NRC ADAMS document ML16204A002, *2012-Sep-14 Letter from Richard Perkins to Inspector General Hubert Bell regarding Concealment of Significant Nuclear Safety Information by the U.S. Nuclear Regulatory Commission (dated 9/14/12)*
22. NRC ADAMS document ML16216A702, *2013-Aug-4 email from Scott Hodes to Lawrence Criscione.pdf (dated 8/4/13)*
23. NRC ADAMS document ML16216A703, *2013-Feb-4 Request to DoJ for Felony Indictment and 2013-Feb-15 declination _redacted (dated 2/4/13)*
24. NRC ADAMS document ML16216A704, *2016-Aug-3 LinkedIn Profile for Jack R. Davis, Director of the NRC's Japan Lessons-Learned Directorate (dated 8/3/16)*
25. NRC ADAMS document ML16216A705, *2013-Jan-15 interview of George Wilson for OIG Cases 13-001 & 13-005 (interview summary of the NRC's Dams Safety Officer) _redacted (dated 1/15/13)*
26. NRC ADAMS document ML16216A706, *2013-July-5 Appeal From Initial Decision FOIAPA-2013-00239.pdf (dated 7/5/13)*
27. NRC ADAMS document ML16216A707, *2013-June-10 Discussion of FOIA Releases regarding the flooding issues at Oconee.pdf (dated 6/10/13)*
28. NRC ADAMS document ML16216A708, *2013-June-13 Letter from Hirsch to Criscione and Criscione's Response.pdf (dated 6/13/13)*

29. NRC ADAMS document ML16216A709, 2013-May-24 email from Criscione to Macfarlane, Bell, Doane, Vietti-Cook, Borchardt, Ash, Sealing, Zobler, Grodin and Lee, subj Inquiry Regarding Overdue FOIA Appeals 2013-004A, 006A, 009A, 010A, 011A & 013A.pdf (dated 5/24/13)
30. NRC ADAMS document ML16216A710, 2014-Jan-5 Input regarding Audit of NRC's FOIA Process.pdf (dated 1/5/14)
31. NRC ADAMS document ML16216A711, 2015-March-13 Union of Concerned Scientists' briefing package for NRC Chairman Burns and Commissioner Baran (dated 3/13/15)
32. NRC ADAMS document ML16216A712, 2013-Mar-29 Appeal for refusal to release documents requested under FOIA Requests 2013-0126, 2013-0127, and 2013-0128 (dated 3/29/13)
33. NRC ADAMS document ML16216A713, 2012-Nov-15 Entry for FOIA 2013-0008 on p 25 of ML13149A079 and FOIA request 2013-0262 (dated 11/15/12)
34. NRC ADAMS document ML16232A001, Sensitivity Reviews for ML16200A049, ML16201A086, ML16201A093, ML16201A095, ML16201A100, ML16202A536-A538, ML16204A001-A002, ML16216A702-A713 (dated 8/18/16)
35. NRC ADAMS document ML16236A018, Style Sheet for JLD Flooding Review Documents.pdf (dated 8/22/16)
36. NRC ADAMS document ML16236A019, 2014-Jan-9 mpg video of the flooding at St. Lucie, D43 MOV03976.MPG (dated 8/22/16)
37. NRC ADAMS document ML16236A021, 2014-May-27 and 2014-June-5 emails concerning the St. Lucie Jan 9 Reactor Auxiliary Building Flooding Video (dated 6/5/14)
38. NRC ADAMS document ML16236A230, 2010-Feb-13 Memo from NRR requesting a Generic Issue regarding flooding due to upstream dam failures.pdf (dated 2/13/10)
39. NRC ADAMS document ML16237A004, 2013-Mar-25 Emails from the NRC to various members of the public (Greenville News, Westinghouse Electric Company, WGOG radio, Greenpeace, etc.) distributing Duke Energy power point presentation concerning flooding at the Oconee Nuclear Station_redacted (dated 3/25/13)
40. NRC ADAMS document ML16237A005, 2013-April-23 email from Duke Energy to NRC complying with NRC direction to redact power point presentation presented at a March 25, 2013 public meeting.pdf (dated 4/23/13)
41. NRC ADAMS document ML16237A006, 2013-April-11 Letter from a FOIA requester to the NRC EDO concerning an update for FOIA Appeal 2013-009A (dated 3/25/13)
42. NRC ADAMS document ML16237A007, 2013-Mar-25 email from Greenpeace to the Union of Concerned Scientists and the Huffington Post containing a Duke Energy presentation obtained from the NRC.pdf (dated 3/25/13)
43. NRC ADAMS document ML16238A005, 2012-Oct-19 interview of Ben Beasley (Chief of the Operating Experience and Generic Issues Branch in the Division of Risk Assessment in the NRC's Office of Nuclear Regulatory Research)_redacted (dated 10/19/12)
44. NRC ADAMS document ML16238A006, 2012-Oct-23 interview of Doug Coe (Deputy Director of Division of Risk Assessment of the NRC's Office of Nuclear Regulatory Research)_redacted (dated 10/23/12)
45. NRC ADAMS document ML16238A007, 2012-Oct-24 interview of Daniel Cardenas (Branch Chief in Division of Facility Security)_redacted (dated 10/24/12)

