



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

2006-0007

6

RESPONSE TYPE FINAL PARTIAL

REQUESTER

James P. Riccio

DATE

AUG 09 2006

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 P, Q 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 P, Q 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)

The incoming FOIA/PA-2006-0007 request is located in ADAMS at ML052860384.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

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

2006-0007 Resp 6

AUG 09 2006

PART II.A – APPLICABLE EXEMPTIONS

APPENDICES
Q,R,S

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.
- 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).
- 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)
Ex. 2: disclosure would risk circumvention of a legal requirement. Ex. 4: Disclosure will harm an identifiable private or governmental interest

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
Bruce S. Mallett	Regional Administrator, USNRC, Region IV	Appendices Q, R, & S	<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."

**APPENDIX P
DOCUMENTS BEING RELEASED IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / PAGE COUNT</u>
1.	Undated	Cooper-New Recovery.XLS - NUREGCR-5496 (1 pg)
2.	Undated	Page 8, Table 2 (2 pgs)
3.	Undated	Time Validation of Loss of 125VDC, with unknown author notations (3 pgs)
4.	Undated	SW-GW cross-tie event scenario, with handwritten notations (5 pgs)
5.	Undated	Preliminary Risk Screening (2 pgs)
6.	Undated	Cooper Danger Will Robinson: If you change cell locations you may break the v, 2 pages
7.	Undated	Cooper-NEW-RECOVERY.XLS - Plots (5496) (1 pg)
8.	02/26/04	Email from Steven Cochrum (RIV) to David Loveless (RIV), Subject: SW info, 1 page
9.	03/10/04	Email from Scott Schwind (RIV) to David Loveless (RIV), Subject: FYI Service Water Valve Misalignment, 1 page
10.	05/27/04	Email from David Loveless (RIV) to Glen A. Seeman (NPPD), subject: RE: Status of the CNS SW GW Issue (2 pgs)
11.	07/14/04	Email from Scott Schwind (RIV) to David Loveless (RIV), Subject: Fwd: FW: Discussion of GW-SW Timeline with NRC and Status of Vendor Discussions, 1 page
12.	07/20/04	Email from Scott Schwind (RIV) to David Loveless & Kriss Kennedy (RIV), Subject; FYI: Exit Meeting on SW Issue, 1 page
13.	07/30/04	Email from Wayne Walker (RIV) to Kriss Kennedy (RIV), Subject: Conference Call with CNS on SW Gland Risk, 1 page

**APPENDIX Q
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Table 2: Baseline Revisions to SPAR Model, (1 pg) [Ex. 5]
2.	Undated	State the performance deficiency exactly as, (6 pgs) [Ex. 5]
3.	Undated	Memo to Kriss Kennedy from David Loveless, Subject: Evaluation for having the Service Water Gland, (10 pgs) [Ex. 5]
4.	Undated	SDP Phase 1 Screening Worksheet for IE, MS, and B Cornerstones, (5 pgs released; 31 pgs withheld in entirety) [Ex. 2]
5.	Undated	Model Changes, 1 page [Ex. 5]
6.	06/01/04	Email from Glen Seeman to David Loveless, Subject: RE: Status of the CNS SW GW Issue (2 pages) [Ex. 5]
7.	07/27/05	Johnston Pump Company Letter to Mr. Kent Sutton, (18 pgs) [Ex. 6]

**APPENDIX R
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Gland-Water - Gland Water Cross-Tie Pump Failures (4 pages) [Ex. 5]
2.	Undated	Questions/Comments on NPPD Letter NLS2004106 to NRC Dated August 9, 2004 (2 pages) [Ex. 5]
3.	Undated	INPO SER 40-81 (2 pages) [Ex. 4]
4.	Undated	INPO SER 11-80 (1 page) [Ex. 4]
5.	Undated	Comments on how NPPD risk assessment differed from NRC assessment (1 page) [Ex. 5]
6.	Undated	Timeline for Disposition of CNS Finding (1 page) [Ex. 5]
7.	Undated	Timeline for Disposition of CNS Finding (1 page) [Ex. 5]
8.	Undated	Timeline for Disposition of CNS Finding (1 page) [Ex. 5]
9.	Undated	SDP Phase 1 Screening Worksheet for IE, MS, and B Cornerstones (4 pgs) [Ex. 5]
10.	Undated	Operators Recover Loss of Gland Water (1 pg) [Ex. 5]
11.	Undated	Cooper Answer (1 pg) [Ex. 5]
12.	Undated	Core Melt Timing (2 pgs) [Ex. 5]
13.	Undated	Document starts with "State the performance deficiency exactly as stated here:", (6 pgs) [Ex. 5]
14.	Undated	Document starts with "Using the event tree and data...", (1 pg) [Ex. 5]
15.	Undated	Sensitivity Analysis, Cooper SW Pump Failures, (1 pg) [Ex. 5]
16.	Undated	Table 5: Large Early Release Frequency, (1 pg) [Ex. 5]
17.	Undated	Table 6 - Counting Rule Worksheet, (1 pg) [Ex. 5]
18.	Undated	Table 3.14 SDP Worksheet for Cooper - Loss of 125V DC Bus A (TDCA), (2 pgs) [Ex. 2]

