



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

2001-0012

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Lynne Bernabei

DATE

JUN 04 2001

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 **J,K,L** 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
K, L

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).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Guy P. Caputo	Director, Office of Investigations	Appendix K1-18, K21-31, L1-7, L-9	✓		
George A. Mulley	Acting Assistant Inspector General for Investigations	Appendix L/8			✓
George A. Mulley and	Acting Assistant Inspector General for Investigations				✓
Guy P. Caputo	Director, Office of Investigations	Appendix K/19, 20	✓		

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 J
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	1/14/99	Exhibit 6 to OI Case 2-98-027 (6 pages)
2.	Various	Report from TVA Central Laboratory Services (CLS) (1 pg)
3.	06/08/1995	Laboratory Notes of D. Smith (1 pg)
4.	Unknown	Photocopies of Mircophotographs (1 pg)
5.	Unknown	TVA CLS Procedure 6.3 (1 pg)
6.	Unknown	TVA RIMS Document Deletion Form (blank) (1 pg)
7.	Various	Overall Notes Concerning Screws (4 pgs)
8.	Unknown	List of TVA Personnel re Screw Issue (2 pgs)
9.	Various	Timeline of Events re Screw Issue (3 pgs)
10.	12/07/1992	CLS QA Procedure 4.6 (3 pgs)
11.	06/15/1994	CLS QA Procedure 12.3 (4 pgs)
12.	08/01/1994	CLS Quality Program Index (2 pgs)
13.	10/11/1994	TVA Record Submittal Procedure (3 pgs)
14.	07/11/1995	TVA Memo from Elliott to Morley (1 pg)
15.	12/31/1996	Overall Letter to Van Dorn (5 pgs)
16.	10/26/1998	TVA Records Correction Notice (21 pgs)
17.	02/02/1999	Overall Facsimile to NRC - McNulty (1 pg)
18.	02/05/1999	NRC Letter to Overall (2 pgs)
19.	03/04/1999	NRC Letter to Overall (1 pg)
20.	05/25/1999	TVA Letter to NRC (2 pgs)
21.	04/07/1999	Memo to File re: Transcript Error (1 pg)
22.	09/17/1999	Internal NRC E-mail from Claxton to Petrosino & Pettis (1 pg)

**APPENDIX J
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
23.	09/21/1999	NRC E-mail from Claxton to Scrabis (1 pg)
24.	09/22/1999	NRC E-mail from Pettis to Claxton (1 pg)
25.	7/25/97	EICS Staff Notes (1 page)
26.	09/27/1999	NRC E-mail from Petrosino to Claxton (1 pg)
27.	09/29/1999	Declaration of R. Morley (2 pgs)
28.	09/30/1999	TVA Letter to Claxton (1 pg)
29.	11/19/1999	Reyes Memo to McNulty (1 pg)
30.	6/27/98	EA Request & Enforcement Strategy Form (1 page)
31.	11/4/1998	Exhibit 1 - Investigation Status Record (1 pg)
32.	06/14/1995	Exhibit 3 - Attendees at Ice Basket Screw Conference (1 pg)
33.	Unknown	Exhibit 4 - Assessment of Broken Screws (7 pgs)
34.	07/25/1995	Exhibit 5 - Corrective Action Package (90 pgs)
35.	06/02/1995	Exhibit 6 - Central Lab Services (CLS) Report 95-1021 (16 pgs)
36.	06/19/1995	Exhibit 7 - CLS Report 95-1021 (28 pgs)
37.	Undated	Exhibit 13 - CLS Reconciliation Report re: Omission of Tech. Data (14 pgs)
38.	09/03/1998	Exhibit 14 - TVA Memo fm. Frazier to Woods (1 pg)
39.	07/31/1997	Exhibit 23 - TVA Memo fm. Frazier to Morley (1 pg)
40.	08/25/1995	Exhibit 25 - TVA Certification of Authenticity (1 pg)
41.	06/12/1995	Exhibit 26 - Endorsement to Lab Report 95-1021 (1 pg)
42.	06/08/1995	Exhibit 28 - Handwritten Notes of D. Smith (35 pgs)
43.	09/27/1999	Exhibit 29 - Report of Interview with C. Scrabis (3 pgs)
44.	Undated	Exhibit 30 - Westinghouse E-mail fm. Scrabis to Various Recipients (2 pgs)

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<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
45.	04/23/1999	Exhibit 31 - CLS Corrective Action Report (35 pgs)
46.	10/26/1998	Exhibit 34 - TVA Problem Evaluation Report (20 pgs)
47.	9/17/98	Mini Trip Report, Westinghouse Electric Company (1 page)
48.	3/19/99	E-Mail from W Bearden to Gclaxton, Subject: Ice Condenser Screw Memo (1 page)
49.	2/11/00	Ltr to Individual from C Casto (2 pages)
50.	2/11/00	Ltr to Individual from C Casto (2 pages)
51.	2/11/00	Ltr to Individual from C Casto (3 pages)
52.	2/11/00	Ltr to Individual from C Casto (3 pages)
53.	1/31/00	Ltr to TVA from C Casto (10 pages)
54.	Various	TVA CLS Shop Order Log (2 pgs)
55.	Various	Timeline of Events (2 pgs)
56.	Undated	List of Involved Personnel (1 pg)
57.	06/12/1995	Endorsement to CLS Report No. 95-1021 (1 pg)
58.	06/19/1995	Photocopy (back/front) of Photograph (1 pg)
59.	06/22/1995	CLS Technical Report 95-1219 (1 pg)
60.	07/11/1995	CLS Memo - Elliott to Morley (1 pg)
61.	07/02/1997	CLS Nonconformance Report (35 pgs)
62.	07/31/1997	TVA Memo from Morley to Fine (1 pg)
63.	07/31/1997	TVA Memo from Frazier to Morley (1 pg)
64.	09/03/1998	TVA Memo from Frazier to Woods (1 pg)
65.	10/20/1998	Reconciliation Report re Ice Basket Screw Reports (14 pgs)
66.	04/19/2000	E-mail from Claxton to McNulty (1 pg)

