



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

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Dennis Dums

DATE

FEB 12 2003

PART I. -- INFORMATION RELEASED (See checked boxes)

- 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
D |
|------------------------|

 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
C & D |
|--------------------------------|

 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.
- This completes NRC's action on your request.

PART I.A -- FEES

- 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

FOIA/PA 2003-0094

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
E & F

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
James E. Dyer	Regional Administrator, Region III	Appendix E & F	X		

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>DESCRIPTION/(PAGE COUNT)</u>
1.	----	Computer printout screens of records that are already publicly available. (10 pages)

**APPENDIX D
RECORDS BEING RELEASED IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	02/26/02	SDP/EA Request & Strategy Form. (1 page)
2.	06/03/02	SDP/EA Request & Strategy Form. (1 page)
3.	07/03/02	E-mail from Nick Hilton to J. Dixon-Herrity, subject: Point Beach Red Finding. (1 page)
4.	07/12/02	E-mail from J. Dixon-Herrity to B. Clayton, subject: Point Beach Red. (1 page)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Personal notes, Summary of Point Beach Issues (4 pages) Exemption 5
2.	Undated	Briefing Slide: Previous Point Beach AFW System Red Finding (1 page) Exemption 5
3.	Undated	Personal notes, Point Beach AFW system Red Finding (1 page) Exemption 5
4.	05/17/02	E-mail M. Satorius, NRR, to C. Carpenter, NRR, Re: Fwd Point Beach Aux Feed Red Issue (1 page) Exemption 5
5.	11/07/02	E-mail C. Carpenter, NRR, to M. Maley, NRR, Re: Fwd Re: Updated Point Beach PIM (1 page) Exemption 5
6.	12/03/02	E-mail D. Coe, NRR, to E. Kleeh, NRR, Re: Fwd: Strategic Plan Measure related to Significant Precursors w/att 11/29/02 e-mail G. Holahan, NRR, to B. Sheron & S. Collins, NRR (4 pages) Exemption 5
7.	12/03/02	E-mail C. Carpenter, NRR, to B. Boger, NRR, Re: Fwd: Strategic Plan Measure related to Significant Precursors (2 pages) Exemption 5
8.	12/06/02	Personal notes on copy of Diary and Work Record for Friday, December 6, 2002, re discussion of Special Inspection on AFW recirc line orifice plugging at Point Beach (1 page) Exemption 5
9.	12/09/02	E-mail C. Carpenter, NRR, to B. Boger, NRR, Re: Point Beach (1 page) Exemption 5

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	1/8/02	e-mail Krohn to Langstaff, Point Beach AFW/IA Planned Modification (1 page) - Exemption 5
2.	5/20/02	Questions raised during a conference call with NRR to discuss how to deal with the Point Beach Red as an Old Design Issue (2 pages) - Exemption 5
3.	5/22/02	E-mail from Roger Lanksbury listing questions to be discussed during a teleconference with NRR (1 page) - Exemption 5
4.	9/25/02	E-mail from Patrick Loudon with attached summary of the Old Design Issue inspection status (2 pages) - Exemption 5
5.	10/-/02	1 page of handwritten notes (1 page) - Exemption 5
6.	10/-/02	Draft, Point Beach Nuclear Plant Follow-up Red Finding Old Design Issue Inspection, Inspection Report 50-266/02-11; 50-301/02-11(DRP)—version with "October ##, 2002" and handwritten notes (19 pages) - Exemption 5
7.	10/-/02	Draft, Point Beach Nuclear Plant Follow-up Red Finding Old Design Issue Inspection, Inspection Report 50-266/02-11; 50-301/02-11(DRP)—version with "October ##, 2002" (19 pages) - Exemption 5
8.	10/-/02	Draft, Point Beach Nuclear Plant Follow-up Red Finding Old Design Issue Inspection, Inspection Report 50-266/02-11; 50-301/02-11(DRP)—version without "October ##, 2002" (19 pages) - Exemption 5
9.	10/29/02	Mark Ups of Copyright Drawings of the Valet Mark I Channel Pressure Reducing Device and Copy of a Digital Picture of the Partially Plugged Orifice Associated with the "A" Motor Driven Aux. Feed Water Pump from 10-24-2002 (11 pages) - Exemption 5
10.	10/30/02	Point Beach Auxiliary Feedwater Pump/Loss of Instrument Air Issue, with 2 handwritten changes—"B" to "A", (6 pages) - Exemption 5
11.	10/30/02	Point Beach Auxiliary Feedwater/Loss of Instrument Air, with handwriting (6 pages) - Exemption 5
12.	10/30/02	1 page handwritten notes (1 page) - Exemption 5

