



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

2008-0096

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Ophelia G. Williams

DATE

FEB 25 2008

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 **D** 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 **D** 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 *

\$ 14.00

* See comments for details

- You will be billed by NRC for the amount listed.
- You will receive a refund for the amount listed.
- None. Minimum fee threshold not met.
- 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)

This is our final response to your request. Also, we previously provided you 530 pages not the estimated 600 pages. Therefore, you will receive a refund of \$14.00.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

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

2008-096

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
C, D

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.
 - Low 2 Internal matters of a relatively trivial nature.
 - High 2 Disclosure would risk circumvention of a legal requirement.
- 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).
 - Disclosure will harm an identifiable private or governmental interest.
- 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
R. William Borhardt	Director, NRO	Appendix C, D	<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 C
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

1. 10/03/07 E-mail from John Lai, NRO to Donald Dube, NRO Re: ABWR FSAR (2 pages) Ex 5
2. 10/04/07 E-mail from Kimberly Gruss, NRO to George Wunder, Mark Tonacci, Michael Gartman, Re: Questions from STP COL staff re: Process and Policy Issues. (2 pages) Ex. 5
3. 10/04/07 Email from Gregory Makar, NRO to Kimberly Gruss, NRO Re: Acceptance Review question – STP (2 pages) EX. 5
4. 10/04/07 E-mail from Mohammed Shuaibi ABWR/ESBWR Supervisors Re: QUESTIONS RE REVIEW OF DEPARTURES (1 page) EX. 5
5. 10/05/07 Email from Kimberly Gruss, NRO to CIBALL regarding Telecon with GE-H re: STP COL application and concerns EX. 5
6. 10/05/07 E-mail from Kimberly Gruss, NRO to BWR BC's Re: A concern About the STP application (1 page) EX. 5
7. 10/05/07 E-mail from William Reckley to Anthony Mendiola et. al Re: Questions regarding handling of Departures not Requiring NRC Approval (1 page) EX 5
8. 10/05/07 E-mail from Gregory Makar to Kimberly Gruss, David Terea Re: Possible STP Telecon topic (1 page) EX 5
9. 10/06/07 E-mail from Peter Wilson, NRO to Angelo Stubbs, NRO et. al. Re: A concern about the STP application (3 pages) EX. 5
10. 10/8/07 Email from Timothy Frye, NRO, to KAG1@nrc.gov, DMB1@nrc.gov, TWJ@nrc.gov, CXC5@nrc.gov, GVC@nrc.gov, JED1@nrc.gov, JLD@nrc.gov, AJM@nrc.gov, DGH2@nrc.gov, [HGH@nrc.gov](mailto>HGH@nrc.gov), IXJ@nrc.gov, MXJ2@nrc.gov, RLK@nrc.gov, MXM2@nrc.gov, MAS4@nrc.gov, VXW@nrc.gov, JAN1@nrc.gov, MRS1@nrc.gov, PRW1@nrc.gov, RFR1@nrc.gov, SKS3@nrc.gov, MXT3@nrc.gov, MRG1@nrc.gov, DXT@nrc.gov, MEM2@nrc.gov, YCL@nrc.gov,

Re: FOIA/PA-2008-0096

SSK2@nrc.gov, LAD@nrc.gov, JXD3@nrc.gov, CSH@nrc.gov,
Re: A concern about the STP application (1 page) EX.5

11. 10/9/07 Email from George Wunder, NRO, to David Terao, Kimberly Gruss, Thomas Scarbrough, NRO, Re: STP Telecon (1 page) EX. 5
12. 10/9/07 Email from David Terao to George Wunder, Kimberly Gruss, Thomas Scarbrough, NRO, Re: STP Telecon (2 page) EX. 5
13. 10/09/07 E-mail from Thomas Scarbrough Re: FAQ – Staff Review Hours/Schedule for STP Commitments (1 page) EX. 5
14. 10/09/07 E-mail from Robert Radinski, NRO to Kimberly Gruss, NRO Re: Michael Gartman, NRO Re: FAQ – Staff Review Hours/Schedule for STP Commitments Meeting with STP (1 page) EX. 5
15. 10/09/07 E-mail from George Thomas, NRO to James Gilmer, John Budzynski, Joseph Donoghue, Weidong Wang Re: A concern about the STP application (1 page) EX. 5
16. 10/10/07 E-mail from Allison Black, NRO to George Wunder, Mark Tonacci, Re: STP COL acceptance review issue re: Materials Surveillance Program (3 pages) EX.5
17. 10/10/07 E-mail from James Gilmer, NRO to Mark Tonacci, NRO Re: 10 CFR 50.71 (e) references. (1 page) EX 5
18. 10/10/07 Email from John Lai to Donald Dube; Martin Stutzke; Re: ABWR COLA Seismic Analysis (2 pages) EX.5
19. 10/11/07 E-mail from George Thomas to Mark Tonacci, NRO Re: STP 3&4 (1 page) EX. 5
20. 10/11/07 E-mail from Keith Hoffman to Timothy Steinglass, Re: Review Of STP COLA vs SRP 5.2.4 and RG 1.206 (1 page) EX. 5
21. 10/11/07 E-mail from James Strnisha to Kimberly Gruss, NRO Re: Revised STP Acceptance Memo for SRP 14.3.3 (1 page) EX. 5
22. 10/11/07 E-mail from Thomas Scarbrough to George Wunder cc: David Terao, Jai Rajan, Jennifer Dixon-Herrity, Kimberly Gruss, Yueh-Li Re: TELECONFERENCE WITH APPLICANT (1 page) EX 5
23. 10/11/07 Email from James Strnisha, NRO, to Kimberly Gruss, David Terao, NRO, Re: Revised – STP Acceptance Memo for SRP 14.3.3 (5 pages) EX. 5

