FOIA/PA RESPONSE NUMBER U.S. NUCLEAR REGULATORY COMMISSION NRC FORM 464 Part I 6-1998 SCLEAR REGULAZ 2001-0256 19 RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY RESPONSE FINAL PARTIAL **ACT (PA) REQUEST** TYPE DATE REQUESTER MAR 2 7 2002 Thomas C. Poindexter, Esq. 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 FF 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. FF 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. 223.93 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 actual fees for processing your request are: Search - 134hours, 45 minutes \$ 5615.00 Review - 284.5 hours 11374.36 1750.20 Duplication - 8751 pgs @ \$.20 ea. \$18739.56 TOTAL Since you submitted fees in advance in the amount of \$18,515.63, you will be billed by the NRC Division of Accounting in the amount of \$223.93. In a telephone conversation with Natalie Brown, FOIA Specialist, on March 19, 2002, Ms. Arnita Crump of your staff agreed to pay the additional fees. Some records subject to the request have been referred to the Federal Emergency Management Administration for disclosure determination and direct response to you. This completes NRC action on your request.

Carol Ann Reed

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

NRC FORM 464 Part II

U.S. NUCLEAR REGULATORY COMMISSION

N FOIA/PA

2001-0256

DATE

MAR 2 7 2002

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

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 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 relates solely to the internal personnel rules and procedures of NRC. Exemption 3: 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. Section 147 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2167). 41 U.S.C., Section 323(b), subsection (19(1), prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167). 41 U.S.C., Section 323(b), subsection (19(1), prohibits the disclosure of contractor processis in the possession and control of an executive 3 the submitted for the proposal of the prohibits of the disclosure of Unclassified Safeguards (19(1)) and the prohibits of the prohibits o		H Re	cords su	bject to the requion No.(s) of the	uest that are	described in	the enclosed	Append	dices are b	eing withhe and/or 5 U.s	ld in their en S.C. 552(b)).	tirety or it	n part u	nder
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J.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should slearly state on the envelope and letter that it is a "FOIA/PA Appeal."	U.S. Nuclear	r Regula	atory Co	mmission. Wa	ishinaton, D	C 20555-0	001, for acti	Appeals on by t	should b he approp	e mailed to oriate appe	the FOIA/	Privacy I(s). Yo	Act Of u shou	ficer,

Re: FOIA-2001-0256

APPENDIX FF RECORD BEING WITHHELD IN PART

NO. DATE DESCRIPTION/(PAGE COUNT)/EXEMPTIONS

1. No date Allegation Panel Schedule for Wednesday, January 10, 2001, 9:30 a.m. (1 page) **EX. 7A** [NOTE: Portions that are

outside the scope are being released.]

Re: FOIA-2001-0256

APPENDIX GG RECORDS BEING WITHHELD IN THEIR ENTIRETY PURSUANT TO EXEMPTION 5

<u>NO</u> .	DATE	DESCRIPTION/(PAGE COUNT)/EXEMPTIONS
1.	03/12/00	Chairman Meserve and TA edits on CR-00-0031 - Letter to Sue Kelly re Steam Generator Tube Leak at Indian Point 2. (5 pages)
2.	06/13/00	Chairman Meserve and TA's edits and Official votes on CR-00-0081 - Letter to Congressman Hinchey re Steam Generator Tube Failure at Indian Point 2. (10 pages)
3.	07/26/00	Chairman Meserve and TA's comments on Official votes to CR-00-0103 - Letter to Sue Kelly re Safety of Operations at Indian Point 2 (IP2). (8 pages)
4.	07/13/00	Chairman Meserve and TA edits Official votes on CR-00-0109 - Letter to Sue Kelly re ConEd's Intent to Resume Operations at IP2 with Current Generators. (4 pages)
5.	07/13/00	Chairman Meserve and TA edits and Official votes on CR-00-0114 - Letter to Benjamin Gilman re Recent Shutdowns and Steam Generator Integrity Issues at IP2. (4 pages)
6.	07/13/00	Chairman Meserve and TA notes and Official votes on CR-00-0115 - Letter to S. Galef re Request for Replacement of Steam Generators at Indian Point 2. (3 pages)
7.	07/21/00	E-mail from Chairman Meserve to William Travers re IP 2 and 3. (1 page)
8.	07/26/00	Chairman Meserve and TA edits and TA notes on CR-00-0118 - Letter to Sue Kelly re Proposed Restart of Indian Point 2 (IP2). (4 pages)
9.	09/05/00	Chairman Meserve and TA edits and Official votes on CR-00-0131 - Letters to Sue Kelly, N. Lowey and Benjamin Gilman re Restart of IP2. (11 pages)
10.	09/28/00	Chairman Meserve and TA edits and Official votes on CR-00-0148 - Letter to Congressman Hinchey re Replacement of 4 Steam Generators at IP2 Before Restart. (17 pages)
11.	10/23/00	Chairman Meserve and TA edits on CR-00-0166 - Letter to Benjamin Gilman re Situation at IP2 and IG Audit Report re EC. (3 pages)

