



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

2000-0186

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Paul Gunter

DATE

JUL 20 2000

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 C 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, 2120 L Street, NW, Washington, DC.
- APPENDICES 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

Carol Ann Reed

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

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES

D

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 253(b), 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 2.790(d)(1).

The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(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)

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).

Table with 4 columns: DENYING OFFICIAL, TITLE/OFFICE, RECORDS DENIED, APPELLATE OFFICIAL (EDO, SECY, IG). Row 1: Samuel J. Collins, Director, Office of Nuclear Reactor Regulation, Appendix D, [checkmark]

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 C
RECORDS ALREADY AVAILABLE IN THE PDR**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	09/29/94	9410060123	Ltr to B. McLeod, Southern Nuclear Operating Co. from B. Sheron, NRC Re: Safety Evaluation on Boiling Water Reactor (BWR) Core Shroud Repair Design Criteria (1 page)
2.	07/25/95	9507310199	Memo to J. Strosnider, NRC from C. Battige, NRC Re: Summary of 7/18/95 meeting with the Boiling Water Reactors Vessel and Internals Project (61 pages)
3.	05/17/96	9605210459	Ltr to C. Carpenter, NRC from V. Wagoner, Carolina Power and Light Re: BWRVIP Response to NRC Staff Concerns and Unresolved Items (6 pages)
4.	06/06/96	9606110394	Ltr to C. Carpenter, NRC from V. Wagoner, Carolina Power and Light Co. Re: Additional response to NRC staff concerns and unresolved items (3 pages)
5.	12/96	9701020299	BWR Vessel and Internals Project BWR Top Guide Inspection and Flaw Evaluation Guidelines BWRVIP-26 non-Proprietary (12 pages)

APPENDIX C
RECORDS ALREADY AVAILABLE IN THE PDR (con't)

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
6.	2/13/97	9702250127	Memo to K. Wichman, NRC from C. Carpenter, NRC Re: Meeting summary for January 16, 1997, meeting with Boiling Water Reactors Vessel and Internals Project BWRVIP Executive Oversight Committee, and January 17, 1997, Meeting with BWRVIP Technical Chairs (76 pages)
7.	05/20/97	9705280081	Ltr to C. Terry, Niagara Mohawk Power Co. from B. Sheron, NRC Re: RAI for EPRI TR-105697, "BWR Vessel and Internals Project, BWR Reactor Pressure Vessel Shell Weld Inspection Recomm. BWRVIP-05" (2 pages)
8.	06/03/97	9706060090	Ltr to C. Carpenter, NRC from C. Terry, Niagara Mohawk Power Co. Re: BWRVIP Response to NRC Generic Concerns on Vertical Core Shroud Weld Cracking (2 pages)
	05/30/97	9706060092	Ltr to NRC from A. Kenny, EPRI Re: Request for withholding of proprietary documents (3 pages)

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RECORDS ALREADY AVAILABLE IN THE PDR (con't)**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
9.	09/04/97	9709080149	Ltr to C. Carpenter, NRC from V. Wagoner, Carolina Power & Light Co. Re: Request for withholding of Proprietary Information for Detailed Programming Information for VIPER, dated June 4, 1997 (1 page)
	09/03/97	9709080150	Ltr to NRC from M. Fox, EPRI Re: Request for withholding of proprietary document for Detailed Programming Information for VIPER, dated June 4, 1997 (4 pages)
	09/03/97	9709080153	Ltr to NRC from M. Fox, EPRI Re: Request for withholding of proprietary document for "Responses to requests for additional Information Regarding BWRVIP recommendations for BWR Reactor Pressure Vessel Shell Weld Inspections," dated June 13, 1997 (4 pages)
10.	12/10/97	9712120127	Ltr to C. Carpenter, NRC from C. Terry, Niagara Mohawk Power Co. Re: Change to Category B Core Shroud Inspection Recommendations(2 pages)
11.	02/23/98	9802250293	Ltr to C. Carpenter, NRC from V. Wagoner, Carolina Power & Light Co. Re: Corrected pages for BWRVIP-46 Report (5 pages)

