

2006-0007

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

RESPONSE TYPE FINAL PARTIAL

REQUESTER

James P. Riccio

DATE

JUL - 3 2006

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 **E** 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 **F, 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, 11555 Rockville Pike, Rockville, MD 20852-2738.
- APPENDICES **F, G** 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 *

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- 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-2006-0007 request is located in ADAMS at ML052860384.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

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

2006-0007 Resp 2

JUL - 3 2006

PART II.A - APPLICABLE EXEMPTIONS

APPENDICES
G, H

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 253b, 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 2.390(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(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
Bruce S. Mallett	Regional Administrator, USNRC, Region IV	Appendix G	✓		
James E. Dyer	Director, Office of Nuclear Reactor Regulation	Appendix H	✓		

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 E
DOCUMENTS AVAILABLE IN ADAMS**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION / PAGE COUNT</u>
1.	04/08/04	ML041040762	Letter from Nebraska Public Power District (NPPD) to USNRC, Subj: Licensee Event Report No. 2004-001-00, Cooper Nuclear Station, NRC Docket 50-298, DPR-46 (5 pgs)
2.	08/09/04	ML042250216	Letter from NPPD to USNRC, Subj: Information to Support Significance Determination of Service Water to Gland Water Cross Divisional Alignment, Cooper Nuclear Station, Docket 50-298, DPR-46 (2 pgs)
		Attach: ML042250218	Attachment 1, revision 0 to PSA-ES63, "Probabilistic Safety Assessment Temporary Alignment of Service Water Division 1 Gland Water Supply to SW Pumps in Both Divisions" (104 pgs)
		Attach: ML042250219	Enclosure 1 to Attachment 3, Revision 2 to JP04-20, "Engineering Evaluation Regarding Short Term Dry-Run of Rubber Column (9 pgs)
3.	10/07/04	ML042860232	Letter from K. Kennedy (RIV) to R. K. Edington (NPPD), Subj: Summary of Regulatory Conference with NPPD To discuss The Potential Greater Than Green Finding Described in NRC Inspection Report 05000298/2004014 (28 pgs)
4.	10/12/04	ML053040138	Letter to USNRC from P. V. Fleming (NPPD), Subj: Regulatory Conference - Request for Additional Information Cooper Nuclear Station, Docket 50-298, DPR-46 (33 pgs)
5.	08/30/05	ML052430092	Letter from A. R. Howell (RIV) to R. K. Edington, Nebraska Public Power District (NPPD), Subj: Midcycle Performance Review and Inspection Plan - Cooper Nuclear Station (6 pgs)

**APPENDIX F
DOCUMENTS BEING RELEASED**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / PAGE COUNT</u>
1.	Undated	Handwritten Notes starting with 11:30 Briefing, 1pg
2.	Undated	Kent Sutton (NPPD) , Nebraska Public Power District (NPPD) fax number, 1pg
3.	Undated	Hand Drawing, 1pg
4.	Undated	Hand Written Notes starting with REC:, 1pg
5.	Undated	NUREG/CR-5750, 5pgs
6.	Undated	Enclosure - Final Significance Determination Cooper Nuclear Station, Service Water Gland Seal Water Configuration Deficiency, 4pgs
7.	Undated	IV. Conclusion, 1pg
8.	Undated	Cooper Nuclear Station Flow Diagram, 1 pg
9.	03/02/04 (4:32pm)	Email from G. Seeman (NPPD) to D. Loveless (RIV) (RIV), subject: RE: Request for List of Important Human Actions, 1pg
10.	03/03/04 (4:31pm)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: Re: Service Water Modeling, 1pg
11.	03/05/04 (10:51am)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: Re: Service Water Modeling, 1pg
12.	04/06/04 (7:55am)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: Information for Telecon at 9 am This Morning, 1pg
13.	04/06/04 (3:36pm)	Email from G. Seeman (NPPD) to D. Loveless (RIV), subject: SW Valve Checklist and Top 100 Cutsets from Run without Recovery, 1pg
14.	04/23/04 (9:46am)	Email from Kent Sutton (NPPD) to dpl@nrc.gov , Subject: Cooper PSA Study on GW-SW misalignment, 1pg
15.	04/26/04 (12:16pm)	Email from G. Seeman (NPPD) to D. Loveless (RIV), subject: Telecon at 2pm , 1pg

