

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

2001-0256

13

RESPONSE
TYPE ☐ FINAL ☒ PARTIAL

REQUESTER

Thomas Poindexter

DATE

FEB 21 2002

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 **T** 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 **T** 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 *

\$

* See comments
for details

- ☐ 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.

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

FEB 21 2002

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

2001-0256

PART II.A -- APPLICABLE EXEMPTIONS**APPENDICES
T & U**

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
Samuel J. Collins	Director, Nuclear Reactor Regulation	App. T, and U/1 through U/22	<input checked="" type="checkbox"/>		
Hubert J. Miller	Regional Administrator, Region I	U/23 through U/27	<input checked="" type="checkbox"/>		
Lawrence J. Chandler	Associate General Counsel for Hearings, Enforcement and Administration	U/28 through U/30		<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 T
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Facsimile Transmittal Form from Falk Kantor to Rich Conte, (1 page), released , with attached draft memo to the Commission from William Travers, subject: Staff Review of OIG Report on the NRC's Response to the Steam Generator Tube Failure at Indian Point 2 and Related Issues. (16 pages) EX. 5
2.	03/23/00	E-mail from Steven Long to various addressees, subject: SPSB Risk Assessment/Significance Determination for IP2 SG Problem, with attached draft memo to Richard Barrett. (8 pages) EX. 6
3.	05/30/00	E-mail from C. V. Dodd to E. Sullivan regarding Waltz Mill trip. (2 pages) EX. 6 and 7C
4.	06/21/00	E-mail from Patrick Milano to various addressees, subject: SG CMOA Telecon - 6/22. (1 page) EX. 2
5.	06/26/00	E-mail from Patrick Milano to various addressees, subject: SG Review Telecon - June 26 at 4:00pm. (1 page) EX. 2
6.	06/23/00	E-mail from Patrick Milano to various addressees, subject: SG Telecon - Friday 10:00am. (1 page) EX. 2
7.	07/05/00	E-mail from Patrick Milano to various addressees, subject: Telecon Today 7/5 on SG Review. (1 page) EX. 2
8.	07/19/00	E-mail from Stephanie Coffin to David Lew, subject: Exit Meeting w/Con Edison to discuss prelim findings. (1 page) EX. 2
9.	07/24/00	E-mail from Stephanie Coffin to C. Dodd, E. Murphy and W. Schmidt regarding question? (2 pages) EX. 6
10.	08/29/00	E-mail from Patrick Milano to Brian Sheron and Roy Zimmerman, subject: Brief on IP2 SG Inspection Report. (1 page) EX. 2

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	04/10/00	E-mail P. Ellison, INEEL to S. Long, NRR, Re: Union of Concerned Scientists Petition on Indian Point 2" with attachment file named "NRC_Letter_Travers.doc" containing suggested draft letter to W. Travers, NRC, from P. Ellison, INEEL (4 pages) Items 3, 5 EX. 5
2.	07/05/00	Draft Safety Evaluation Report re IP2 Restart, Section 3.6 Operational Assessment (3 pages) Item 15 EX. 5
3.	07/07/00	Draft Safety Evaluation Report re IP2 Restart, Section 3.6 Operational Assessment (9 pages) Item 15 EX. 5
4.	07/10/00	Draft Safety Evaluation Report re IP2 Restart, Section 3.6 Operational Assessment (11 pages) Item 15 EX. 5
5.	07/10/00	Draft Safety Evaluation Report re IP2 Restart, Section 3.3, Condition Monitoring Assessment (14 pages) Item 15 EX. 5
6.	07/18/00	Draft paragraphs re Indian Point 2 Concerns (1 page) Item 15 EX. 5
7.	07/18/00	Draft paragraphs re Indian Point 2 Concerns (1 page) Item 15 EX. 5
8.	07/18/00	Draft questions for request for additional information (RAI) (1 page) Item 15 EX. 5
9.	07/18/00	Draft questions for request for additional information (RAI) (2 pages) Item 15 EX. 5
10.	08/00	Comments on Draft Safety Evaluation Section 3 w/marginal notes (17 pages) Item 15 EX. 5
11.	08/02/00	Draft Safety Evaluation Report re IP2 Restart, Section 3.2 Secondary Side Inspection Program (39 pages) Item 15 EX. 5
12.	08/02/00	Draft Safety Evaluation (August 3, 2000), Restart of IP@ Following Steam Generator Tube Failure on 02/15/00 & Category C-3 Steam

