



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

March 31, 2022

IN RESPONSE REFER TO:  
NRC-2022-000096  
(NRC-2022-000039)

Sent via email: egaglio@amslawyers.com, mseverson@amslawyers.com,  
maguirre@amslawyers.com

Elijah T. Gaglio, Esq.  
Aguirre & Severson LLP  
501 West Broadway, Ste. 1050  
San Diego, CA 92101

Dear Mr. Gaglio:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated March 3, 2022, in which you appealed, on behalf of Michael J. Aguirre, the agency's January 31, 2022, response to Mr. Aguirre's December 6, 2021 Freedom of Information Act (FOIA) request, NRC-2022-000039. Mr. Aguirre's request sought "[a]ll of Southern California Edison's responses to the NRC's 'Request for Information' dated September 12, 2018."

On behalf of Mr. Aguirre, you appealed the adequacy of search, the denial of information based on Exemptions (b)(4) and (b)(7)(C), and whether the agency provided any reasonably segregable portions. Acting on Mr. Aguirre's appeal, I have reviewed the material that was denied to you, as well as documentation of the search conducted to locate any responsive records. I have determined that the Region IV office was the only office reasonably expected to maintain any responsive records given its relation to an allegation and the sensitive and proprietary nature of allegation materials. Since Mr. Aguirre's request was limited in scope, staff in the Region IV office confined their search to the location where the Request for Information was maintained, and all the records that would be responsive to the request were located. This search was appropriate. Accordingly, I have denied the appeal insofar as it challenges the adequacy of the search.

With regard to the denial of information, I reviewed the denied material. The records in the agency's possession that have been identified as responsive to your request and withheld under exemption (b)(4) of the FOIA were created by and obtained from a person outside the United States government (i.e., Southern California Edison (SCE)) and constitute SCE's confidential commercial or financial information. Pursuant to 10 C.F.R. § 9.28, the NRC contacted SCE to ascertain its views respecting its information. SCE confirmed that its representatives transmitted the information to the NRC in confidence and that this information is neither available in public sources nor customarily made available to members of the public. As such, I am upholding the assertion of exemption (b)(4) to protect this information.

I am upholding the application of exemption (b)(7)(C) for the names of individuals whose training attendance records were reviewed for this allegation. Exemption (b)(7)(C), provides protection for information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. Mr. Aguirre's appeal letter does not discuss any public interests that might be served by the release of the redacted names, and I am unable to identify any legitimate public interest in the release of this information that would outweigh the personal privacy interests at stake. Accordingly, this information was properly withheld under exemption (b)(7)(C) and I am denying the appeal.

Lastly, I have determined that SCE's analysis of records that originated with SCE were properly withheld in their entirety. To the extent SCE's analysis included any isolated non-meaningful fragments of nonexempt information, such portions are inextricably intertwined with the exempt proprietary information and, therefore, no reasonable segregation is possible. Accordingly, I am denying the appeal insofar as it challenges NRC's duty to segregate.

This is the final agency decision with regard to this request. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), you may seek judicial review of this decision in the district court of the United States in the district in which you reside, in which you have principal place of business. You may also seek judicial review in the district in which the agency's records are situated or in the District of Columbia.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect Mr. Aguirre's right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Toll-free: 1-877-684-6448  
Fax: 202-741-5769

Sincerely,

**David J. Nelson**

Digitally signed by David J.  
Nelson  
Date: 2022.03.31 07:27:53 -04'00'

David J. Nelson  
Chief Information Officer  
Office of the Chief Information Officer