



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

2004-0282

4

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Dennis Dums

DATE

APR 13 2005

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 public inspection and copying at the NRC Public Document Room.  
**H, I,**
- 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.  
**H, I**
- 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)

The incoming FOIA/PA-2004-0282 request is located in ADAMS at ML041840474.

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  
**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)
  - Ex. 2 Other--Disclosure would risk circumvention of a legal requirement.
  - Ex. 4 Other--Disclosure will harm an identifiable private or governmental interest.

**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 L. Caldwell	Regional Administrator, USNRC Region III	I-1 thru I-25; J-1 thru J-20	<input checked="" type="checkbox"/>		
James E. Dyer	Director, Office of Nuclear Reactor Regulation	J-8, 14, 15, 16	<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 H**  
**RECORDS BEING RELEASED IN THEIR ENTIRETY**  
 (If copyrighted identify with \*)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	04/09/04	Potential Loss of Hot Leg Vent Path During Nozzle Dam Installation, Root Cause Evaluation 254 [Note: pages 47 and 63 not in NRC's possession] (68 pages)
2.	04/13/04	E-mail P. Louden, RIII to H. Chernoff, NRR, Re: Fwd. Questions Pertaining to PBNP RCS Vent (2 pages)
3.	04/22/04	E-mail D. Karjala, RIII, to J. Cameron, RIII, et al. Re: Fwd Conoseal Pictures (24 pages)
4.	04/22/04	E-mail J. McCarthy, NMC, to H. Chernoff, NRR, Re: Conoseal Plans, charters, etc. (9 pages)
5.	04/22/04	E-mail D. Karjala, RIII, to J. Cameron, RIII, Re: Fwd. Bullet Nose CAP 055951 (4 pages)
6.	04/26/04	E-mail M. Morris, RIII, to H. Chernoff, NRR, Re: Point Beach CAP (Corrective Action Program) 056015 (3 pages)
7.	04/27/04	E-mail M. Morris, RIII, to H. Chernoff, NRR, Re: Point Beach SER to NRC & CAP 056000 (3 pages)
8.	04/30/04	E-mail D. Karjala, RIII, to H. Chernoff, NRR, Re: Control Rod Contact & CAP 056236 (2 pages)
9.	04/30/04	E-mail D. Karjala, RIII, to P. Louden, RIII, Re: AFW Pump Operability (9 pages)
10.	05/04/04	E-mail R. Morris, RIII, to H. Chernoff, NRR, Re: 1Y-04 Panel Cap & CAP 056363 (3 pages)
11.	05/14/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Framatome Welding Equipment/Personnel (1 page)
12.	05/17/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Fwd. Re: Talking Points Re: PBNP U1R28 (15 pages)
13.	05/17/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Extent of Condition Internal NRC Call (1 page)

**APPENDIX H - continued**  
**RECORDS BEING RELEASED IN THEIR ENTIRETY**  
**(If copyrighted identify with \*)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
14.	05/18/04	R-III Morning Report Re: Management Changes (1 page)
15.	05/18/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Got your Message (1 page)
16.	05/20/04	E-mail M. Holmberg, RIII, to P. Louden, RIII, Re: EDO Bullet Status PB Unit 1 Head (2 pages)
17.	05/20/04	E-mail P. Louden, RIII, to A. Vogel, RIII, Re: Special PMIC (1 page)
18.	05/21/04	E-mail J. Heller, RIII, to G. Cwalina, NRR, and J. Petrosino, NRR, Re: Point Beach Nuclear Plant (2 pages)
19.	05/21/04	Ltr B. Clayton, RIII, to Mr. D. Wilson, NMC, Re: recently received information concerning activities at the Point Beach Nuclear Power Plant (6 pages)
20.	05/24/04	E-mail M. Holmberg, RIII, to J. Heller, RIII, Re: Point Beach Concern Revised licensee request letter (2 pages)
21.	05/25/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Re: Fwd: Nuclear Management Comp, Response to NRC Request for Information 04-A-0067 (2 pages)
22.	05/25/04	Ltr B. Clayton, RIII, to Mr. D. Wilson, NMC, Re: a concern about activities at the Point Beach Nuclear Power Plant (6 pages)
23.	05/25/04	E-mail G. Cwalina, NRR, to J. Heller, R III, and K. Lambert, R III, Re: Point Beach Nuclear Plant (1 page)
24.	05/25/04	E-mail D. Karjala, RIII, to J. Jacobson, RIII, Re: PMIC-Item - RCS Motor Oil Sludge (4 pages)
25.	05/26/04	E-mail D. Karjala, RIII, to P. Louden, RIII, Re: Relief Request (3 pages)
26.	05/27/04	E-mail J. Petrosino, NRR, to H. Chernoff, NRR, et al., Re: Fwd. Point Beach (1 page)