46. NRC ADAMS document ML16238A008, 2012-Nov-29 interview of Craig Conklin interview (Senior Executive Service member at the Department of Homeland Security)_redacted (dated 11/29/12)
47. NRC ADAMS document ML16238A009, 2013-Jan-04 interview of Rich Correia (Director of Division of Risk Assessment of the NRC's Office of Nuclear Regulatory Research)_redacted (dated 1/4/13)
48. NRC ADAMS document ML16238A010, 2013-Jan-17 mp3 Recording of Interrogation of Lawrence Criscione corresponding to transcript pp. 87 to 95 on the topic of speculating who in Congress shared the GI-204 screening analysis with Greenpeace (dated 1/17/13)
49. NRC ADAMS document ML16238A011, 2013-Jan-17 mp3 recording corresponding to pp.116-144 demonstrating the agent's lack of understanding of the relationship between classified information and information administratively restricted from public release under informal extralegal processes (dated 1/17/13)
50. NRC ADAMS document ML16238A013, 2012-Sep-20 NRC Form 183, Report of Security Incident/Infraction/Violation written against Criscione for sending Official Use Only documents to Congress (dated 9/20/12)
51. NRC ADAMS document ML16238A014, 2012-Autumn undated Memorandum from Mary Jane Ross-Lee to Richard Correia concerning preventing recurrence of events such as the September 18, 2012 release of information to Congress (dated 10/25/12)
52. NRC ADAMS document ML16239A085, 2014-Mar-12 letter and email informing Criscione's attorney that OIG Case 13-001 and 13-005 had closed.pdf (dated 3/12/14)
53. NRC ADAMS document ML16242A333, Comments on the 2016-June-30 Response of the NRC to the US Office of Special Counsel concerning the flooding at nuclear power plant sites in the event of upstream dam failures (dated 8/29/16)
54. NRC ADAMS document ML16242A343, Sensitivity Review: ML16195A368-A369 ML16232A001 ML16236A018-A019 ML16236A021 ML16236A230 ML16237A004-A007 ML16238A005-A011 ML16238A013-A014 ML16239A085 ML16242A333 ML16242A344 ML16244A000-A009 ML16245A000-A002 (dated 9/9/16)
55. NRC ADAMS document ML16242A344, 2016-Aug-29 Verification of Identity and Sworn Authorization for Release of Information (dated 8/29/16)
56. NRC ADAMS document ML16244A000, 2013-Jan-17 Transcript (dated 1/17/13)
57. NRC ADAMS document ML16244A001, 2013-Jan-17 mp3 recording corresponding to transcript pp. 70 to 75 regarding the Inspector General's agents concern that Criscione did not adequately work through internal NRC channels prior to contacting Congress with his flooding concerns (dated 1/17/13)
58. NRC ADAMS document ML16244A002, 2013-Jan-17 mp3 recording corresponding to transcript pp. 44 to 46 concerning protecting Official Use Only information (dated 1/17/13)
59. NRC ADAMS document ML16244A003, 2013-Jan-17 mp3 recording corresponding to transcript pp. 58 to 64 concerning the need to seek approval from NRC supervision, licensees, and other federal agencies prior to providing information to Congress (dated 1/17/13)
60. NRC ADAMS document ML16244A004, 2013-Jan-17 mp3 recording corresponding to transcript pp. 79 to 83 concerning Inspector General's agents understanding that NRC employees do not have an inherent need-to-know about nuclear safety issues not formally assigned to them (dated 1/17/13)

