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Description of document: **List of US Nuclear Regulatory Commission (NRC)  
Office of Inspector General (OIG) investigations closed  
March, 2005 – September 2008**

Released date: 14-November-2008

Posted date: 27-March-2009

Title of document Case Open, Closed & Due Dates

Date/date range of document: 25-March-2005 – 26-September-2008

Source of document: U.S. Nuclear Regulatory Commission  
FOIA and Privacy Act Officer  
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Washington, DC 20555-0001  
Fax: 301-415-5130  
E-mail: [FOIA.resource@nrc.gov](mailto:FOIA.resource@nrc.gov)  
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2009-0025

1



### RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

RESPONSE TYPE  FINAL  PARTIAL

DATE  
**NOV 14 2008**

REQUESTER

#### PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852-2738.
- APPENDICES **A** 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

- AMOUNT \*  You will be billed by NRC for the amount listed.  None. Minimum fee threshold not met.
- \$  You will receive a refund for the amount listed.  Fees waived.
- \* See comments for details

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

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

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

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

**RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

2009-0025

NOV 14 2008

**PART II.A -- APPLICABLE EXEMPTIONS**

APPENDICES  
**A**

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
  - Low 2 Internal matters of a relatively trivial nature.
  - High 2 Disclosure would risk circumvention of a legal requirement.
- Exemption 3: The withheld information is specifically exempted from public disclosure by 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., Section 253b, subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), 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 commercial or financial information that is being withheld for the reason(s) indicated.
  - The information is considered to be confidential business (proprietary) information.
  - 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 was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
  - Disclosure will harm an identifiable private or governmental interest.
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
  - Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
  - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
  - Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- Exemption 6: The withheld information 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 enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
  - (C) Disclosure would constitute an unwarranted invasion of personal privacy.
  - (D) The information consists of names of individuals 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 (Specify)

**PART II.B -- DENYING OFFICIALS**

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Joseph A. McMillan	Assistant Inspector General for Investigations	Appendix A			<input checked="" type="checkbox"/>

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

### Case Open, Closed & Due Dates

Case # & Title	Closed	Opened	Due	Case Disposition
C 05 038	03/12/2007	03/25/2005	06/30/2005	Closed to File
C 05 046	01/22/2008	05/10/2005	01/05/2007	Referred to NRC P
C 05 071	06/07/2007	08/24/2005	06/12/2007	Referred to NRC P
C 06 013	08/01/2007	10/17/2005	02/17/2006	Referred to NRC P
C 06 024	09/19/2008	11/14/2005	12/31/2009	Closed to File
C 06 067	01/23/2007	03/31/2006	12/29/2006	Closed to File
C 06 072	01/31/2007	05/25/2006	09/29/2006	Referred to NRC P
C 06 087	04/23/2007	08/16/2006	12/18/2006	Referred to NRC P
C 06 090	05/01/2008	08/18/2006	04/30/2008	Closed to File
C 06 092	04/06/2007	09/21/2006	04/06/2007	Closed to File
C 07 001	10/17/2007	10/03/2006	10/19/2007	Closed to File
C 07 003	02/23/2007	10/13/2006	04/13/2007	Closed to File
C 07 004	01/05/2007	10/19/2006	02/19/2007	Closed to File
C 07 005	05/30/2007	10/24/2006	02/24/2007	Referred to NRC P
C 07 006	04/26/2007	10/25/2006	04/30/2007	Referred to NRC P
C 07 011	07/23/2008	11/06/2006	12/31/2009	Closed to File
C 07 012	08/22/2007	11/06/2006	12/31/2009	Closed to File
C 07 013	03/13/2008	11/17/2006	03/14/2008	Closed to File
C 07 015	03/14/2007	11/17/2006	05/03/2007	Closed to File
C 07 016	03/20/2007	11/20/2006	04/21/2007	Referred to NRC P
C 07 017	03/14/2007	11/20/2006	03/16/2007	Closed to File
C 07 018	09/30/2008	11/20/2006	09/26/2010	Closed to File
C 07 019	03/30/2007	11/21/2006	05/21/2007	Referred to NRC P
C 07 020	08/02/2007	12/07/2006	08/31/2007	Closed to File
C 07 021	04/06/2007	12/27/2006	04/27/2007	Closed to File
C 07 022	02/16/2007	01/08/2007	04/06/2007	Closed to File
C 07 023	03/06/2007	01/08/2007	05/08/2007	Closed to File
C 07 025	11/26/2007	01/17/2007	10/17/2007	Referred to NRC P
C 07 026	06/27/2007	01/24/2007	07/24/2007	Closed to File
C 07 027	06/28/2007	01/30/2007	07/30/2007	Closed to File
C 07 028	08/30/2007	02/27/2007	08/30/2007	Closed to File
C 07 029	11/30/2007	03/06/2007	12/07/2007	Closed to File
C 07 030	06/19/2007	03/09/2007	08/08/2007	Closed to File
C 07 031	11/26/2007	03/09/2007	11/16/2007	Referred to NRC P
C 07 032	06/13/2007	03/12/2007	07/12/2007	Closed to File
C 07 033	06/26/2007	03/14/2007	07/14/2007	Referred to NRC P
C 07 034	06/12/2007	03/15/2007	09/15/2007	Closed to File
C 07 035	10/22/2007	03/15/2007	12/31/2009	Closed to File
C 07 036	03/19/2008	03/23/2007	03/31/2008	Closed to File
C 07 037	11/30/2007	03/27/2007	11/30/2007	Closed to File

