

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

2006-0007

8

RESPONSE  
TYPE☐

FINAL

☒

PARTIAL

REQUESTER

James P. Riccio

DATE

AUG 22 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**  
**Y** 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**  
**V, W** 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**  
**V, W** 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)**

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  
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**PART II.A -- APPLICABLE EXEMPTIONS**APPENDICES  
W,X

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)
- Ex. 2: Disclosure would risk circumvention of a legal requirement. Ex. 4: 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
Bruce S. Mallett	Regional Administrator, USNRC, Region IV	Appx. W-1 thru 3; Appx. X-1 thru 11, 13 thru 17	✓		
James E. Dyer	Director, Office of Nuclear Reactor Regulation	Appx. W-4; X-12; X-18	✓		
Samuel J. Collins	Regional Administrator, USNRC, Region I	Appx. X-18	✓		

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 V**  
**DOCUMENTS BEING RELEASED IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / PAGE COUNT</u>
1.	Undated	Document titled "Problem Statement" (2 pages)
2.	Undated	LERF Significance Determination for Dresden HPCI Water Hammer Finding (4 pages)
3.	Undated	Identification and Resolution of Problems - SW System Alignment" (2 pages)
4.	Undated	Potential Risk Contribution from Large Early Release Frequency (LERF) (1 page)
5.	Undated	Operator/Station Representative to a Loss of Service Water (SW)/Gland Water (GW) (2 pages)
6.	Undated	Cooper - Danger Will Robinson: If you change cell locations you may break the VB code! (1 page)
7.	Undated	Cooper - Loop Category (2 pages)
8.	Undated	Cooper - Probability of nonrecovery (2 pages)
9.	Undated	Cooper-New-Recovery.xls - NUREGCR-5496 (3 pages)
10.	Undated	Cooper-New Recovery.XLS - Plots (5496), (1 page)
11.	Undated	Draft Risk Assessment of SW GW Issue, (2 pages)
12.	Undated	Cooper SW System chart, Rev. 1 (2 pages)
13.	Undated	DG#1 run times for 01/03/01 through 05/16/05 period, with handwritten notations (3 pages)
14.	03/25/04	Early Containment Failure Considerations for Brunswick, 2 pages
15.	04/23/04	Email from Kent E. Sutton to <a href="mailto:dlp@nrc.gov">dlp@nrc.gov</a> , subject: Cooper PSA Study on Gw-SW misalignment (1 page)
16.	07/14/04	Email from James Flaherty to <a href="mailto:scs@nrc.gov">scs@nrc.gov</a> & <a href="mailto:sdg@nrc.gov">sdg@nrc.gov</a> , subject: FW: Discussion of GW-SW Timeline with NRC and Status of Vendor Discussions (3 pages)

**APPENDIX V - continued**  
**DOCUMENTS BEING RELEASED IN ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION / PAGE COUNT</u>
17.	08/09/04	Letter from NPPD to NRC, subject: Information to Support Significance Determination of Service Water to Gland Water Cross Divisional Alignment (2 pages)
18.	09/29/04	Email from Robert Palla (NRR) to David Loveless (RIV), Subject: LERF Items (1 page)
19.	12/01/04	Appendix A, Determining the Significance of Reactor Inspection Findings for At-Power Situations (28 pages)
20.	09/30/05	Appendix B, Issue Screening (12 pages)

**APPENDIX W  
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	Fax sheet from Kent Sutton from David Loveless, Instructions: Case Changes for Gland Water Cross-Tie (2 pgs released; 4 pgs withheld) [Ex. 2]
2.	Undated	Fax sheet from Kent Sutton from David Loveless, Instructions: Revised EPS Fault Tree for Cooper SPAR (LOOP) (2 pgs released; 9 pgs withheld) [Ex. 2]
3.	4/23/04	Fax sheet from Kent Sutton to David Loveless, Instructions: Revised ESW (Non-Loop) Using SPC Top as example (2 pgs released; 11 pgs withheld) [Ex. 2]
4.	08/25/04	Memo from R. A. Gramm (NRR) to T. A. Bergman (OEDO), Subj: G20040484, Re-Issued Briefing Package for Drop-In Visit on September 2, 2004 by Nebraska Public Power District (NPPD) Officials...(TAC No. MC3829) (16 pgs) [Ex. 6]

**APPENDIX X  
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.	Undated	Summary Notes - D. Loveless (RIV) re: Cooper LERF (1 pg) [Ex. 5]
2.	Undated	Cooper Loss of Gland Water, Entire document to be withheld, (1 pg) [Ex. 4]
3.	Undated	Page has two columns: Description & Prob, (16 pgs) [Ex. 4]
4.	Undated	Cont. Isolated (IS) Top Event, (3 pgs) [Ex. 4]
5.	Undated	Cooper-SW-Pump-Events (3 pgs) [Ex. 2]
6.	Undated	Predominant accident sequences that affected LERF (2 pgs) [Ex. 5]
7.	Undated	LERF data (1 pg) [Ex. 5]
8.	Undated	Operators Recover Loss of Gland Water (1 pg) [Ex. 5]
9.	07/17/02	Table 1, Categories of Initiating Events for Cooper Nuclear Station, Entire document to be withheld, exemption 2, 8 pages [Ex. 2]
10.	03/29/04	DG-ESW - Cooper EDG Cooling (oversized drawing) (1 pg) [Ex. 2]
11.	05/10/04	Chart with the following headings: "Fire Ignition, Severity, Duration, Suppression, Restoration, Sequence CCDP, Class, Seq.Prob. Seq. No." (1 page) [Ex. 4]
12.	06/30/04	E-mail from R. Palla (NRR) to D. Loveless (RIV), Subj: Re: Cooper SERP (1 pg) [EX. 5]
13.	9/30/04	Project: Cooper-SW-Pump-Events (4 pages) [Ex. 2]
14.	10/14/04	Oversized & Regular Sized Documents - Gland-Water - Gland Water Cross-Tie Pump Failures (44 pages) [Ex. 2]
15.	10/19/04	Gland-Water - Gland Water Cross-Tie Pump Failures (19 pages) [Ex. 2]

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
16.	10/22/04	Email from David Loveless to Robert Palla, Subject: LERF in Cooper Service Water Gland Water Issue (1 page) [EX. 5]
17.	12/02/04	Cooper Gland Seal Issue - Additional LERF Arguments That Could be Pursued (1 page) [EX. 5]
18.	05/18/05	E-mail from S. Long (NRR) to John Thompson (NRR), Wayne Schmidt and William Cook (RI), Subj: Re: LERF issue at Cooper (2 pgs) [EX. 5]
	Attach:	Undated - Cooper LERF Commission D-Note SPSB.wpd (2 pgs) [EX. 5]

**APPENDIX Y  
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	Undated	<b>NRC Web Site</b>	Appendix H, "Containment Integrity Significance Determination Process (43 pgs) <a href="http://www.nrc.gov/reading-rm/doc-collections/insp-manual/manual-chapter">www.nrc.gov/reading-rm/doc-collections/insp-manual/manual-chapter</a>
2.	06/03/03	<b>ML031540084</b>	NUREG/CR-XXXX, "SPAR-H Method," Draft (133 pgs)