61. NRC ADAMS document ML16244A005, 2013-Jan-17 mp3 recording corresponding to transcript pp. 98 to 103 concerning motivation of Perkins' complaint to the IG regarding redactions to the *GI-204 Screening Analysis* (dated 1/17/13)
62. NRC ADAMS document ML16244A006, 2013-Jan-17 mp3 recording corresponding to transcript pp. 95 to 98 concerning speaking with Tom Zeller of the *Huffington Post* and David Lochbaum of the *Union of Concerned Scientists* (dated 1/17/13)
63. NRC ADAMS document ML16244A007, 2013-Jan-17 mp3 recording corresponding to transcript pp. 153 to 159 concerning NRC policy with regard to speaking to the media (dated 1/17/13)
64. NRC ADAMS document ML16244A008, 2012-Dec-10 email from Criscione to Commissioner Ostendorff and follow up correspondence arranging an Open Door policy meeting on the Oconee flooding issues (dated 12/10/12)
65. NRC ADAMS document ML16244A009, 2011-Mar-29 complaint by an agent of the NRC Office of the Inspector General against Criscione regarding Criscione responding to a media inquiry following the Fukushima accident _redacted (dated 3/29/11)
66. NRC ADAMS document ML16245A000, 2011-Mar-18 Seventeen month OIG investigation of Lawrence Criscione for statements made as a private citizen at a 10 CFR 2.206 petition meeting on September 17, 2010 _redacted (dated 3/18/11)
67. NRC ADAMS document ML16245A001, 2013-June-27 Eight month OIG investigation of Lawrence Criscione concerning an *International Nuclear Safety Journal* paper on the October 21, 2003 passive reactor shutdown at Callaway Plant that he wrote and submitted as a private citizen _redacted (dated 6/27/13)
68. NRC ADAMS document ML16245A002, 2013-July-26 Email from the NRC Office of Administration to Office of the Inspector General denoting that the NRC Office of General Counsel determined nothing security sensitive was contained in Criscione's 2016-Jan-17 interrogation transcript _redacted (dated 7/26/13)
69. NRC ADAMS document ML17170A169, 2017-June-19 email from Criscione to Harrison regarding the NRC Inspector General's investigation of Jack Davis.pdf
70. NRC ADAMS document ML17089A005, 2017-March-29 comments submitted under 5USC1213(1)(e) regarding the NRC Chairman's 2017-Feb-27 response to US Special Counsel concerning OSC File No. DI-15-5254 on flooding at reactor sites due to upstream dam failures
71. NRC ADAMS document ML17170A168, Consent forms for OSC comments.pdf
72. NRC ADAMS document ML17249A980, Epilogue for OSC File No. DI-15-5254 on nuclear power plant flooding
73. NRC ADAMS document ML17227A821, Response to OSC questions 2-27-17.pdf
74. All records pertaining to OIG Allegation #A10-06606, *Former Licensee Employee Questioned Adequacy of NRC OI Investigation Pertaining to Callaway*. Some of these records were assembled under FOIA/PA 2014-0344.
75. All records pertaining to OIG Allegation #A11-06702 or OIG Case #C11-023, *Concerns Regarding Region IV Review of Inadvertent Shutdown of Callaway Nuclear Power Plant Reactor*. Some of these records were assembled under FOIA/PA 2014-0314 and 2014-0325.
76. All records pertaining to OIG Allegation #A11-06828, *Questions Regarding the 2003 Inadvertent Shutdown Incident at the Callaway Nuclear Power Plant*. Some of these records were assembled under FOIA/PA 2014-0347.
77. All records pertaining to OIG Allegation #A12-06876, *Reactor Shutdown Procedure at Callaway Plant is Not Compliant with Plant Technical Procedures*. Some of these records were assembled under FOIA/PA 2014-0352.