APPENDIX R - continued
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
19.	12/27/01	Rail Sciences Inc *Failure Analysis of Pump Shaft Coupling for Nebraska Public Power District NPPD) (14 pages) [Ex. 4 & 6]
20.	02/18/04 (11:19am)	Email from Scott Schwind (RIV) to David Loveless (RIV), Bywater, & Walker, Subject: ACT: Service Water SDP, (1 pg) [Ex. 5]
21.	05/13/04 (2:35pm)	Email from Scott Schwind (RIV) to Linda Smith (RIV), Subject: ACT: Phase 3 SDP on Containment Issue, (1 pg) [Ex. 5]
22.	05/13/04 (4:35pm)	Email from Scott Schwind (RIV) to Kriss Kennedy (RIV), Subject: ACT: Cooper EDG SDP, (1 pg) [Ex. 5]
23.	06/23/04 (3:34pm)	Email from Scott Schwind (RIV) to David Loveless & Kennedy (RIV), Subject: ACT: Draft SW Write-Up, (1 pg) [Ex. 5]
24.	07/02/04	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: Information Requested in Telecon on 7/1 (1 pg) [Ex. 4]
25.	07/6/04 (4:38pm)	Email from Scott Schwind (RIV) to David Loveless (RIV), Subject: ACT: Minor Correction to SERP Package, (1 pg) [Ex. 5]
26.	07/06/04 (5:53pm)	Email from Scott Schwind (RIV) to Loveless & Kennedy (RIV), Subject: ACT: Draft Rpt on SW Issue, (1 pg) [Ex. 5]
27.	07/07/04 (7:58am)	Email from Scott Schwind (RIV) to Charles Marschall,...Wayne C. Walker (RIV), Subject: FYI: Cooper SERP, (1 pg) [Ex. 5]
28.	07/08/04 (10:44am)	Email from Scott Schwind (RIV) to David Loveless (RIV), Subject: Re: Cooper SERP Revised, (1 pg) [Ex. 5]
29.	07/30/04	Email from Kriss Kennedy (RIV) to Wayne Walker (RIV), Subject: Re: Conference Call with CNS on SW Gland Risk (1 page) [Ex. 5]
30.	08/02/04	Cooper Service Water Gland Seal Issue (3 pages) [Ex. 5]
31.	09/29/04 (3:25pm)	Email from Jeffrey Clark (RIV) to Kriss Kennedy (RIV), Subject: FYI: Review of CNS Reg Conf, (1 pg) [Ex. 5]
32.	10/06/04 (12:53pm)	Email from Scott Schwind (RIV) to Kennedy, Cochrum & Walker (RIV), Subject: Re: Fwd: FW: 125 VDC RCIC transfer during SBO, (1 pg) [Ex. 5]

**APPENDIX R - continued
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
33.	10/09/04	Test Configuration (13 pgs) [Ex. 4]
34.	10/27/04 (12:43pm)	Email from David Loveless (RIV) to Scott Schwind (RIV), Subject: Drywell Flooding, (1 pg) [Ex. 5]
35.	12/02/04	Cooper Gland Seal Issue - Additional LERF Arguments that could be Pursued (1 page) [Ex. 5]
36.	12/06/04 (9:25am)	Email from Wayne Walker (RIV) to David Loveless (RIV), Subject: Evacuation Estimates for Cooper, (1 pg) [Ex. 5]
37.	12/06/04 (11:08am)	Email from Wayne Walker (RIV) to Art Howell (RIV), Subject: Re: Evacuation Estimates for Cooper, (1 pg) [Ex. 5]

**APPENDIX S
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	11/4/05	Personal notes of Kriss Kennedy, (16 pages) [Ex. 5]
2.	11/4/05	Personal notes of Scott Schwind, (8 pages) [Ex. 5]
3.	11/25/05	Personal notes of David Loveless, (13 pages) [Ex. 5]
4.	11/29/05	Personal Notes of David Loveless, (6 pages) [Ex. 5]