...(65 pages) Item 15 **EX. 5**

13. 08/03/00 Draft Version 2 Safety Evaluation Report Re Indian Point 2 Restart (65 pages) Item 15 **EX. 5**
14. 08/15/00 Draft Safety Evaluation Report Section 3.6.1, PWSCC in Low Row U-Bends (4 pages) Item 15 **EX. 5**
15. 08/16/00 Draft Version 3 Safety Evaluation Report Re Indian Point 2 Restart (63 pages) Item 15 **EX. 5**
16. 08/20/00 Draft Version 4 Safety Evaluation Report Re Indian Point 2 Restart (71 pages) Item 15 **EX. 5**
17. Undated Draft memo from William Travers to the Commission, subject: Staff Review of OIG Report on the NRC's Response to the Steam Generator Tube Failure at Indian Point 2 and Related Issues. (20 pages) **EX. 5**
18. Undated Draft memo from William Travers to the Commission, subject: Staff Review of the OIG Report on the NRC's Response to the Steam Generator Tube Failure at Indian Point 2 and Related Issues. (19 pages) **EX. 5**
19. Undated Draft memo from William Travers to the Commission, subject: Staff Review of OIG Report on the NRC's Response to the Steam Generator Tube Failure at Indian Point 2 and Related Issues. (17 pages) **EX. 5**
20. Undated Draft memo from William Travers to the Commission, subject: Staff Review of OIG Report on the NRC's Response to the Steam Generator Tube Failure at Indian Point 2 and Related Issues. (21 pages) **EX. 5**
21. Undated Draft memo from William Travers to the Commission, subject: Staff Review of OIG Report on the NRC's Response to the Steam Generator Tube Failure at Indian Point 2 and Related Issues. (18 pages) **EX. 5**
22. 09/06/00 Note regarding meeting to discuss plans for the NRR response to OIG report on IP2, with attached mark-up matrix of the report. (7 pages) **EX. 5**
23. Undated Questions and Answers related to issuance of the Staff Review of OIG Report on the NRC's Response to the Steam Generator Tube Failure at Indian Pont 2 and Related Issues. (21 pages) **EX. 5**

24. Undated Initial Thoughts on Issuance of NRC's Office of the Inspector General (OIG) Event Inquiry on Indian Point 2 Steam Generator Tube Failure. (4 pages) **EX. 5**
25. Undated Outline - Briefing Paper - Issuance of NRC's Office of the Inspector General (OIG) Event Inquiry on Indian Point 2 Steam Generator Tube Failure. (3 pages) **EX. 5**
26. Undated Questions on the Steam Generator Tube Leakage Event at Indian Point Unit 2. (2 pages) **EX. 5**
27. Undated Region 1 Assigned Responses to OIG IP2 Report on Feb 2000 Event. (8 pages) **EX. 5**
28. 01/11/01 E-mail from J. Goldberg to various addressees regarding ARB Sheet for IP-2 SG issue. (2 pages) **EX. 5 - Attorney-Client Privilege**
29. 01/11/01 E-mail from J. Goldberg to various addressees regarding ARB Sheet for IP-2 SG Issue, with handwritten notes. (2 pages) **EX. 5**
30. 02/28/01 E-mail from J. Goldberg to Barry Letts re Fwd: Re-ARB of IP-2 1997 S/G Inspection Issue. (3 pages) **EX. 5 - Attorney-Client Privilege**