78. All records pertaining to OIG Allegation #A12-07079, *Concern that NRC is not Handling 2.206 Petition Properly*.
79. All records pertaining to OIG Allegation #A12-07080 or OIG Case #C12-080, *Concern that Region IV has not Investigated an Incident at Callaway Nuclear*. Some of these records were assembled under FOIA/PA 2014-0321, 2014-0322, 2015-0256 and 2015-0257.
80. All records pertaining to OIG Allegation #A14-07479, *NRC Staff Provided Inaccurate Information to Chairman Pertaining to Callaway Shutdown Event*. Some of these records were assembled under FOIA/PA 2015-0041.
81. All records pertaining to OIG Allegation #A13-07114 or OIG Case C13-005, *NRC Staff's Handling of Jocassee Dam and Oconee Nuclear Station*. Some of these records were assembled for FOIA/PA 2013-0153, 2014-0185, 2014-0327, 2014-0353, 2016-0132 and lawsuit 1:13-cv-00942 (Criscione v. NRC).
82. All records pertaining to OIG Allegation #A12-07094 or OIG Case #C12-079, *NRC Misuse of FOIA Exemption Rules*. Some of these records were assembled under FOIA/PA 2014-0386 and 2016-0064.
83. All records pertaining to OIG Allegation #A13-07251, *Concerns Regarding Duke and Oconee Nuclear Power Plants*. Some of these records were assembled under FOIA/PA 2014-0351.
84. All records pertaining to OIG Allegation # A14-07512, *Request to Appeal FOIA Action*. Some of these records may have been assembled under FOIA/PA 2015-0340.
85. All records pertaining to OIG Allegation #A11-06735 or OIG Case #C11-031, *Misuse of Government Position and Inappropriate Conduct by RES Employee*. Some of these records were assembled under FOIA/PA 2014-0188, 2014-0246, 2014-0324, 2014-0327, and 2016-0132.
86. All records pertaining to OIG Allegation #A12-07095 or OIG Case #C13-001, *Release of NRC Security Related Documents by RES Employee*. Some of these records were assembled for FOIA/PA 2013-0153, 2014-0186, 2014-0200, 2014-0211, 2014-0237, 2014-0238, 2014-0239, 2014-0240, 2014-0241, 2014-0247, 2014-0269, 2014-0323, 2014-0327, 2016-0132, and lawsuit 1:13-cv-00942 (Criscione v. NRC).
87. All records pertaining to OIG Allegation #A13-07258 or Case #C13-045, *Possible Release of Internal NRC Documents to the Public by an NRC Employee*. Some of these records were assembled under FOIA/PA 2014-0341.
88. All records pertaining to OIG Case #C11-037 or Allegation #11-06752, *Potential Improper Release of NRC Assessment and Recommendations Pertaining to the Fukushima Daiichi Units*. Some of these records may have been assembled under FOIA/PA 2014-0398.
89. All records pertaining to OIG Allegation #13-07105, *Proactive Initiative – Computer Misuse and Computer Forensic Support*. Some of these records may have been assembled under FOIA/PA 2014-0332 and 2015-0254.
90. All records pertaining to OIG Allegation #A13-07209, *Special Project: NRC Regulatory Oversight*. Some of these records may have been assembled under FOIA/PA 2014-0336 and 2015-0258.
91. All records pertaining to OIG Allegation #A13-07267, *Region IV Employee Concerned with Pressure to Downplay Inspection Findings and Retaliation Causing a Chilled Work Environment*. Some of these records may have been assembled under FOIA/PA 2014-0338.
92. All records pertaining to OIG Allegation #A13-07296 or OIG Case #C13-055, *Interference By NRC Officials Into an Investigation Conducted by the Office of Investigation*. Some of these records may have been assembled under FOIA/PA 2014-0331 and 2015-0255.
93. All records pertaining to OIG Allegation #A14-07527, *Possible Compromise of NRC Analyses*. Some of these records may have been assembled under FOIA/PA 2015-0305.
94. All records pertaining to OIG Allegation # A14-07534, *Potential Interference with a FOIA Request by the [redacted]*. Some of these records may have been assembled under FOIA/PA 2015-0330.
95. Any and all studies possessed or reviewed by the NRC pertaining to both internal and external security threats at dams upstream of nuclear reactor plants or dams composing the ultimate heat