- 67. 04/19/2000 E-mail from Claxton to Belisle (1 pg)
- 68. 06/15/2000 NRC Memo from McNulty to Reyes (1 pg)
- 69. 05/04/2000 Exhibit 1 - Investigation Status Record (1 pg)
- 70. 06/02/1995 Exhibit 3 - Central Lab Services (CLS) Technical Report 95-1021 (16 pgs)
- 71. 06/19/1995 Exhibit 4 - CLS Tech. Report 95-1021 (28 pgs)
- 72. 10/20/1998 Exhibit 5 - TVA Reconciliation Report re: Ice Basket Screws (14 pgs)
- 73. 06/12/1995 Exhibit 7 - CLS Endorsement to 95-1021 (1 pg)
- 74. 04/26/2000 Exhibit 10 - Transcript of D. Frazier (31 pgs)
- 75. 09/03/1998 Exhibit 11 - TVA Memo from Frazier to Woods (1 pg)
- 76. 04/26/2000 Exhibit 12 - Transcript of V. Sisson (35 pgs)

**APPENDIX K
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	11/19/1999	Report of Investigation (2-1998-023) (34 pgs) (EX. 5 ATTORNEY CLIENT & 7C)
2.	02/11/1999	Exhibit 2 - Transcript of Individual (156 pgs) (EX. 7C)
3.	03/22/1999	Exhibit 8 - Transcript of Individual (36 pgs) (EX. 7C)
4.	03/22/1999	Exhibit 9 - Transcript of Individual (58 pgs) (EX. 7C)
5.	03/22/1999	Exhibit 10 - Transcript of Individual (55 pgs) (EX. 7C)
6.	03/10/1999	Exhibit 12 - Transcript of Individual (44pgs) (EX. 7C)
7.	05/12/1999	Exhibit 15 - Transcript of Individual (14 pgs) (EX. 7C)
8.	05/12/1999	Exhibit 16 - Transcript of Individual (21 pgs) (EX. 7C)
9.	05/12/1999	Exhibit 17 - Transcript of Individual (44 pgs) (EX. 7C)
10.	05/12/1999	Exhibit 18 - Transcript of Individual (12 pgs) (EX. 7C)
11.	05/12/1999	Exhibit 19 - Transcript of Individual (16 pgs) (EX. 7C)
12.	05/12/1999	Exhibit 20 - Transcript of Individual (23 pgs) (EX. 7C)
13.	03/10/1999	Exhibit 21 - Transcript of Individual (42 pgs) (EX. 7C)
14.	05/15/1999	Exhibit 22 - Report of Interview with Individual With Attached Agent's Notes (6 pgs) (EX. 7C)
15.	08/19/1999	Exhibit 24 - Transcript of Individual (34 pgs) (EX. 7C)
16.	03/10/1999	Exhibit 27 - Transcript of Individual (36 pgs) (EX. 7C)
17.	09/02/1999	Exhibit 32 - Transcript of Individual (60 pgs) (EX. 7C)
18.	09/10/1999	Exhibit 33 - Transcript of Individual (18 pgs) (EX. 7C)
19.	Various	Case Chronology (7 pgs) (EX. 7C)
20.	Various	Investigation Status Record (3 pgs) (EX. 5 ATTORNEY CLIENT & 7C)
21.	Unknown	E-mail from Claxton to Boland (1 pg) (EX. 7C)

**APPENDIX K
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
22.	Unknown	Conclusion and Position Paper (1 page) EX. 5 DELIBERATIVE PROCESS AND 7C
23.	03/22/1999	Transcript of Individual (27 pgs) (EX. 7C)
24.	05/12/1999	Transcript of Individual (21 pgs) (EX. 7C)
25.	09/22/1999	E-mail from Claxton to Frederickson (1 pg) (EX. 7C)
26.	11/30/1999	NRC Memo from Reyes to McNulty re Replacement Page (1 pg) (EX. 7C)
27.	12/28/1999	E-mail from Claxton to Bearden (1 pg) (EX. 5 DELIBERATIVE PROCESS AND 7C)
28.	01/05/2000	E-mail from Evans to Claxton (1 pg) (EX. 5 ATTORNEY CLIENT)
29.	02/03/2000	Letter to NRC (2 pgs) (EX. 7C)
30.	02/04/2000	Letter to NRC (1 pg) (EX. 7C)
31.	02/04/2000	Letter to NRC (2 pgs) (EX. 7C)

**APPENDIX L
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	06/15/2000	Report of Investigation (2-1998-023S) (22 pgs) (EX. 5 ATTORNEY CLIENT & 7C)
2.	04/10/2000	Exhibit 6 - Transcript of Individual (33 pgs) (EX. 7C)
3.	02/11/1999	Exhibit 8 - Portion of Individual's Transcript (21 pgs) (EX. 7C)
4.	04/26/2000	Exhibit 9 - Transcript of Individual (84 pgs) (EX. 7C)
5.	Various	Investigation Status Record (1 pg) (EX. 7C)
6.	04/25/2000	Transcript of Individual (28 pgs) (EX. 7C)
7.	Various	Case Chronology (4 pages) (EX. 7C)
8.	9/22/99	E-Mail from Scrabis to Claxton (1 page)(EX. 7C)
9.	2/2/00	Ltr to Casto, NRC from Individual (1 page) (EX. 7C)