



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

2003-0094

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Dennis Dums

DATE

APR 15 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 **H & I** 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 **H & I** 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

Cardi Ann Reed

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

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
I & J

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	I/1, J/1, J/3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James E. Dyer	Regional Administrator, Region III	I/2, I/3, J/4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandra Joosten	Executive Assistant, Office of the Secretary	J/2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input 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 H
RECORDS BEING RELEASED IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	No date	Memo from William Beckner to Joseph Holonich, subject: INES Level 2 Point Beach Event. 5 pages
2.	No date	NMC-PII Project Plan and Schedule. 3 pages
3.	12/03/01	E-mail from B. Wetzel to E. Goodwin, S. Bajwa and W. Reckley, subject: Update on PT. Beach AFW Pump Issue 1 page
4.	12/12/01	E-mail to Sonia from Ian Jung, NRR regarding AFW/IA issue at Pont Beach. 1 page
5.	12/14/01	E-mail from B. Wetzel to addressees re Point Beach. 1 page
6.	12/14/01	E-mail from B. Wetzel to I. Jung re Point Beach. 3 pages
7.	02/15/02	E-mail from Timothy Frye to various addressees, regarding 02/21/02 Pt. Beach SERP. 53 pages
8.	02/21/02	SDP/Enforcement Panel Worksheet - Point Beach AFW Recirculation Valves. 34 pages
9.	4/1/02	E-mail from R. Mathew to M. Satorius, subject: Pt. Beach IR & choice letter (EA-02-031) 1 page
10.	04/15/02	E-mail from T. Frye to various addressees, re Pt. Beach reg conf 4/29 with attachments. 3 pages
11.	05/16/02	E-mail from J. Jacobson to C. Carpenter, H. Nieh, and J. Dixon-Herrity regarding Pont Beach Aux Fee Red Issue. 1 page
12.	05/17/02	E-mail from J. Grobe to B. Boger and W. Dean re Point Beach Aux Feed Red Issue. 1 page
13.	05/28/02	E-mail from Roger Lanksbury to Ho Nieh re Old Design Issue (ODI) Flow Chart. 1 page

APPENDIX H
RECORDS BEING RELEASED IN ENTIRETY
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<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
14.	05/28/02	E-mail from Roger Lanksbury to Ho Nieh regarding Pont Beach with attachments. 2 pages
15.	06/17/02	E-mail from J. Burza to C. Carpenter and M. Satorius regarding Point Beach Cover Letter, with attached draft letter. 4 pages
16.	06/25/02	E-mail from Kenneth Lambert to Jennifer Dixon-Herrity regarding Point Beach FSD red issue, with attached draft letter. 8 pages
17.	07/11/02	E-mail from Jerry Dozier to Roger Lanksbury regarding document for J. Dyer's signature. 1 page
18.	10/08/02	Handwritten note from Point Beach 1 meeting. 1 page
19.	10/9/02	E-mail from Michael Maley to Michael Kunowski, subject: Special Inspection Performed at Point Beach 1 (Red Finding) 1 page
20.	11/21/02	Telefax transmittal to Ken Riemer/Ken O'Brien with attached Audit Finding Report - Nuclear Quality Assurance. 8 pages
21.	11/29/02	E-mail from Gary Holahan to Brian Sheron and Samuel Collins, subject: Strategic Plan measure related to "Significant Precursors." 2 pages
22.	12/04/02	E-mail from Eliezer Goldfeiz to Kenneth O'Brien regarding FR-H.1 Response to loss of secondary heat sink. 1 page
23.	12/13/02	E-mail from Geoffrey Grant to Cynthia Carpenter regarding Pont Beach 1page
24.	12/19/02	E-mail from J. Dozier to Deirdre Spaulding regarding Pont Beach INES reporting. 1page

APPENDIX I
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	No date	Unsigned memo from W. Beckner to J. Holonich regarding INES Level Point Beach Event. 5 pages EX. 5
2.	08/06/02	E-mail from Michael Kunowski to Paul Krohn regarding Point Beach Briefing Package. 6 pages total, 4 pages released EX. 4 and EX. 5
3.	12/05/02	E-mail from Kenneth Riemer to various addressees regarding Strategic Plan measure related to "Significant Precursors." 2 pages EX. 5

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	04/02/02	Event Rating Form (ERF) - The International Nuclear Event Scale (INES). 3 pages EX. 5
2.	06/21/02	Draft memo from Annette Vietti-Cook to William Travers, subject: Staff Requirements - Briefing on Results of Agency Action Review Meeting - Reactors. 2 pages EX. 5
3.	07/09/02	E-mail from Jerry Dozier to B. Wetzel, P. Krohn, R. Stransky and R. Lanksbury, subject: Point Beach rating INES Scale Level 3. 1 page EX. 5
4.	12/04/02	E-mail from Kenneth O'Brien to Kenneth Riemer regarding FR-H.1 Response to loss of secondary heat sink. 1 page EX. 5