- sink for nuclear reactor plants. Include any studies regarding design basis threat assessments for dam and regarding vetting of visitors and workers to dams. Include any and all studies reviewed by the NRC that were done for or by the Tennessee Valley Authority, the US Army Corps of Engineers, the Federal Energy Regulatory Commission, the Department of Homeland Security or any other federal, state or private concern that operates dams or is concerned with their security.
96. All records pertaining to the 2012-Dec-18 letter from the Chairman of the Senate Committee on Homeland Security & Governmental Affairs (Sen. Joseph Lieberman) to the NRC Inspector General (Hubert Bell) including all studies or investigations done in response to that letter and all follow up correspondence with the Senate Committee on Homeland Security & Governmental Affairs. Some of these records may have been assembled under FOIA/PA 2015-0451.
 97. Any and all records pertaining to the following FOIA/PA requests, appeals and lawsuits: 2013-0013, 2013-0008, 2013-0127, 2013-0262, 2013-0239, 2013-0010A, 2013-0015A, 2013-0018A, 2013-0022A and lawsuit 1:13-cv-00942-RMC (PEER v. NRC). Some of these records may have been assembled under FOIA/PA 2013-0262 and 2015-0331.
 98. The following information regarding all OIG Allegations since the start of fiscal year 2007 that pertain to Callaway Plant, Lawrence Criscione, release of official information, violation of Information Technology policies, involvement of or assistance from the Computer Crime Unit or the Cyber Crime Unit (CCU), unprofessional behavior, misuse of government position, employees working on projects outside of their official duties, time and attendance fraud, or referral for prosecution to an Assistant US Attorney: Allegation Number & Name, Date Received, Date Dispositioned, Disposition, Case number, Program Office, Agent.
 99. The following information regarding all OIG Cases since the start of fiscal year 2007 that pertain to Callaway Plant, Lawrence Criscione, release of official information, violation of Information Technology policies, involvement of or assistance from the Computer Crime Unit or the Cyber Crime Unit (CCU), unprofessional behavior, misuse of government position, employees working on projects outside of their official duties, time and attendance fraud, or referral for prosecution to an Assistant US Attorney: Allegation Number & Title, Date Opened, Date Due, Date Closed, Case Type, Case Agent, Program Office, Primary Classification, Disposition.
 100. All records pertaining to Lawrence Criscione and contained in NRC-18 Privacy Act System of Records (Office of the Inspector General Investigative Records). Some of these records were assembled under FOIA/PA 2014-0327 and 2016-0132.
 101. All records pertaining to Allegations RIV-2007-A-0028, RIV-2007-A-0048, RIV 2007-A-0093, RIV-2007-A-0096, RIV-2007-A-117, RIV-2007-A-0130, RIV-2009-A-0036 and RIV-2009-A-0037 and to OI Cases 4-2007-049, 4-2008-004 and 4-2009-43F. Some earlier NRC FOIA requests under which the NRC may have processed records falling under these allegations FOIA/PA 2009-0009, 2009-0011, 2009-0095, 2009-0102, 2009-0115, 2009-0222, 2009-0223, 2010-0055, 2010-0109, 2010-0152, 2010-0223, 2010-0225, 2010-0226, 2010-0227, 2010-0311, 2010-0312, 2010-0338, 2010-0343, 2014-0490 and 2016-0137.
 102. All correspondence between Ameren Corporation and the NRC since February 26, 2010 regarding the 2003-Oct-21 reactor shutdown. Some of these records may have been assembled under FOIA/PA 2010-0324.
 103. All correspondence between the NRC and elected representatives, appointed regulators or employees of the state of Missouri regarding the 2003-Oct-21 reactor shutdown at Callaway Plant. Some of these records may have been assembled under FOIA/PA 2012-0080, 2012-0081 and 2012-0082.
 104. All records, including correspondence between the NRC and Ameren Corporation and including notes from phone calls and drop-in visits, pertaining to the 10 CFR 2.206 petitions submitted by Lawrence Criscione on 2010-Apr-27, 2010-Apr-30, 2010-Sep-17, 2011-Oct-7 and 2012-Aug-15.
 105. All Memoranda of Understanding between the NRC and any outside organization concerning access to information on dams and/or flooding. Some of these records were assembled under FOIA/PA 2016-0455.