<u>NO</u> .	DATE	DESCRIPTION/(PAGE COUNT)/EXEMPTIONS
12.	11/14/00	Chairman Meserve and TA edits and official votes on CR-00-0179 - Letter to Sue Kelly re Radioactive Spill at IP2 During Replacement of Steam Generators. (6 pages)
13.	12/06/00	Chairman Meserve and TA edits and official votes on CR-00-0191 - Letter to Sue Kelly re IP2 Restart w/o ?Formal Approval from NRC. (5 pages)
14.	11/13/00	Commissioner Assistants note from John Craig - subject: Communications Plan. (21 pages)
15.	11/08/00	Commissioner Assistants note from John Craig - subject: Information for Chairman's November 8, 2000, Interview with Jenny Weil of Inside NRC. (30 pages)
16.	11/16/00	Commissioner Assistants note from John Craig - subject: Proposed Enforcement action for Indian Point 2 for 1997 Steam Generator in-service Inspections. (10 pages)

Re: FOIA-2001-0256

APPENDIX HH RECORDS BEING WITHHELD IN THEIR ENTIRETY PURSUANT TO EXEMPTION 5

<u>NO.</u>	DATE	DESCRIPTION/(PAGE COUNT)/EXEMPTIONS
1.	03/08/2000	Memorandum from Cheryl Beardslee to Commissioner Dicus with analysis and recommendation concerning vote on CR-00-0035 (1 page)*
2.	03/08/2000	Note to Commissioner McGaffigan from James Beall regarding CORR-00-0031, Letter to Representative Sue Kelly concerning the steam generator tube leak that occurred at Indian Point 2 (1 page)
3.	03/08/2000	Commissioner McGaffigan's official vote - CORR-00-0033, letter to Sue Kelly concerns the timeliness of offsite notifications following the event at the Indian Point 2 Nuclear Power Plant (1 page)
4.	03/09/2000	Note to Commissioner McGaffigan from James Beall regarding CORR-00-0031 regarding CORR-00-0031 (1 page)
5.	03/09/2000	Commissioner McGaffigan's official vote - CORR-00-0035, letter to Nita Lowey concerns recent steam generator tube failure at Indian Point 2 NPP (1 page)
6.	04/06/2000	Commissioner McGaffigan's official vote - CORR-00-0061, letter to Nita Lowey concerns status of Indian Point 2 nuclear power facility (1 page)
7.	04/11/2000	Memorandum from Cheryl Beardslee to Commissioner Dicus with analysis and recommendation concerning vote on SECY-00-0078 (1 page)
8.	04/12/2000	Note to Commissioner McGaffigan from James Beall regarding SECY-00-0078, Status and Plans for revising the Steam Generator Tube Integrity Regulatory Framework (1 page)
9.	04/20/2000	E-mail to Annette Vietti-cook, et al from James Beall regarding SRM on SECY-00-0078 - SG's (1 page)
10.	04/26/2000	E-mail to Annette Vietti-Cook, et al from James Beall regarding SRM Version B SECY-00-0078 - SG Tubes (1 page)