**APPENDIX H - continued**  
**RECORDS BEING RELEASED IN THEIR ENTIRETY**  
**(If copyrighted identify with \*)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
27.	05/27/04	E-mail F. Flentje, NMC, to multiple addresses, R III, Re: NMC response to revised referral Ltr 04-A-0067 (1 page) Attach: 05/27/04 Ltr from D. Wilson, NMC, to Region III, re Response to Request for Information 04-A-0067 (8 pages)
28.	06/03/04	Allegation Action Plan, AMS No. RIII-2004-0067, with hand written notations (4 pages)
29.	06/04/04	E-mail P. Krohn, RIII, to P. Louden, RIII, Re: PB CIV Unit 1 MS-228 Body-to-Bonnet Leak (5 pages)
30.	06/07/04	Inspection Plan Point Beach Confirmatory Action Letter Followup Special Inspection (2 pages)
31.	06/07/04	E-mail P. Krohn, RIII, to H. Chernoff, NRR, Re: PB 1MS-228 Leaking VLV. Background Material & Attachments (27 pages)
32.	06/08/04	E-mail P. Krohn, RIII, to H. Chernoff, NRR, Re: Sorted log entries on 1MS-228 (2 pages)
33.	06/23/04	Memo J. Lara, RIII, to P. Louden, RIII, Re: Point Beach DRS Input to Integrated Report 50-266/04-03; 50-301/40-03 (13 pages)
34.	06/23/04	E-mail H. Chernoff, NRR, to J. Grobe, RIII, Re: Fwd. Slides for 6/28 pt beach meeting & Pt. Beach EDO Briefing (13 pages)
35.	06/29/04	E-mail P. Krohn, RIII, to Mas, NRC, Re: Fwd. PB AFW Acc Design Basis (3 pages)
36.	06/29/04	E-mail P. Louden, RIII, to H. Chernoff, NRR, Re: PB AFW Recir AOV Cap (4 pages)
37.	06/29/04	E-mail P. Louden, RIII, to H. Chernoff, NRR, Re: Fwd. PB AFW Recirc Valve Pneumatic Capacity (6 pages)
38.	06/30/04	E-mail P. Krohn, RIII, to H. Chernoff, NRR, Re: TDAFWP Cal. FYI (7 pages)
39.	06/30/04	E-mail P. Krohn, RIII, to H. Chernoff, NRR, Re: (5 pages)

APPENDIX H - continued  
RECORDS BEING RELEASED IN THEIR ENTIRETY  
(If copyrighted identify with \*)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
40.	Undated	Document Serial List (5 pages)

**APPENDIX I  
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	04/02/04	E-mail D. Spaulding, NRR, to H. Chernoff, NRR, RE: Fwd FYI - Additional Information w/att e-mails 4/1/ & 4/2 from NSIR & RIII [Ex. 4] (4 pages)
2.	04/22/04	E-mail D. Karjala, RIII to H. Chernoff, NRR. Re: Bullet Nose Description [Ex. 5] (2 pages total, released 1 page)
3.	04/30/04	E-mail M. Morris, RIII, to P. Louden, RIII, Re: Stuck Upender [Ex. 4] (2 pages total, released 1 page))
4.	05/05/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Point Beach Requested Order Relaxation [Ex. 5] (1 page)
5.	05/10/04	E-mail L. Raghavan, NRR, to H. Chernoff, NRR, et al., Re: Point Beach RVHP Nozzle Call [Ex. 2, 5] (2 pages)
6.	05/10/04	E-mail T. Steingass, NRR, to A. Keim, NRR, et al., Re: Point Beach RVHP Nozzle Call [Ex. 2, 5] (2 pages)
7.	05/12/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, et al., Re: Point Beach Conference Call [Ex. 5] (1 page)
8.	05/12/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Extent of Visual examinations and transducer failure [Ex. 5] (1 page)
9.	05/12/04	E-mail M. Holmberg, RIII, to D. Hills, RIII, Re: Fwd. PBNP Penetration 26 Drawings/Photos [Ex. 5] (15 pages)
10.	05/13/04	E-mail H. Chernoff, NRR, to L. Raghavan, NRR, Re: Fwd: RE: tack weld wording in Mod w/att 05/13/ e-mail M. Holmberg, RIII [Ex. 5] (4 pages)
11.	05/14/04	E-mail R. Morris, RIII, to H. Chernoff, NRR, Re: Draft Write up w/att Significant Items for Report [Ex. 5] (23 pages total, 1 page released)
12.	05/17/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Fwd Supplements to Relief Request & Order Relaxation [Ex. 5] (2 pages)
13.	05/17/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Fwd: PBNP Additional Information [Ex. 5, 6] (5 pages)
14.	05/18/04	Event Investigation Personnel Statement, Transformer Breaker Issue Report [Ex. 6] (5 pages)

