



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

2003-0018

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RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

James Riccio

DATE

MAR 31 2003

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 **G** 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  
**G**

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, Office of Nuclear Reactor Regulation	Appendix G1-4, 6-18, 20-33, 36-37, 42-45	✓		
James E Dyer	Regional Administrator, RIII	Appendix G-5, 19, 39, 40	✓		
Ellis W. Merschoff	Regional Administrator, RIV	Appendix G-35, 38, 39	✓		
Ashok C. Thadani	Director, Office of Nuclear Regulatory Research	Appendix G-34, 41, 46-48	✓		

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 G  
RECORDS BEING WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	Undated	Notes on telecon with authors of GSI-191 study (5 pages) (2 pages Released) Exemption 5
2.	Undated	Computations on failure pressure of as-found cavity FENOC Cavity Analysis w/handwritten notes (9 pages) (1 page Released) Exemption 5
3.	Undated	Handwritten notes on industry history of RCS pressure transients (ORNL search results of SCSS database) (4 pages) (2 pages Released) Exemption 5
4.	Undated	Handwritten notes and computations on B&W plant operating histories (6 pages) ( <del>8</del> 6 pages Released) Exemption 5
5.	04/23/02	E-mail S. Long, NRR, to D. Pickett, NRR, Fwd: Davis-Besse risk assessment telecon, w/att 04/22/02 e-mail M. Johnson, NRR, to S. Burgess, RIII (2 pages) Exemption 5
6.	05/07/02	Slides: Root Cause Analysis of the Reactor Pressure Vessel Head Degradation at the Davis-Besse Nuclear Power Station by FENOC w/handwritten noted by S. Long, NRR (45 pages) Exemption 5
7.	05/01/02	Davis Besse 0350 Panel Agenda for May 1, 2002 meeting (1 page) Exemption 2
8.	05/07/02	E-mail S. Long, NRR, to M. Johnson, NRR, Definition of Davis Besse Risk Question and Data Needs (3 pages) (1 page Released) Exemption 5
9.	05/28/02	E-mail D. Pickett to DB Daily; DB0350, Re: Davis-Besse Tele-Conference 2:00p.m. today w/att e-mail 05/24/02 M. Leisure, FENOC, to D. Pickett, NRR (7 pages) Exemption 2
10.	05/29/02	E-mail D. Pickett, NRR, to DB Daily Call, Re: Davis-Besse Safety Significance Telecon (2 pages) Exemption 2
11.	06/05/02	Slides: MRP Update to ACRS Materials Subcommittee w/att handwritten notes by S. Long, NRR (29 pages) Exemption 5
12.	06/20/02	E-mail D. Pickett, NRR, A. Hansen, NRR, et al., Davis Besse Telecon (2 pages) Exemption 2
13.	07/08/02	E-mail S. Long, NRR, to D. Snowberger, NRR, Re: Meetings (1 page) Exemption 2

14. 07/08/02 E-mail S. Long, NRR, to D. Snowberger, NRR, Fwd: Conference Call, w/att e-mail (2 pages) Exemption 2
15. 07/09/02 E-mail S. Long, NRR, to D. Snowberger, NRR, Fwd: 7/10/02 Conf Call Time Change, w/att e-mail 07/09/02 N. Keller (2 pages) Exemption 2
16. 07/13/02 Handwritten comment on Preliminary FENOC submission titled Responses to NRC Staff Comments and Questions on Davis-Besse Safety Significance Assessment (SIA-W-DB-01Q-301) submitted April 8, 2002 (26 pages) Exemption 5  
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17. 07/17/02 E-mail S. Long, NRR, to M. Johnson, NRR, Davis-Besse SDP Status Slides - Revised (2 pages) (1 page Released) Exemption 5
18. 07/19/02 E-mail J. Dyer, RIII, to C. Lipa, RIII, Re: Fwd: Davis-Besse SDP Status Update w/att email 07/18/02 S. Collins, NRR, to J. Dyer, RIII, w/att e-mail 07/18/02 B. Sheron, NRR, to . Rosenberg, EDO (5 pages) (4 pages Released) Exemption 5
19. 07/25/02 Status of SDP Risk Assessment for License Performance Deficiency that resulted in the cavity in the Davis-Besse RPB head w/att Reg. Guide 1.174 (30 pages) (26 pages Released) Exemption 5
20. 07/30/02 E-mail S. Long, NRR, to D. Pickett, NRR, Details for Discussion with FENOC this week (2 pages) Exemption 2
21. 08/08/02 E-mail S. Long, NRR, to wjshack@anl.gov, First-draft D-B SDP (16 pages) (1 page Released) Exemption 5
22. 08/12/02 E-Mail S Long, NRR to M Kirk, RES, Current Draft of Preliminary SDP for Davis Besse (16 pages) (1 page Released) Exemption 5
23. 08/14/02 E-mail S. Long, NRR, to M. Johnson, NRR, As-Is Draft Davis-Besse SDP (15 pages) (1 page Released) Exemption 5
24. 08/14/02 E-mail S. Long, NRR, to L. Collins, R III, Highly Predecisional D-B SDP (17 pages) (1 page Released) Exemption 5
25. 08/20/02 E-mail S. Long, NRR, to G. Demoss, RES, Current Drafts of D-B SDP (20 pages) (1 page Released) Exemption 5
26. 08/22/02 E-mail S. Long, NRR, to M. Marshall, NRR, Re: Working Meeting on PRV Top Head PFM (1 page) Exemption 6
27. 08/23/02 E-mail M. Leisure, FENOC, to jbh1 (J. Hopkins), NRR, Re: NRC Request re: Cavity Mold w/att handwritten notes and computations by S. Long, NRR on cavity dimensions and growth required for failure including basis material from licensee and RES (16 pages) (4 pages Released) Exemption 5
28. 09/09/02 E-mail S. Long, NRR, to M. Johnson, NRR, ET Slides (12 pages) (1 page Released) Exemption 5