NO.	DATE	DESCRIPTION/(PAGE COUNT)/EXEMPTIONS
11.	04/26/2000	Note to Commissioner McGaffigan from James Beall and Kathryn Winsberg regarding CORR-00-0060/Revised, letter to Sue Kelly concerns incident at Indian Point 2 nuclear power plant which resulted in the declaration of an emergency alert (1 page)
12.	05/15/2000	Note to Commissioner McGaffigan from James Beall and Kathryn Winsberg regarding CORR-00-0075, letter to Benjamin Gilman concerns coolant pipe rupture at Indian Point II (1 page)
13.	06/13/2000	Note to Commissioner McGaffigan from James Beall regarding CORR-00-0081/Revised, letter to Maurice Hinchey concerns recent steam generator tube failure at Indian Point 2 (1 page)
14.	Undated	Note to Commissioner McGaffigan from James Beall and Kathryn Winsberg regarding CORR-00-0109, letter to Sue Kelly concerns consolidated Edison's intent to resume operations at Indian Point 2 nuclear power plant with the current steam generator (1 page)
15.	06/22/2000	Commissioner McGaffigan's official vote - CORR-00-0100, letter to Charles Schumer concerns Commonwealth Edison's Application for Reopening its Indian Point 2 NPP (3 pages)
16.	06/28/2000	Commissioner McGaffigan's official vote - CORR-00-0103, letter to Sue Kelly concerns the safety of operations at the Indian Point 2 plant (1 page)
17.	07/06/2000	Commissioner McGaffigan's official vote, CORR-00-0114, letter to Benjamin Gilman concerns notifications associated with a recent plant shutdown and steam generator integrity issues at Indian Point (4 pages)
18.	07/06/2000	commissioner Mcgaffigan's official vote - CORR-00-0115, letter to Sandra Galef, New York State Assemblywoman, concerns request for replacement of the steam generators at Con Edison's Indian Point 2 (3 pages)
19.	07/18/2000	Commissioner McGaffigan's official vote - CORR-00-0103/Revised, letter to Sue Kelly concerns the safety of operations at the Indian Point 2 plant (1 page)
20.	07/18/2000	Note to Commissioner McGaffigan from James Beall and Kathryn Winsberg regarding CORR-00-0118, letter to Sue Kelly concerns issues regarding the proposed restart of Indian Pint 2 (1 page)

NO.	DATE	DESCRIPTION/(PAGE COUNT)/EXEMPTIONS
21.	07/24/2000	Note to Commissioner McGaffigan from James Beall regarding CORR-00-0103/Revision 2, letter to Sue Kelly concerns the safety of operations at the Indian Point 2 plant (1 page)
22.	07/24/2000	Commissioner McGaffigan's official vote - CORR-00-0103/Revision 2, letter to Sue Kelly concerns the safety of operations at the Indian Point 2 plant (2 pages)
23.	07/28/2000	Commissioner McGaffigan's official vote - CORR-00- 0060/Revised, letter to Sue Kelly concerns incident at Indian Point 2 nuclear power plant which resulted in the declaration of an emergency alert (1 page)
24.	09/14/2000	Memorandum from David Solario to Commissioner Dicus with analysis and recommendation concerning vote on CORR-00-0147 (1 page)
25.	09/18/2000	Note to Commissioner McGaffigan from James Beall regarding CORR-00-0148, letter to Maurice Hinchey concerns replacement of all four steam generators at Indian Point 2 prior to start up (1 page)
26.	09/18/2000	Note to Commissioner McGaffigan from James Beall regarding CORR-00-0149, letter to Nita Lowey concerns status of Indian Pint 2 nuclear power facility (1 page)
27.	10/20/2000	E-mail to Roger Davis, et al from Kathryn Winsberg regarding DD-00-04 Lochbaum petition on Indian Point 2 (1 page)
28.	Undated	Note to Commissioner McGaffigan from Kathryn Winsberg regarding DD-00-04 Lochbaum petition on Indian Point 2 (1 page)
29.	11/13/2000	Note from John Craig, OEDO, to Commissioner Assistants, provides communications plan (21 pages)
30.	11/17/2000	Memorandum from David Solario to Commissioner Dicus with analysis and recommendation concerning Correspondence (2 pages)
31.	Undated	Routing slip with handwritten notes re CORR-00-0031 (1 page)
32.	Undated	Routing slip with handwritten notes re CORR-00-0035 (1 page)
33.	Undated	Routing slip with handwritten notes re CORR-00-0061 (1 page)
34.	Undated	Routing slip with handwritten notes re CORR-00-0075 (1 page)

<u>NO.</u>	<u>DATE</u>	DESCRIPTION/(PAGE COUNT)/EXEMPTIONS
35.	Undated	Routing slip with handwritten notes re CORR-00-0081 (1 page)
36.	Undated	Routing slip with handwritten notes re CORR-00-0081/revised (1 page)
37.	Undated	Routing slip with handwritten notes re CORR-00-0103/revised (1 page)
38.	Undated	Routing slip with handwritten notes re CORR-00-0103/revised 2 (1 page)
39.	Undated	Routing slip with handwritten notes re CORR-00-0109 (1 page)
40.	Undated	Routing slip with handwritten notes re CORR-00-0114 (1 page)
41.	Undated	Routing slip with handwritten notes re CORR-00-0115 (1 page)
42.	Undated	Routing slip with handwritten notes re CORR-00-0130 (1 page)
43.	Undated	Routing slip with handwritten notes re CORR-00-0131 (1 page)
44.	Undated	Routing slip with handwritten notes re CORR-00-0148 (1 page)
45.	Undated	Routing slip with handwritten notes re CORR-00-0149 (1 page)
46.	Undated	Routing slip with handwritten notes re CORR-01-0057 (1 page)