A11

**Case Open, Closed & Due Dates**

Case # & Title	Closed	Opened	Due	Case Disposition
C 07 038	08/20/2007	03/27/2007	09/27/2007	Closed to File
C 07 039	09/27/2007	03/27/2007	09/27/2007	Closed to File
C 07 040	09/26/2008	03/27/2007	12/31/2009	Closed to File
C 07 041	08/27/2007	03/27/2007	12/31/2009	Closed to File
C 07 042	07/10/2008	03/28/2007	11/30/2007	Referred to NRC I
C 07 043	07/30/2007	03/30/2007	10/02/2007	Closed to File
C 07 044	10/25/2007	04/05/2007	12/07/2007	Closed to File
C 07 045	05/31/2007	04/17/2007	10/17/2007	Closed to File
C 07 046	10/12/2007	04/19/2007	10/18/2007	Closed to File
C 07 047	08/14/2007	05/09/2007	09/09/2007	Closed to File
C 07 049	01/30/2008	06/06/2007	01/31/2008	Closed to File
C 07 051	04/21/2008	06/27/2007	05/31/2008	Closed to File
C 07 052	12/05/2007	06/29/2007	12/25/2007	Closed to File
C 07 053	07/21/2008	06/29/2007	07/31/2008	Closed to File
C 07 054	11/15/2007	07/13/2007	11/13/2007	Referred to NRC I
C 07 055	11/26/2007	07/13/2007	11/27/2007	Referred to NRC I
C 07 056	09/29/2008	07/16/2007	09/30/2008	Referred to NRC I
C 07 057	10/16/2008	07/16/2007	07/16/2010	Closed to File
C 07 058	08/14/2008	07/24/2007	01/24/2008	Closed to File
C 07 059	01/14/2008	08/07/2007	02/06/2008	Referred to NRC I
C 07 060	04/02/2008	08/07/2007	03/31/2008	Referred to NRC I
C 07 061	10/17/2007	08/20/2007	02/20/2008	Closed to File
C 07 062	02/12/2008	08/24/2007	02/24/2008	Closed to File
C 07 064	02/06/2008	09/27/2007	03/27/2008	Closed to File
C 07 065	08/22/2008	09/27/2007	08/30/2008	Referred to NRC I
C 08 001	03/28/2008	10/03/2007	03/28/2008	Closed to File
C 08 002	11/20/2007	10/03/2007	04/03/2008	Closed to File
C 08 003	04/02/2008	10/03/2007	04/03/2008	Closed to File
C 08 004	07/25/2008	10/03/2007	07/31/2008	Closed to File
C 08 005	02/14/2008	10/09/2007	04/09/2008	Closed to File
C 08 006	02/19/2008	10/09/2007	04/09/2008	Closed to File
C 08 008	04/15/2008	10/16/2007	04/16/2008	Closed to File
C 08 010	01/04/2008	10/23/2007	04/23/2008	Referred to NRC I
C 08 011	02/21/2008	11/02/2007	05/02/2008	Closed to File
C 08 013	03/05/2008	11/15/2007	03/15/2008	Closed to File
C 08 015	04/09/2008	11/30/2007	05/29/2008	Closed to File
C 08 016	04/10/2008	12/27/2007	06/27/2008	Closed to File
C 08 017	02/14/2008	12/28/2007	07/25/2008	Referred to NRC I
C 08 020	03/11/2008	01/11/2008	04/11/2008	Closed to File
C 08 022	07/22/2008	01/22/2008	07/22/2008	Closed to File

### Case Open, Closed & Due Dates

Case # & Title	Closed	Opened	Due	Case Disposition
C 08 023	07/22/2008	01/22/2008	07/22/2008	Closed to File
C 08 024	07/11/2008	01/22/2008	07/15/2008	Closed to File
C 08 025	04/22/2008	01/22/2008	07/11/2008	Closed to File
C 08 026	05/15/2008	01/23/2008	07/23/2008	Closed to File
C 08 027	06/19/2008	01/24/2008	06/25/2008	Closed to File
C 08 029	03/06/2008	01/31/2008	07/31/2008	Closed to File
C 08 030	05/14/2008	02/11/2008	06/11/2008	Closed to File
C 08 031	05/02/2008	02/25/2008	05/30/2008	Referred to NRC
C 08 032	04/09/2008	03/03/2008	06/03/2009	Closed to File
C 08 033	04/07/2008	03/04/2008	07/11/2008	Closed to File
C 08 035	04/10/2008	03/18/2008	04/18/2008	Closed to File
C 08 036	07/18/2008	04/15/2008	09/15/2008	Closed to File
C 08 037	06/18/2008	04/24/2008	06/24/2008	Closed to File
C 08 039	09/26/2008	05/07/2008	11/06/2008	Closed to File
<b>Grand Total</b>			<b>Count: 94</b>	