13. 10/30/02 Point Beach Auxiliary Feedwater Pump Recirc Line Common Mode Failure Concern (6 pages) - Exemption 5
14. 10/30/02 8:42 AM e-mail Morris to Krohn, Point Beach AFW Common Mode Failure Based on Recirc Orifice Plugging (1 page) - Exemption 5
15. 10/31/02 e-mail Kunowski to Caldwell, Point Beach special inspection (1 page) - Exemption 5
16. 10/31/02 Entrance meeting notes (1 page) - Exemption 5
17. 10/31/02 SIT Entrance 10/31/02 1200-2 handwritten pages (2 pages) - Exemption 5
18. 11/02 OI-62B, 2 pages including handwriting (2 pages) - Exemption 5
19. 11/02 AFW Procedure Questions OI62A (2 pages) - Exemption 5
20. 11/02 Point Beach Issues (3 pages) - Exemption 5
21. 11/02 Potential violations (4 pages) - Exemption 5
22. 11/02 Point Beach Special Inspection Engineering Design Assessment Results-Kunowski (6 pages) - Exemption 5
23. 11/02 Point Beach Special Inspection Engineering Design Assessment Results-Krohn (6 pages) - Exemption 5
24. 11/02 Undated, Procedure review documentation (3 pages) - Exemption 5
25. 11/02 Handwritten notes on procedures (1 page) - Exemption 5
26. 11/1/02 Timeline for Point Beach Auxiliary Feedwater Plugging Issue (4 pages) - Exemption 5
27. 11/4/02 Training Observations from 11/4/02 on AFW Changes (handwritten notes, 2 pages) - Exemption 5
28. 11/5/02 e-mail Krohn to Castanedo, Re: info needed for commissioner briefing (2 pages) - Exemption 5
29. 11/6/02 Timeline for Point Beach Auxiliary Feedwater Plugging Issue (4 pages) - Exemption 5
30. 11/8/02 Inspection team debrief with Point Beach management, "Our charter was to gather..." (2 pages) - Exemption 5
31. 11/8/02 11/8 1130 Debrief-2 handwritten pages (2 pages) - Exemption 5

32. 11/8/02 Assess the Adequacy of the Licensee's Risk Assessment (1 page) - Exemption 5
33. 11/8/02 Identify Prior Opportunities to Have Identified This Issue, with handwriting (4 pages) - Exemption 5
34. 11/12/02 Objective 3 - AFW Special Inspection Team, R. Michael Morris (5 pages) - Exemption 5
35. 11/12/02 Objective 3 - AFW Special Inspection Team, R. Michael Morris (page 2 of 5) (1 page) - Exemption 5
36. 11/14/02 e-mail Krohn to Caldwell, Re: Point Beach AFW Events Briefing (12 pages) - Exemption 5
37. 11/14/02 e-mail Krohn to Kunowski and Riemer, Fwd: Operating Events Brief (1 page) - Exemption 5
38. 11/20/02 e-mail Krohn to Kunowski, et al., HQs Events Briefing on Point Beach AFW Recirc Issue (1 page) - Exemption 5
39. 11/21/02 Draft of Inspection Report 2002-015 (21 pages) - Exemption 5
40. 11/21/02 1 page of handwritten notes (1 page) - Exemption 5
41. 11/22/02 Corrective Actions for AFW Issue (2 pages) - Exemption 5
42. 11/22/02 2 pages of handwritten notes (2 pages) - Exemption 5
43. 11/22/02 2 pages of handwritten notes—Krohn, Simplified AFWP Service Water Pump MOV Power Supply (2 pages) - Exemption 5
44. 11/22/02 E-mail from Ken Riemer to Janet Kweiser Regarding: "EDO Bullet" (1 page) - Exemption 5
45. 11/25/02 2 pages of handwritten notes (2 pages) - Exemption 5
46. 11/25/02 e-mail Krohn to Kunowski and Riemer, 11/25/02 Update - Point Beach AFW Issues (2 pages) - Exemption 5
47. 12/02 Draft Potential violations (4 pages) - Exemption 5
48. 12/2/02 Draft page of Point Beach Special Inspection Exit—with Sections 1 and 2 only (1 page) - Exemption 5
49. 12/2/02 Draft page of Point Beach Special Inspection Exit. (1 page) EX. 5
50. 12/2/02 Draft page of Point Beach Special Inspection Exit—Kunowski, with handwritten notes. (2 pages) - Exemption 5

51. 12/2/02 Draft page of Point Beach Special Inspection Exit—Krohn, with handwritten notes (1 page) - Exemption 5
52. 12/2/02 Exit meeting notes with handwriting, "Good morning..." (1 page) - Exemption 5
53. 12/2/02 Draft Point Beach Special Inspection Exit (6 pages) Exemption 5
54. 12/3/02 e-mail O'Brien to Burgess, call from eli goldfeiz (hqtrs) (1 page) - Exemption 5
55. 12/03/02 E-mail from Ken O'Brien to Sonia Burgess Regarding: "Re: Fwd: Risk Estimates for PBNP AFW Issues" (1 page) - Exemption 5
56. 12/03/02 E-mail from Sonia Burgess to Ken O'Brien Regarding: "Re: Call From Eli Goldfeiz [Hqtrs]" (1 page) - Exemption 5
57. 12/4/02 Point Beach Issues, handwritten notes (3 pages) - Exemption 5
58. 12/5/02 e-mail Grant to J. Dyer and J. Caldwell, Fwd: Strategic Plan measure related to "Significant Precusors" (sic) (1 page) - Exemption 5
59. 12/09/02 E-mail from Paul Krohn to Ken O'Brien Regarding: "Re: Fwd: Draft Exit Summary for Pt. Beach SIT" (1 page) - Exemption 5
60. 12/10/02 (12/30/02) Timeline for Point Beach Auxiliary Feedwater Plugging Issue (7 pages) - Exemption 5
61. 12/10/02 (10:43 AM) Timeline for Point Beach Auxiliary Feedwater Plugging Issue (7 pages) - Exemption 5
62. 12/10/02 E-mail from Ken Riemer to Ken O'Brien, et. al. Regarding: "Exit Notes Pont Beach SI" (2 pages) - Exemption 5
63. 12/10/02 E-mail from Ken O'Brien to Ken Riemer Regarding: "Re: Exit Notes Pont Beach SI" (1 page) - Exemption 5
64. 12/12/02 E-mail from Ken Riemer to Ken O'Brien, et. al. Regarding: "Pont Beach Special Inspection" (1 page) - Exemption 5