


NRC FORM 464 Part I (6-1998) 	U.S. NUCLEAR REGULATORY COMMISSION	FOIA/PA 2004-0282	RESPONSE NUMBER 5
	<b>RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST</b>	RESPONSE TYPE <input type="checkbox"/> FINAL <input checked="" type="checkbox"/> PARTIAL	

REQUESTER <b>Dennis Dums</b>	DATE <b>MAY 24 2005</b>
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**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 **K, L**    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 **K, L**    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 * \$	<input type="checkbox"/> You will be billed by NRC for the amount listed.	<input type="checkbox"/> None. Minimum fee threshold not met.
<input type="checkbox"/> * See comments for details	<input type="checkbox"/> You will receive a refund for the amount listed.	<input type="checkbox"/> 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)**

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 *Carol Ann Reed*

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

2004-0282 Resp 5

MAY 24 2005

**PART II.A -- APPLICABLE EXEMPTIONS**

APPENDICES  
L, M

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	L-1 thru L-4; M-1,2,4,5,8	✓		
James E. Dyer	Director, Office of Nuclear Reactor Regulation	M-3 thru M-7	✓		

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 K  
RECORDS BEING RELEASED IN THEIR ENTIRETY  
(If copyrighted Identify with \*)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	04/12/04	E-mail from Connolly (NMCCo) to Louden, RIII, Subj: Questions Pertaining to PBNP RCS Vent Path Event (1 page)
2.	05/21/04	E-mail from G. Grant, RIII, to CDP 1 and SAR1 Re: Point Beach Steam Generator Jumping (4 pages)
3.	05/25/04	E-mail from G. Cwalina, NRR, to J. Heller, RIII, & K. Lambert, Subj: Re: Fwd: Point Beach Nuclear Plant (1 page)
4.	05/25/04	Email from C. Pederson, RIII, to B. Bateman, NRR, et al, Subj: Fwd: New Vessel Issue at Point Beach Unit 1 (4 pages)
5.	05/25/04	Email from C. Pederson, RIII to G. Grant, RIII, et al., Subj: Fwd: Point Beach RPV Issues (3 pages)
6.	05/25/04	Email from D. Hills, RIII, to M. Holmberg, RIII, Subj: Fwd: Point Beach RPV Issues (2 pages)
7.	05/28/04	E-mail from J. Heller, RIII, to D. Hills, RIII, Subj: Re: Fwd: Point Beach (1 page)
8.	05/28/04	E-Mail from J. Heller, RIII, to D. Hills, RIII, Subj: Re: Fwd: Point Beach (1 page)
9.	Undated	Exit Notes - Holmberg, RIII; Bilik, RIII (17 pages)
10.	Undated	Exit Notes Holmberg, RIII (7 pages)
11.	Undated	Exit Notes Pederson, RIII; Holmberg, RIII; Bilik, RIII (10 pages)
12.	Undated	Inspection Scope Commitment/Plan (2 pages)

**APPENDIX L  
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	03/19/04	Licensee Procedure HPIP 4.58 with notes (10 pages) Ex 5
2.	03/28/04	License Radiation Work Permit #04-104 with R. Alexander's (RIII) notes (4 pages) Ex 5
3.	03/28/04	License Radiation Work Permit #04-113 with R. Alexander's (RIII) notes (32 pages) Ex 5
4.	03/28/04	Licensee Radiation Work Permit #04-141 Package (77 pages) Ex. 5 & 4
5.	04/05/04	Licensee Dosimetry Record Personal Information Task # 04161-1 (1 pages) Ex 6
6.	04/06/04	Condition Report, CAP055371 re: Open Access to Locked High Radiation Area with R. Alexander's (RIII) notes (2 pages) Ex 5
7.	04/07/04	Condition Report, CAP055444 re: Individual entered RCA without TLD with R. Alexander's (RIII) notes (1 page) Ex 5
8.	04/07/04	Condition Report, CAP055426 re: Uposted Access to a High Radiation Area (2 pages) Ex 5
9.	04/08/04	Licensee Dosimetry Record Personal Information Task #'s 04133-1 thru 04133-6 (5 pages) Ex 6
10.	04/09/04	Licensee Root Cause Report, CAP55527, Industrial Safety Issues and Poor Work Practices During Nozzle Dam Installation with R. Alexander's (RIII) notes (42 pages) Ex 5
11.	04/09/04	Licensee Dosimetry Record Personal Information Task # 04141-1 (2 pages) Ex 6
12.	04/09/04	Condition Report, CAP055527 re: U1R28 Nozzle Dam Installation Supplied Breathing Air Problems with R. Alexander's (RIII) notes (4 pages) Ex 5
13.	04/11/04	Condition Report, CAP055587 re: S/G Nozzle Dam Installation Dose Exceeded Estimates with R. Alexander's (RIII) notes (3 pages) Ex 5