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RECORDS ALREADY AVAILABLE IN THE PDR (con't)

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
12.	03/13/98	9803240018	Ltr to C. Terry, Niagara Mohawk Power Co. from G. Lainas, NRC Re: Review of "BWR Vessel and Internals Project, Roll/Expansion Repair of Control Rod Drive and In-Core Instrument Penetrations in BWR Vessels BWRVIP-17 (3 pages)
13.	06/16/98	9806220373	Memo to E. Sullivan & E. Hackett, NRC from C. Carpenter & A. Lund, NRC Re: Trip summary for June 4, 1998, meeting with EPRI regarding cooperative research on weldability of irradiated BWR internal components (3 pages)
14.	07/23/98	9807270045	Ltr to C. Carpenter, NRC from V. Wagoner, Carolina Power & Light Co., Re: Schedule for responding to NRC request for additional information on BWRVIP-05 (2 pages)
15.	05/24/99	9905280011	Ltr to C. Terry, Niagara Mohawk Power Co. from C. Carpenter, NRC Re: Second proprietary request for additional information for review of "BWR Vessel an internals project, Top Guide/Core Plate Repair Design Criteria BWRVIP-50 (5 pages)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	09/95	Vessel Inspection Program Evaluation for Reliability (VIPER) (77 pages) Ex. 4
2.	09/96	BWR Vessel and Internals Project - Internal Core Spray Piping and Sparger Repair Design Criteria (BWRVIP-19) (46 pages) Ex. 4
3.	01/10/97	Ltr to D. Terao, NRC from J. Matsumoto, Tokyo Electric Power Co. Re: Jet pump inlet piping (17 pages) Ex. 4
4.	06/16/97	Ltr to C. Carpenter, NRC from W. Bilanin, EPRI Re: Transmittal of GE/Hitachi Report "BWR/6 Scrammability Test" (58 pages) Ex. 4
5.	12/97	BWR Vessel and Internals Project - BWR Lower Plenum Inspection and Flaw Evaluation Guidelines (BWRVIP-47) (101 pages) Ex. 4
6.	2/98	BWR Vessel and Internals Project - Vessel ID Attachment Weld Inspection and Flaw Evaluation Guidelines (BWRVIP-48) (54 pages) Ex. 4
7.	02/05/99	Facsimile to D. Jackson, NRC from F. Simonen, Pacific Northwest National Lab. Re: Discussions regarding RR-Prodigal (10 pages) Ex. 4
8.	03/99	BWR Vessel and Internals Project - Evaluation of Stress Corrosion Crack Growth in Low Alloy Steel Vessel Materials in the BWR Environment (BWRVIP-60) (213 pages) Ex. 4
9.	07/16/99	Memo to J. Coley, NRC/RII from W. Bateman, NRC/HQ Re: NUREG-0313 Category E Weldments and the Inservice Inspection Program (1 page) Ex. 5

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
10.	09/28/99	Documents to NRC from Argonne National labor Re: Additional Information on EPRI TR-108710, Evaluation of Crack Growth in BWR Nickel Base Austenitic Alloys in RPV Internals BWRVIP-59 (4 pages) Ex. 4
11.	11/19/99	Memo to C. Grimes, NRC from W. Bateman, NRC Re: Acceptance for Referencing of BWR Vessel and Internals Project, Vessel ID Attachment Weld Inspection and Flaw Evaluation Guidelines BWRVIP-48 Report for Compliance with the License Renewal Rule 10 CFR Part 54 (9 pages) Ex. 5
12.	05/18/99	Memo to W. Bateman, NRC from C. Carpenter, NRC Re: Meeting with BWRVIP to discuss Reactor Vessel Axial Shell Weld issues (21pages) Ex. 5