29. 09/10/02 E-mail M. Johnson, NRR, to L. Collins, RIII, et al., Re: ET Update-Davis Besse Risk Assessment w/att e-mail 09/10/02 S. Long, NRR, to M. Johnson, NRR, w/attached Slides (12 pages) (2 pages Released) Exemption 5
30. 09/11/02 E-mail S. Long, NRR, to M. Johnson, NRR, Revisions to slides for EDO brf. (11 pages) (1 page Released) Exemption 5
31. 09/16/02 E-mail S. Long, NRR, to M. Kirk, RES, Re: Deputy EDO Briefing (11 pages) (1 page Released) Exemption 5
32. 09/20/02 E-mail S. Long, NRR, to S. Burgess, RIII, Re: Draft TIA Response (31 pages) (1 page Released) Exemption 5
33. 10/17/02 E-mail S. Long, NRR, to J. Grobe, R III, Draft TIA Response (31 pages) (1 page Released) Exemption 5
34. 8/12/03 E-Mail from M M Kirk to S Long, Subject: Some Comments (24 pages) (1 page Released) Exemption 5
35. 8/31/02 E-Mail from E Merschoff to B Sheron, Subject: Davis Besse Reactor Head Degradation SDP (1 page) Exemption 5
36. 8/5/02 Memo from M Kirk to N Chokshi, Subject: Status of ORNL Calculations of Burst Pressure for Cavities that are Larger than the Cavity Found at Davis Besse with handwritten notes (5 pages) Exemption 5
37. 10/30/01 Letter to NRC from Campbell, FENOC, Subject: Responses to Requests for Additional Information Concerning NRC Bulletin 2001-01, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles" (253 pages) (37 pages Released) Exemption 4
38. 8/20/02 E-Mail from E Merschoff to B Sheron, Subject: Food for Thought - Davis Besse (1 page) Exemption 5
39. 8/23/02 E-Mail from E Merschoff to J Dyer, Subject: Food for Thought - Davis Besse (4 pages) (1 page Released) Exemption 5
40. 5/31/02 E-Mail from M Kirk to S Long, Subject: Probabilistic Calcs for DB (2 pages) Exemption 6
41. 7/21/02 E-Mail from E Hackett to A Howell, Subject: Info and Proxy (1 page) Exemption 6
42. 11/1/01 Letter to NRC from G Campbell, FirstEnergy, Subject: Transmittal of Davis-Besse Nuclear Power Station Risk Assessment of Control Rod Drive Mechanism Nozzle Cracks with handwritten notes (18 pages) Exemption 5

- 43. 4/18/02 Letter to J Dyer, NRC from H Bergendahl, FENOC, Subject: Confirmatory Action Letter Response - Root Cause Analysis Report with handwritten notes (~~186~~ 187 page) Exemption 5
- 44. 4/8/02 Letter to J Dyer, NRC from H Bergandahl, FENOC, Subject: Safety Significance Assessment of the Davis Besse Nuclear Power Station Unit 1 Reactor Pressure Vessel Head Degradation with handwritten notes (55 pages) (31 pages Released) Exemptions 4 and 5
- 45. 9/23/02 E-Mail from S Burgess to C Lipa, Subject: Draft TIA Response (33 pages) (3 pages Released) Exemption 5
- 46. 7/3/02 E-Mail from M Kirk to S Long, Subject: Failure Model for DB (32 pages) Exemption 4
- 47. 8/4/02 Stochastic Failure Model for the Davis-Besse RPV Head (44 pages) Exemption 4
- 48. 9/02 Stochastic Failure Model for the Davis Besse RPV Head (~~48~~ 52 page) Exemption 4