



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

2006-0230

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RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Kathy Ennos

DATE

NOV - 7 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  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  **C** 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  **C** 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-2006-0230 request is located in ADAMS at ML061780311.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

*Russell A. Nichols*  
Russell A. Nichols

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

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

APPENDICES  
**C, D, E, F**

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.

**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 E. Dyer, Director	Office of Nuclear Reactor Regulation	C/1, C/3, C/9, C/10, App. D, F/1-4, F/6-8, F/12-16	✓		
William D. Travers	Regional Administrator, RII	F/10, 11, 12	✓		
James L. Caldwell	Regional Administrator, RIII	F/6, 7, 13, 15	✓		
Bruce S. Mallet	Regional Administrator, RIV	C/1-8, App. E, F/1-5, F/8-11, F/16	✓		

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 C  
RECORDS WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	10/30/05	E-Mail from Peck to Jones, CWY - MSIV Issues (3 pages) Ex. 5, Outside Scope
2.	11/22/05	Example, Determining Remaining Mitigation Capability (6 pages) (1 page released) Ex. 2
3.	1/8/06	E-Mail from Peck to Donohew, Availability of personnel on 1/23 to resolve Callaway MSIV Issue (2 pages) Ex. 5
4.	01/23/06	Proposed Agenda Callaway MSIV Operability Issues (3 pages) (2 pages released) Ex. 5
5.	2/3/05	E-Mail from Peck to Graves, Conference Call - CWY MSIV Operability Question (4 pages) (3 pages released) Ex. 5, Outside Scope
6.	Undated	Effect of a Non-Functional Actuator Train on MSIV Operability, Callaway Plant Unit 1 (1 page) Ex. 5, Outside Scope
7.	Undated	Attachment 3: Markup of Technical Specification Pages (5 pages) (2 pages released) Ex. 5
8.	Undated	Inspector-Identified and Self-Revealing Findings (5 pages) (1 page released) Ex. 5
9.	Undated	Draft input - Effectiveness of Inoperable Actuator Trains on MSIV Operability, Callaway Plant, Unit 1 (2 pages) (1 page released) Ex. 5, Outside Scope
10.	6/19/06	E-mail from Schulten to Terao, Callaway License amendment on MSIV Actuators Issued (2 pages) (1 page released) Ex. 5

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	CWY MSIVs are operable ...(2 pages) Exemption 5
2.	Undated	Draft Memo J. Donohew, NRR, to P. Hiland, NRR, Re: Non-concurrence on Operability Evaluation of the Callaway Plant Technical Specifications... w/handwritten notes (3 pages) Exemption 5
3.	Undated	J. Donohew Handwritten notes (2 pages) Exemption 5
4.	Undated	Memo C. Holden, NRR, to A. Howell, RIV, Re: Operability Determination for Callaway Plant Technical Specifications Requirements...(16 pages) Exemption 5
5.	02/06/06	E-mail C. Schulten, NRR, to S. Burton, RIII, et a., Re: Callaway MSIV Actuators Note to Pat Hiland (3 pages) Exemption 5
6.	02/09/06	E-mail C. Schulten, NRR, to S. Burton, RIII, et al., Re: Callaway...(2 pages) Exemption 5
7.	02/10/06	E-mail C. Schulten, NRR, to S. Burton, RIII, et al., Re: Callaway...again (2 pages) Exemption 5
8.	02/13/06	E-mail C. Schulten, NRR, to S. Burton, RIII, Re: Generized interpretation (3 pages) Exemption 5
9.	02/21/06	E-mail C. Schulten, NRR, to S. Burton, RIII, et al., Re: Callaway...(1 page) Exemption 5
10.	02/28/06	E-mail C. Schulten, NRR, to J. Donohew, NRR, Re: Callaway MSIV TS change (1 page) Exemption 5
11.	05/04/06	E-mail P. Hiland, NRR, to C. Schulten, NRR, Re: Callaway MSIVs (1 page) Exemption 5
12.	05/04/06	E-mail D. Shafer, AmerenUE, to C. Schulten, NRR, Re: Another Meeting Requested on MSIV Actuator Trains (2 pages) Exemption 5, Outside Scope
13.	05/08/06	Memo P. Hiland, NRR, to C. Haney, NRR, Re: Operability Evaluation of Callaway Plant Technical Specifications Requirements...(23 pages) Exemption 5
14.	05/22/06	Memo J. Donohew, NRR, to P. Hiland, NRR, Re: Non-concurrence on Operability Evaluation of Callaway plant Technical Specifications...(3

pages) Exemption 5

15. 06/12/06 Memo P. Hiland, NRR, to J. Donohew, NRR, Re: Operability Evaluation of Callaway Plant Technical Specifications Requirements...(2 pages) Exemption 5
16. 06/12/06 E-mail C. Schulten, NRR, to P. Hiland, NRR, Re: Memo to Jack Donohew (1 page) Exemption 5
17. 06/26/06 E-mail C. Schulten, NRR, to J. Donohew, NRR, Re: New Callaway MSIV spec (1 page) Exemption 5