**APPENDIX F - continued
DOCUMENTS BEING RELEASED**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / PAGE COUNT</u>
16.	04/29/04 (4:33pm)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: Your Phone Call, 1pg
17.	05/06/04	Comments Concerning Loss of Gland Water to the Service Water Pumps at Cooper Nuclear Station, 6pgs
18.	05/11/05	Comments Concerning Loss of Gland Water to the Service Water Pumps at Cooper Nuclear Station, 6pgs
19.	05/27/04 (2:08pm)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: Status of the CNS SW GW Issue, 1pg
20.	06/22/04 (5:33pm)	Email from K. Sutton (NPPD) to D. Loveless (RIV), Subject: Discussion of schedule for finalizing CNS SW/GW performance issue, 1pg
21.	06/23/04 (4:41pm)	Email from K. Sutton (NPPD) to D. Loveless (RIV), Subject: RE: Discussion of schedule for finalizing CNS SW/GW performance issue, 1pg
22.	06/24/04 (4:01pm)	Email from K. Sutton (NPPD) to D. Loveless (RIV), Subject: RE: Transmission System Reliability and Power Quality Benchmarking Project Results, 1pg
23.	06/30/04 (3:59pm)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: RE: Telecon this afternoon, 1pg
24.	07/01/04 (3:00pm)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: RE: Sequence Cutsets, 1pg
25.	07/13/04 (7:41am)	Email from G. Sanborn to D. Loveless (RIV), Subject: Fwd: Cooper SERP, 1pg
26.	07/13/04 (4:28pm)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: Telecon 7/14 AM, 1pg
27.	07/26/04 (11:59am)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: Confirmation of Receipt of SPAR Models, 1pg
28.	07/26/04 (10:54am)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: Cooper SPAR Model with SW GW Condition, 1pg

**APPENDIX F - continued
DOCUMENTS BEING RELEASED**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / PAGE COUNT</u>
29.	07/26/04 (10:50am)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: Cooper Base SPAR File, 1pg
30.	07/28/04 (7:42am)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: Telecon this Afternoon, 1pg
31.	07/28/04 (4:53pm)	Email from P. Fleming (NPPD) to D. Loveless (RIV), Subject: FW: pdf of report and cover, 1pg
32.	07/29/04 (11:51am)	Email from P. Fleming (NPPD) to D. Loveless (RIV), Subject: FW: pdf entire report, 1pg
33.	08/02/04 (11:47am)	Email from P. Fleming (NPPD) to D. Loveless (RIV), Subject: Operator Station Response to a Loss of SW/GW, 1pg
34.	08/03/04 (1:05pm)	Email from BUERLRF@inel.gov to D. Loveless (RIV), Subject: Cooper Model Comparisons, 1pg
35.	08/04/04 (7:28am)	E-mail from G. Seeman (NPPD) to D. Loveless (RIV), Subj: SPAR Model (1 pg)
36.	08/04/04 (1:32pm)	E-mail from G. Seeman (NPPD) to D. Loveless (RIV), Subj: FW: [GWAVA:5581be1x] Fingerprint block message notification (1 pg)
37.	08/05/04 (12:13pm)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: RE: Fedex shipment 791903833490, 1pg
38.	08/06/04 (11:16am)	Email from G. Seeman (NPPD) to D. Loveless (RIV), Subject: RE: Availability Today for Telecon, 1pg
39.	08/09/04 (5:15pm)	Email from P. Fleming (NPPD) to D. Loveless (RIV), Subject: FW: NLS2004106 File, 1pg
40.	08/12/04 (12:42pm)	Email from K. Sutton (NPPD) to D. Loveless, Subject: RE: CNS Risk Eval on Docket, 1pg

**APPENDIX G
DOCUMENTS BEING RELEASED IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / PAGE COUNT</u>
1.	04/2004	Excerpt from Missouri Nuclear Accident Plan (4 pages) Exemption 5
2.	08/2004	Draft Inspection Report 05000298/2004014 (24 pages) Exemption 5
3.	08/2004	Draft Inspection Report 05000298/2004014 (24 pages) Exemption 5
4.	08/2004	Draft Inspection Report 05000298/2004014 (25 pages) Exemption 5
5.	08/2004	Draft Inspection Report 05000298/2004014 (25 pages) Exemption 5
6.	10/2004	Draft Letter to CNS on Final Significance Determination of White Finding and and Notice of Violation (6 pages released; 2 pages withheld in entirety) Exemption 5
7.	01/2005	Draft Letter to CNS on Final Significance Determination of White Finding and and Notice of Violation (6 pages released; 2 pages withheld in entirety) Exemption 5