**APPENDIX I - continued  
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
15.	05/18/04	Fax J. Connolly to H. Chernoff, NRR, Event Investigation Transformer Breaker Issue Report [Ex. 6] (8 pages)
16.	05/25/04	E-mail D. Hills, RIII, to B. Bateman, NRR, et al., Re: CAP [Ex. 5] (5 pages)
17.	05/26/04	E-mail M. Holmberg, RIII, to M. Michael, RIII, Re: Fwd: Point Beach RPV Issues [Ex. 5] (4 pages total, 2 pages released)
18.	05/28/04	E-mail P. Loudon, RIII, to H. Chernoff, NRR, Re: 10 am 5/28 telecon [Ex. 2] (1 page)
19.	05/28/04	E-mail P. Loudon, RIII, to H. Chernoff, NRR, Re: 10 am 5/28 telecon [Ex. 2] (1 page)
20.	05/28/04	E-mail J. Heller, RIII, to G. Cwalina & J. Petrosino, NRR, Re: NMC response to revised referral Ltr 04-A-0067 [Ex. 5] (1 page)
21.	06/01/04	E-mail T. Gorham, NRR, to G. Cwalina, NRR, Re: G20040361 w/att 06/01/03 e-mail J. Heller, RIII, to J. Petrosino, NRR [Ex. 7c] (8 pages)
22.	06/02/04	E-mail J. Petrosino, NRR, to D. Hills, R III, Re: NRR-2004-A-0026, TAC #3234, Point Beach [Ex. 5] (4 pgs total, 2 pages released)
23.	06/02/04	E-mail J. Petrosino, NRR, to T. Chan, NRR, and M. Holmberg, R III, Re: NRR-2004-A-0026, TAC #3234, Point Beach [Ex. 5] (1 page)
24.	06/08/04	E-mail L. Raghavan, NRR, to H. Chernoff, NRR, Re: Fwd. Pt. Beach Unit 1 restart w/att 05/28/04 e-mail C. Pederson, RIII [EX. 5] (2 pages)
25.	06/15/04	E-mail H. Chernoff, NRR, to H. Chernoff, NRR, Re: Fwd. Point Beach PMIC Agenda [Ex. 2 & 6] (3 pages )

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	04/30/04	E-mail R. Morris, RIII, to P. Louden, RIII, Re: EDO Bullets [Ex. 5] (1 page)
2.	05/07/04	Memo A. Vogel, RIII, to J. Dyer, NRR, J. Caldwell, RIII, Re: Inspection Procedure 950003: Evaluation of NRC Assessment Process and Recommendations [Ex. 5] (8 pages)
3.	05/11/04	E-mail R. Morris, RIII, to P. Louden, RIII, Re: Repair on Nozzle 26 & proprietary drawing [Ex. 4] (2 pages)
4.	05/13/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Nozzle 26 Weld Procedure Qualification Issue [Ex. 5] (1 page)
5.	05/14/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Nozzle 26 Welding procedure qualification [Ex. 5] (1 page)
6.	05/18/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Review of Licensee Extent of Condition Doc [Ex. 5] (3 pages)
7.	05/19/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: PB Nozzle 26 J-groove tack welds [Ex. 5] (1 page)
8.	05/20/04	E-mail T. Chan, NRR, to H. Chernoff, NRR, Re: Point Beach Relief Request [Ex. 5] (1 page)
9.	05/20/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Supplement 2 to vessel head RR MR 02-018 [Ex. 5] (1 page)
10.	05/20/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Fwd Tack weld wording in Mod [Ex. 5] (3 pages)
11.	05/24/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: Fwd: Nuclear Management Comp, Response to NRC Request [Ex. 5] (1 page)
12.	05/25/04	E-mail D. Hills, RIII, to B. Bateman, NRR, et al., Re: Point Beach Unit 1 RVP Bottom Head Repair Issue [Ex. 5] (1 page)
13.	05/25/04	E-mail M. Holmberg, RIII, to H. Chernoff, NRR, Re: New Vessel Issue at Point Beach Unit 1 [Ex. 5] (1 page)

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
14.	05/26/04	E-mail T. Chan, NRR, to M. Holmberg, RIII, Re: Update on UT Exam quality [Ex. 5] (1 page)
15.	05/26/04	E-mail T. Steingass, NRR, to M. Holmberg, RIII, Re: Update on UT exam quality [Ex. 5] (1 page)
16.	05/27/04	E-mail T. Steingass, NRR, to H. Chernoff, NRR, Re: Point Beach Relief Request [Ex. 5] (2 pages)
17.	05/28/04	Memo S. Reynolds, RIII, to J. Caldwell, RIII, Point Beach Performance Monitoring [Ex. 5 & 2] (9 pages)
18.	06/02/04	Memo S. Reynolds, RIII, to J. Caldwell, RIII, Point Beach Performance Monitoring [Ex. 5] (6 pages)
19.	06/09/04	E-mail H. Chernoff, NRR, to P. Krohn, RIII, Re: Point Beach Unit 1 Leaking Main Steam Valve, CIV Compliance Question [Ex. 5] (1 page)
20.	06/29/04	E-mail P. Krohn, RIII, to S. Burgess, RIII, Re: Fwd. PB AFW Recirc Valve Accumulator Update [Ex. 5] (2 pages)