106. All records concerning interactions between the NRC and the Army Corps of Engineers concerning flooding, dam failures and the release of flooding or dam failure data and/or studies. Some of these records were assembled under FOIA/PA 2013-0129 and 2016-0455.
107. All records pertaining to the NRC's decision to restrict access to flooding and dam failure information from employees not specifically assigned duties requiring the use of that information.
108. All records related to NRC guidance and policies concerning "need-to-know" as it pertains to unclassified non-safeguards information. We are specifically concerned with restrictions regarding the sharing of nuclear-safety related information (e.g. flooding at nuclear power plants) and you may exclude any guidance strictly pertaining to limiting access to Personally Identifiable Information or the identity of alleged.
109. All records related to the NRC decision to withdraw NRC ADAMS document ML13084A022, *03/25/2013 Slides From Meeting With Duke Energy Carolinas, LLC, Oconee Nuclear Station Units 1, 2, and 3, Concerning the Flooding Hazard Reevaluation Report*, from the public domain. Specifically GAP seeks the affidavit required under 10 CFR 2.390(b)(1). If the NRC waived the affidavit requirements, then GAP seeks any and all records pertaining to the NRC decision to withdraw ML13084A022 from the public domain.
110. The transcript and recording from Lawrence Criscione's 2016-May-19 interview with Sara Kirkwood, Gary Holahan and Theresa Clark.
111. All records pertaining to US Office of Special Counsel Case File No. DI-15-5254.

GAP expects the NRC to provide all the requested records within 20 working days as set forth in the Freedom of Information Act and 10 CFR 9.25. If it is not possible for the NRC to process every record within the time limits set forth in the FOIA and in its own regulations, then GAP expects the NRC to make every effort to provide every record possible within the prescribed time limits and to regularly provide partial requests as records become available for release. For any and all requested records that cannot be reasonably processed with the statutory 20 working day time limit, GAP expects a detailed time table from the NRC stating when we can expect the undelivered records. Although the number of records requested is large, GAP wishes the NRC to recognize that the majority of the records sought have been assembled and processed under earlier FOIA requests submitted by others. As such, most of the records desired should already be in the possession of the NRC's FOIA office and a timely release of those records is expected. However, please note that GAP desires unredacted copies of all records sought and not the redacted versions provided to earlier requesters.

For any portion of the request that you deem appropriate to deny, GAP requests that you provide an index itemizing and describing the withheld information. Pursuant to the holding of *Vaughn v. Rosen*, such an index should provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the withheld information.

In the latest Presidential guidance to Executive Branch agencies on the FOIA, the President stated that "*All agencies should use modern technology to inform citizens about what is known and done by their Government.*" In line with that directions, GAP desires that the NRC release the requested records through its Agency-wide Documents Access and Management System (ADAMS), and/or provide the documents in a digital format to GAP. As such GAP does not expect there to be any duplication fees. **Do not provide records as paper copies.** Please send all correspondence concerning this request to Jack Kolar (primary point of contact) at JackK@whistleblower.org with a copy to Tom Devine at TomD@whistleblower.org.

GAP requests that all fees incurred in connection with the attached request be waived, because “disclosure of the information is in the public interest and is not primarily in the commercial interest of the requester.” 5 U.S.C. §552 (a)(4)(A)(iii).

Please begin processing this request at the same time you are processing the request for a fee waiver. If you disallow our fee-waiver request, I pledge to pay the price of the FOIA request up to \$25. Alert me if it exceeds this price.

(1) Purpose of request:

The purpose of the request is to gather and make public information on NRC oversight, agency enforcement actions, agency internal Safety Culture, and agency transparency as pertaining to the handling of the October 21, 2003 shutdown at Callaway Plant and the flooding concerns due to upstream dam failures.

(2) Extent to which GAP will extract and analyze the substantive content of the records:

GAP’s staff will read every word of every document requested and, as necessary, seek outside expertise to analyze the documents.

GAP intends to use some of these records to assess what occurred during the October 21, 2003 shutdown at Callaway Plant, to assess how the utility responded to the incident and whether that response met their commitments under GL 82-04, and to assess the NRC’s investigation of it.

GAP intends to use some of these records to assess whether the NRC has inappropriately downplayed the October 21, 2003 shutdown to avoid embarrassing the utility.

GAP intends to use some of these records to assess the NRC’s response to flooding concerns at Oconee Nuclear Station once they became aware of those concerns in 2006. GAP also intends to assess the NRC’s response to the generic implication of those flooding concerns.

GAP intends to use some of these records to assess the manner in which the NRC kept the Oconee flooding concerns—and its generic implications—from public scrutiny and the NRC’s response to criticism that it has not been transparent with regard to the issues surrounding flooding concerns.