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
14.	04/11/04	Condition Report, CAP055587 re: S/G Nozzle Dam Installation Dose Exceeded Estimates with unknown author notes (1 page) Ex 5
15.	04/12/04	Condition Report, CAP055607 re: Individual who alarmed portal gatehouse with handwritten notes (2 pages) Ex 5
16.	04/14/04	Email from Karjala (RIII) to Alexander (RIII) Re: Update on Westinghouse Dose-rate Alarm Incident (4 pages) Ex 5
17.	04/21/04	Work Order #0407919 (42 pages) Exemption 6
18.	04/23/04	Condition Report, CAP055986 re: Evaluate use of RP Greeter at Containment hatches during outage periods with R. Alexander's (RIII) notes (1 page) Ex 5
19.	04/23/04	Event Investigation Report (3 pages) Exemption 6
20.	04/29/04	Email from Holmberg (RIII) to Hills (RIII) Re: Fwd: Nozzle 26 Information ( 9 pages) Ex 5
21.	05/07/04	Condition Report, CAP056480 re: Personnel Contamination Event Greater than 5,000 ncpm with P. Louden (RIII) and R. Alexander's (RIII) notes (1 page) Ex 5
22.	05/10/04	Email from M. Holmberg, RIII, to A. Keim, NRR, Subj: Re: Point Beach RVHP Nozzle Call [Ex. 2 & 5] (3 pages)
23.	05/10/04	Email from P. Louden, RIII, to L. Raghavan, NRR and M. Holmberg, RIII, Re: Point Beach RVHP Nozzle Call [Ex. 2 & 5] (3 pages)
24.	05/10/04	Email from M. Holmberg RIII, to L. Raghavan, NRR, Re: Point Beach RVHP Nozzle Call [Ex. 2 & 5] (3 pages)
25.	05/11/04	Email from Holmberg (RIII) to Hills (RIII) re: Fwd: Repair on Nozzle 26 (5 pages) Ex 4
26.	05/12/04 (0953)	Email, Alexander, RIII, to Karjala, RIII Subject: Re: 30-day Notification from Point Beach (1 page) Exemption 5

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
27.	05/13/04	E-mail from D. Chyu, RIII to Morris/Karjala, RIII, Subj: Re: Writeup that I promised you last week (5 pages) <b>Exemption 5 &amp; 6</b>
28.	05/17/04	Email from B. Kemp (NUMCCo) to Holmberg (RIII) Re: PBNP Additional Information (5 pages) <b>Ex. 2</b>
29.	05/25/04	Email from M. Holmberg, RIII, to T. Chan, NRR, Subj: Re: New Vessel Issue at Point Beach Unit 1 [ <b>Ex. 5</b> ] (2 pages)
30.	05/25/04	Supplement 4 to Reactor Vessel Closure Head Penetration Repair and Flaw Characterization Relief Requests MR 02-018-1, Revision 1 and MR 02-018-2, Revision 1 (12 pages total, 10 pgs released) <b>Exemption 4</b>
31.	06/02/04	POD Handouts, with handwritten notes (39 pages) <b>Exemption 6</b>
32.	06/03/04	E-Mail from J. Petrosino, NRR, to M. Holmberg, RIII, Re: ARB Support [ <b>Ex. 2</b> ] (2 pages)
33.	06/03/04	Email from Holmberg (RIII) to Hills (RIII) Re: Point Beach VAFs (4 pages) <b>Ex 5.</b>
34.	06/16/04	Email from Roberts (RIII) to Kunowski (RIII) and Louden (RIII) Re: Point Beach DRS Input to DRP IR 04-03 MSH (41 pages total, 2 pgs released ) <b>Ex 5</b>
35.	06/24/04	Email, Krohn, RIII, to Louden, RIII, Subject: Revised Agenda and Talking Points (5 pages total, 1 pg released) <b>Exemption 5</b>
36.	Undated	Note from Individual with 5/27/04 e-mail from J. Petrosino, NRR, to H. Heller, RIII (2 pages) [ <b>Ex. 7c</b> ]
37.	Undated	Point Beach Refuel Outage 1R28 Resident Inspector Coverage (1 page) <b>Exemptions 6</b>
38.	Undated	Mikes 2004-03 IR section writeups, 2T-34A Accumulator Level Indication (3 pages total, 1 pg released) <b>Exemption 5</b>

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
39.	Undated	COLR 28 Replaced with COLR 29 Prior to Vessel Head Removal (5 pages withheld - Ex. 5)
	Attach:	04/14/04 Condition Evaluation 013784 (2 pages released)
	Attach:	04/12/04 CAP 055612 (2 pages released)
	Attach:	undated Bullet Nose Disconnected & Removed With Head (2 pages withheld - Ex. 5)
40.	Undated	PB Breaker Report (1 page withheld - Ex. 5)
	Attach:	undated Event Investigation Report re: CAP056776 (2 pgs released - Ex. 6)
	Attach:	Event Investigation Personnel Statement (2 pgs released - Ex. 6)

**RIII-2004-A-0047**

41.	04/05/04	Corrective Action Plan (State Change History), CAP055366 re: Worker Received Electronic Dosimeter Dose Alarm (19 pages) Ex. 7C & 5
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**APPENDIX M  
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	04/30/04 (0935)	Email, Morris, RIII, to Louden, RIII, Subject: EDO Bullets (1 page) <b>Exemption 5</b>
2.	04/30/04 (1546)	Email, Karjala, RIII, to Chernoff, NRR & Louden, RIII Subject: Fuel Upender and Other Information Update (1 page) <b>Exemption 5</b>
3.	05/25/04	Email from D. Hills, RIII, to G. Grant and J. Caldwell, RIII, Re: New Vessel Issue at Point Beach Unit 1 with a hand written note re: Allegation <b>[Ex. 5 ( 1 page)</b>
4.	05/25/04	Email from M. Holmberg, RIII to T. McLellan, NRR Re: New Vessel Issue at Point Beach Unit 1 <b>[Ex. 5] (2 pages)</b>
5.	05/27/04	Email from M. Holmberg, RIII, to T. Steingass, NRR, Subj: Re: Update on UT Exam Quality <b>[Ex. 5] (2 pages)</b>
6.	06/02/04	Email from S. Klementowicz, NRR, to R. Alexander, RIII, Re: Point Beach Worker in bubble suit issue <b>[Ex. 5] (1 page)</b>
7.	06/02/04	Email from S. Klementowicz, NRR, to K. Riemer, RIII, Subj: Point Beach Respiratory Issue <b>[Ex. 5] (1 page)</b>
8.	Undated	Vent Path Violations (3 pages) <b>Exemption 5</b>