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	MSIV Finding 2005-04 Findings.wpd, 2 pages, Ex. 5
2.	Undated	MSIV Feeder Jan 2006.wpd, 4 pages, Ex. 5
3.	Undated	Response to NRC Question(s) from Jack Donohew.doc, 2 pages, Ex. 5
4.	Undated	SDPPhase1for MSIV's.wpd, 7 pages, Ex. 5
5.	Undated	Additional Questions for NRR.wpd, 2 pages, Ex. 5
6.	Undated	Comments on Michael Peck's Findings on MSIV Actuator Trains, 2 pages, Ex. 5
7.	Undated	Clarification Questions from RIV, DRP, Project Branch B for Resolution of Callaway MSIV Actuator Valves as Attending Equipment, 2 pages Ex. 5
8.	Undated	ACT: CWY MSIV Follow Up - Please Review and Comment of, 2 pages Ex. 5
9.	Undated	Document titled "Calloway MSIV.wpd", 1 page, Ex. 5
10.	Undated	Document titled "MSIV Fast Close Details.pdf", 1 page, Ex. 4
11.	Undated	Document titled "MSIV Slow Open.pdf", 1 page, Ex. 4
12.	Undated	Document titled "MSIV Normal.pdf", 1 page, Ex. 4
13.	Undated	Document titled "MSIV Actuator.pdf", 1 page, Ex. 4
14.	Undated	Document titled "MSIV Finding June 06.wpd", 5 pages, Ex. 5
15.	12/1/04	SDP Phase 1 Screening Worksheet for Initiating Events, Mitigation Systems, and Barriers Cornerstones, 7 pages, Ex. 5

16. 10/28/05 Document titled "ReCWYMSIVCallFollowUp.doc", email from David Dumbacher to Michael Peck, Subject: Re: CWY - MSIV Call Follow Up, 2 pages, Ex. 5
17. 11/2/05 Document titled "FYICWY-RegardingMSIVs.doc", email from Michael Peck to Bill Jones, Subject: FYI: CWY - Regarding MSIVs, 1 page, Ex. 5
18. 11/14/05 Callaway Plant Main Steam Isolation Vlve Operability Issue, 4 pages, Ex. 5
19. 12/22/05 Document titled "CWY MSIV - NRR Response to Dec 6 Que.pdf", Responses to Questions on Callaway MSIV Actuator Trains in Email Dated 12/5/05 from William Jones, Region IV, 3 pages, Ex. 5
20. 1/23/06 Document titled "ACTPWRMSIVOperabilityIssues.doc", Email from Michael Peck to Patrick Hiland, subject: ACT: PWR MSIV Operability Issues, 2 pages, Ex. 5
21. 1/25/06 ACTCWYMSIVFollowUP-PleaseReviewandComment.doc, email from Michael Peck to Thomas Boyce, subject: ACT: CWY MSIV Follow UP - Please Review and Comment, 2 pages, Ex. 5
22. 3/27/06 Ameren UE Manual - OSP-AB-V002B, Main Steam Isolation Valves Inservice Test, 57 pages, Ex. 4 and Outside Scope

**APPENDIX F**  
**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.	10/26/05	E-mail from Peck to Donohew, Comments on what you sent me yesterday on MSIV actuator trains (2 pages) Ex. 5
2.	10/31/05	E-Mail from Donohew to Peck, CWY - MSIV Call Follows Up (3 pages) Ex. 5
3.	1/11/06	E-mail from Donohew to Peck, ACT: Callaway MSIV Issue (2 pages) Ex. 5
4.	1/19/06	E-mail from Peck to Donohew, Action: Meeting Headquarters 12:30 pm 01/23/06 (1 page) Ex. 5, Outside Scope
5.	01/23/06	E-Mail from peck to Hiland, PWR MSIV Operability Issues (2 pages) Ex. 5
6.	01/24/06	E-Mail from Bartlett to Lennhartz, Operability Question (1 page) Ex. 5
7.	01/24/06	E-Mail from Burton to Hiland, Operability Question (2 pages) Ex. 5
8.	01/25/06	E-Mail from Dumbacher to Hiland, Operability RIS 2005-20 (2 pages) Ex. 5
9.	01/25/06	E-Mail from Boyce to Peck, CWY MSIV Follow Up - Please Review and Comment (2 pages) Ex. 5, Outside Scope
10.	01/27/06	E-Mail from O'Bryan to Peck, pbore: ACT: CWY MSIV Follow-Up Please Review and Comment (2 pages) Ex. 5
11.	01/30/06	E-Mail from Musser to Peck, Callaway Operability Question (2 pages) Ex. 5
12.	01/30/06	E-Mail from Musser to Schulten, Calloway Operability Question (2 pages) Ex. 5

13. 2/2/06 E-Mail from Burton to Schulten, Callaway MSIV TS Interpretation (1 page) Ex. 5
14. 2/3/06 E-Mail from Hiland to Dumbacher, MSIV (1 page) Ex. 5
15. 2/22/06 E-Mail from Burton to Schulten, Callaway (1 page) Ex. 5
16. 4/17/06 E-Mail from Schulten to Peck, White Paper on VC Operability (2 pages) Ex. 5