**APPENDIX H
DOCUMENTS WITHHELD IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / PAGE COUNT</u>
1.	Undated	Draft handwritten notes from R. Palla, NRR, Re: Hand Calculations (1 page) Exemption 5
2.	Undated	Review material from R. Palla, NRR, Re: Event Tree (3 pages) Exemption 5
3.	Undated	Facsimile Transmission R. Palla, NRR, to D. Loveless, RIV, Re: Review Notes (handwritten notes) (3 pages) Exemption 5
4.	Undated	Review material from R. Palla, NRR, Re: Review Notes (3 pages) Exemption 5
5.	Undated	Review notes from S. Wong, NRR, Re: Summary of Factors Affecting Delta-CDF (2 pages) Exemption 5
6.	Undated	Review notes from S. Wong, NRR, Re: Summary of Factors Affecting Delta LERF (2 pages) Exemption 5
7.	Undated	Review material from S. Wong, NRR, Re: Event Tree (5 pages) Exemption 5
8.	Undated	Handwritten notes from R. Palla, NRR, Re: Containment Failure Sequences (2 pages) Exemption 5
9.	05/14/04	Draft handwritten notes from R. Palla, NRR, Re: Cooper Notes (1 page) Exemption 5
10.	08/04/04	Draft handwritten notes from R. Palla, NRR, Re: Cooper Notes (2 pages) Exemption 5
11.	09/21/04	Draft handwritten notes from R. Palla, NRR, Re: Reg. Conf. on Cooper (2 pages) Exemption 5
12.	09/29/04	Draft handwritten notes from R. Palla, NRR, Re: Telecon w/ Region IV re: Cooper (1 page) Exemption 5
13.	10/14/04 (11:01am)	E-mail from R. Palla, NRR, to S. Wong, NRR, Re: Cooper: Regulatory Conference follow-up call from Region (1 page) Exemption 5

**APPENDIX H - continued
DOCUMENTS WITHHELD IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / PAGE COUNT</u>
14.	10/25/04 (12:17am)	E-mail from R. Palla, NRR, to D. Loveless, RIV, Re: LERF in Cooper Service Water Gland Water Issue (4 pages) Exemption 5
15.	10/27/04 12:34pm)	E-mail from R. Palla, NRR, to D. Loveless, RIV, Re: Cooper LERF Multiplier (2 pages) Exemption 5
16.	10/27/04	Handwritten notes from R. Palla, NRR, Re: LERF Estimates (1 Page) Exemption 5
17.	10/28/04 (6:06pm)	E-mail from S. Wong, NRR, to M. Tschiltz, NRR, Re: Cooper Gland Water/Service Water Pump Issue (1 page) Exemption 5
18.	12/01/04	Handwritten Notes from R. Palla, NRR, Re: Cooper Notes (2 pages) Exemption 5
19.	12/02/04 (3:20pm)	E-mail from R. Palla, NRR, to D. Loveless, RIV, Re: Qualitative Arguments on Time Available for Evacuation (3 pages) Exemption 5
20.	12/09/04	Handwritten notes from R. Palla, NRR, Re: telecon (1 page) Exemption 5
21.	12/23/04 (7:18am)	E-mail from R. Palla, NRR, to M. Johnson, NRR, and S. Black, NRR, Re: A few points re: use of EP factors in SDP (1 page) Exemption 5
22.	01/26/05 (4:44pm)	E-mail from R. Gibbs, NRR, to B. Boger and S. Black, NRR, Re: Recent Cooper LERF Issue (EA-04-131) (1 page) Exemption 5
23.	02/09/05 (8:06am)	E-mail from M. Tschiltz, NRR, to R. Gibbs, NRR, Re: Cooper LERF Issue (3 pages) Exemption 5
24.	05/04/05 (8:22am)	E-mail from R. Gibbs, NRR, to M. Tschiltz, Re: Re: Commission D-Note (Cooper LERF) (1page) Exemption 5
25.	05/17/05 (7:12am)	E-mail from J. Thompson, NRR, to S. Long, NRR, Re: LERF issue (3 pages) Exemption 5
26.	06/01/05 (8:43am)	E-mail from J. Thompson, NRR, to S. Long, NRR, Re: Cooper LERF issue (2 pages) Exemption 5

**APPENDIX H - continued
DOCUMENTS WITHHELD IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / PAGE COUNT</u>
27.	06/01/05	Feedback Form from J. Thompson, NRR, to J. Andersen, NRR, Re: Reactor Oversight Process Feedback (5 pages) Exemption 5
28.	06/02/05 (8:08am)	E-mail from J. Thompson, NRR, to S. Long, NRR, Re: updated feedback form (6 pages) Exemption 5
29.	08/02/05 (7:36am)	E-mail from M. Tschiltz, NRR, to F. Mark Reinhart, NRR, Re: Feedback Form MC0609 App H (1 page) Exemption 5
30.	08/03/05 (9:08am)	E-mail from J. Thompson, NRR, to S. Long, NRR, Re: LERF Issue (1 page) Exemption 5
31.	08/25/05 (11:20am)	E-mail from M. Tschiltz, NRR, to A. El-Bassioni , NRR, et al., Re: Feedback Form MC0609 App H (7 pages) Exemption 5
32.	09/07/05	Draft notes from S. Long, NRR, Re: Reason to Not Make LERF Dependent on EP (2 pages) Exemption 5