GAP intends to review these records to understand the NRC’s response to the concerns brought forth in Lawrence Criscione’s 2012-Sep-18 letter to NRC Chairman Allison Macfarlane and to later letters to NRC oversight committees.

GAP intends to use some of these records to understand why it took the NRC more than 11 months to release the 19-page letter requested under FOIA/PA 2013-0008 and to assess whether or not the requirements of the Freedom of Information Act were intentionally violated by the agency.

GAP intends to use some of these records to determine how often Lawrence Criscione has been the subject of NRC investigations, the basis for those investigations, the manner in which those investigations were conducted, the results of those investigations, and how those investigations compare to those of other individuals accused of similar conduct. GAP is trying to determine if Lawrence Criscione has been unduly singled out for special scrutiny as a result of his pursuit of resolution to various nuclear safety concerns.

For the US NRC Office of the Inspector General investigations that do not directly involve Mr. Criscione, GAP intends to review these investigative cases to determine if they have any commonality to the manner in which the NRC has addressed Lawrence Criscione's concerns regarding flooding and the 2003-Oct-21 atypical shutdown at Callaway Plant.

(3) Nature of the specific activity or research in which the records will be used and GAP's qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding:

GAP is qualified to make use of the requested information. Its staff has demonstrated the ability to accurately interpret information and communicate that information in a form comprehensible to the general public. GAP is quoted in the media and has been cited as a reliable source of information in electronic and print media including newspapers such as the Washington Post and the New York Times. GAP is recognized and utilized as a reliable source of information in the electronic and broadcast media of television and radio.

GAP has a working relationship with nuclear engineers, physicists, nuclear plant operators, and other respected professionals who contribute to the full understanding of NRC oversight and enforcement actions.

Using the requested information, GAP intends to prepare press releases and reports on: (1) the NRC's ability/inclination to ensure that the operators it licenses to operate nuclear reactor plants are both competent and honest, (2) the NRC's ability/inclination to ensure that its licensees adequately identify problems and implement appropriate resolution, (3) the NRC's ability/inclination to ensure that—in accordance with the requirements of Generic Letter 82-04—its licensees actively participate in providing noteworthy Operating Experience to the Institute of Nuclear Power Operations (INPO), (4) the NRC's ability/inclination to address flooding concerns at nuclear power plant sites, (5) the NRC's ability/inclination to ensure nuclear safety related information—and particularly information regarding flooding and dam failures—is readily available to its technical staff and adequately disseminated to ensure a wide and diverse review, (6) the NRC's ability/inclination to ensure important nuclear safety information is transparently shared with the public, (7) the NRC's ability/inclination to ensure that its staff does not illegally obstruct the release of information under the Freedom of Information Act, and (8) the NRC's ability/inclination to ensure that its staff is not retaliated against for pursuing adequate resolution to nuclear safety concerns.

(4) Likely impact on the public understanding of the subject as compared to the level of understanding of the subject prior to disclosure:

Nuclear safety relies primarily upon the workers at nuclear facilities who are tasked with ensuring the plant is prepared to respond to an accident and responding to accidents when they occur. These workers need to be able to report concerns to the NRC and rely on the NRC to competently evaluate and address their concerns. Similarly, NRC staff need to be able to rely on their superiors to competently evaluate and address their concerns. GAP believes that a thorough accounting of the manner in which the NRC addressed (or failed to address) Lawrence Criscione's concerns regarding the 2003-Oct-21 shutdown at Callaway Plant and the flooding vulnerabilities at Oconee will greatly impact the public understanding of the challenges nuclear workers and NRC staff face in getting their management to address nuclear safety concerns. GAP desires the requested records in order to thoroughly review this topic and provide an accurate account of it.

(5) Size and nature of the public whose understanding a contribution will be made:

GAP is funded from approximately 20,000 donors and reaches approximately 18,000 readers via our newsletter. We have 65,772 active supporters on email, 15,466 on twitter and 15,657 between three affiliated Facebook sites.

GAP provides resource material to electronic and print media outlets with very broad outreach to the interested public at large so the actual public exposure to information potentially released as part of this FOIA request could be in the millions. Additionally, GAP maintains a web site and news blog at www.whistleblower.org where posts about the requested material will be publicly available.

(6) Means of distribution of the requested information:

GAP will use its publications and media contacts in both electronic and print media outlets to provide very broad outreach to the public on this issue. GAP will also share information with other interested parties and individuals concerned about NRC oversight and enforcement actions that pertain to the licensing of reactor operators, the sharing of operating experience throughout the nuclear industry, protection of reactor plants from flooding due to upstream dam failures, and protection of internal NRC whistleblowers from retaliation. Additionally, GAP will make information pertaining to the request available through its social media outlets (Facebook, Twitter, etc.).

(7) Whether free access to information will be provided:

GAP will provide the information without charge to all members of the public. Information from the FOIA request will be prepared for printed material and electronically posted on the web site for downloading free of charge. GAP will make the information publicly available to all interested public without charge.

(8) No commercial interest by GAP or any other party:

The sole interest of GAP is to promote a policy debate regarding how the NRC regulates nuclear utilities and how it ensures protection of internal whistleblowers.

Disclosure of this information by GAP is in no way connected with any commercial interest since GAP is a non-profit, tax-exempt organization under § 501 (c)(3) of the IRS Code. The information we are seeking is crucial to advance public knowledge and will not be put to any commercial use.

The Government Accountability Project's Public Interest Status and History

GAP is a non-profit, non-partisan, public interest organization chartered under IRS Code §501 (C)(3) as a non-profit, educational and charitable organization. We seek to serve the public through achieving governmental accountability by protecting and encouraging federal and corporate employees who observe or are victimized by wrongdoing, gross waste of public funds, threats to public health and safety, environmental contamination, corruption, abuse of the public trust and other abuses of power.

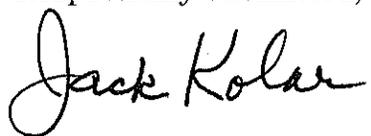
GAP accomplishes these goals primarily by conducting advocacy campaigns before Congress, through the media, and for the general public and by providing legal representation to whistleblowers to combat the retaliation they have suffered in exercising their right of occupational free speech. Our twin aims are to promote corporate and government accountability and to expose, investigate, and correct substantive problems that formed the basis of protected whistleblowing disclosures. GAP's role is well-recognized by the courts and, as an organization, has informational standing under the First Amendment protecting its receipt of disclosed information. *Taylor v. RTC*, 56 F.3d 1437 (D.C. 1995); *United States v. Garde*, 573 F. Supp. 604 (D.D.C. 1987); generally *Virginia Pharmacy Bd. v. Virginia Consumer Council*, 425 U.S. 748, 756-57 (1976).

GAP has a 20-year history of working in the public interest. GAP does not take individual cases based on the client's ability to pay, how much money GAP believes it can recover in legal fees through litigation or any other commercial interest.

GAP takes cases of legitimately harassed whistleblowers, often pro-bono (without charge), that further public policy or legislative changes that make the law stronger for workers who witness and choose to tell the truth about corporate and taxpayer-financed wrongdoing and to pursue exposure and resolution of the wrongdoing.

GAP has, among other things, pushed for enactment of several whistleblower protection statutes, exposed unhealthy food at supermarket chains, pushed for independent reviews of the safety of the Alaska pipeline, exposed the threat of explosion in waste tanks at the Hanford nuclear site, and pushed for policy reform within numerous executive agencies. All this activity is done primarily with the interest of the public in mind.

Respectfully submitted,

A handwritten signature in black ink that reads "Jack Kolar". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Tom Devine

Jack Kolar

Counsel for Daniel Martin

Attachment

Dear FOIA Officer:

Under the Freedom of Information Act, 5 U.S.C. subsection 552 and the Privacy Act, 5 U.S.C. section 552a, please furnish me with copies of all records about me indexed to my name. Please also take this as permission to release any and all other records concerning myself included in this request that could have Privacy Act restrictions.

I have provided a photocopy of my driver's license to the NRC FOIA Office on several occasions. If you once again require a copy of that license, please call me at 573-230-3959 and I will come by the FOIA office to provide it.

If you deny all or any part of this request, please cite each specific exemption that forms the basis of your refusal to release the information and notify me of appeal procedures available under the law.

I understand that any falsification of this statement is punishable under the provisions of Title 18, United States Code (U.S.C.), Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both; and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of Title 5, U.S.C., Section 552a(i)(3) as a misdemeanor and by a fine of not more than \$5,000.

Signature Lawrence S. Criscione Date 2017-SEP-30

Lawrence S. Criscione
1412 Dial Court
Springfield, IL 62704