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24. 10/12/07 E-mail from Robert Davis to Kimberly Gruss, NRO Re: STP COLA Acceptance Review (16 pages) EX. 5
25. 10/12/07 E-mail from Michael Marshall, NRO to George Wunder, NRO Re: Response Requested: Phone Call w/STP re: Use of Brackets in COLA (1 page) EX.5
26. 10/15/07 E-mail from Michael Marshall, NRO to C Craig Harbuck, George Wunder Re: INTERACTIONS WITH THE APPLICANT (1 page) EX.5
27. 10/15/07 E-mail from Kimberly Gruss, NRO to Gregory Makar Re: Possible STP telecom topic. (1 page) EX. 5
28. 10/16/07 E-mail from Michael Gartman to Kimberly Gruss, NRO Re: A Concern about the STP application. (1 page) EX. 5
29. 10/16/07 E-mail from Nihar Ray to Kimberly Gruss Re: STP Acceptance Review of 6.2.7 (1 page) EX. 5
30. 10/16/07 E-mail from Kimberly Gruss to Michael Gartman Re: Question (FAQ) re: Acceptance/Technical reviews of the STP FSAR Section 6.2.7 (1 pages) EX. 5
31. 10/16/07 E-mail from to Michael Gartman to Kimberly Gruss Re: Question (FAQ) re: Acceptance/Technical reviews of the STP FSAR Section 6.2.7 (1 pages) EX. 5
32. 10/16/07 E-mail from Sujit Samaddar, NRO to Anthony Mediola, Charles Cox, Daniels Barss, Douglas Huyck, Gregory Cranston, Hossein Hamzehee, Ian Jung, Jennifer Dixon-Herrity, John Nakoski, Joseph Donohue, Kimberly Gruss, Mark Thaggard, Michael Gartman, Michael Junge, Michael Marshall, Michael Snodderly, Peter Willson, Rebecca Karas, Robert Radinski, Sujit Samaddar, Terry Jackson, Timothy Frye, Vince Williams Re: FAQ – Staff Review hours/schedule for STP Commitments (2 page) EX. 5
33. 10/16/07 E-mail from Kimberly Gruss, NRO to Tim Frye, NRO Re: A Concern about the STP Application (1 page) EX. 5

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34. 10/16/07 E-mail from Jennifer Dixon-Herrity to EMB12 Re: Application Of Reg. Guides, SRP, and Op Exp. To STP COL Review (2 pages) EX. 5
35. 10/16/07 E-mail from Richard McNally to Andrey Turlin, et al. Re: Application of Reg. Guides, SRP, and Op Exp. To STP COL Review (2 pages) EX.5
36. 10/16/07 E-mail from John Nakoski to Daniels Barss, et. al Re: FAQ- Staff review hours/schedule for STP Commitments (1 page) EX. 5
37. 10/16/07 E-mail from Kimberly Gruss to CIBALL Re: FAQ on Acceptance Review Process (9 pages) EX 5
38. 10/17/07 E-mail from John Lai to Thomas Kevern Re: STP COLA STD DEP 19.31 (2 pages) EX. 5
39. 10/17/07 E-mail from Terry Beltz to George Wunder Re: STP Discussion Topic – Chapter 1.0 of Technical Specifications (1 page) EX. 5
40. 10/17/07 E-mail from Gregory Makar to Kimberly Gruss, David Terao Re: STP ¾ Acceptance review 6.1.1 and 10.2.3 (8 pages) EX. 5
41. 10/18/07 E-mail from Kimberly Gruss to John Nakoski Re: FAQ – Staff Review hours/schedule for STP Commitments (2 pages) EX. 5
42. 10/18/07 E-mail from Kimberly Gruss to CIBALL Re: Application of Reg Guides, SRP, and Op Exp to STP COL Review. (3 pages) EX 5
43. 10/18/07 E-mail from John Nakoski to Kimberly Gruss Re: FAQ – Staff Review hours/schedule for STP Commitments (2 pages) EX. 5
44. 10/22/07 E-mail from C. Craig Harbuck to George Wunder Re: TS Issues (1 page) EX. 5
45. 10/22/07 E-mail from Jorge Hernandez to Chang Li, Re: Clarification on Questions in Table 1 of Acceptance Review OI (3 page) EX. 5
46. 10/22/07 Email from Chang Li, NRO, to Peter Wilson, NRO, Re: STP COL Acceptance Review (3 pages) EX. 5
47. 10/22/07 Email from Michael Mayfield, NRO, to David Terao; KimberlyGruss, NRO Re: STP and Surveillance Program (14 pages) EX. 5

Re: FOIA/PA-2008-0096

48. 10/22/07 Email from C. Craig Harbuck, NRO, to George Wunder, Hulbert Li, Ian Jung, Michael Marshall, Sang Rhow NRO, Re: Missing Information to Replace Brackets in Generic TS in STP 3&4 COLA Plant-Specific TS (PTS) (4 pages) EX. 5
49. 10/23/07 E-mail from Mark Tonacci to George Wunder, Michael Gartman Re: STP COL Acceptance review issue re: Materials Surveillance Program. (2 pages) EX. 5
50. 10/23/07 Email from Michael Mayfield, NRO, to David Terao, Kimberly Gruss, Laura Dudes, NRO, Re: STP and Surveillance Program (3 pages) EX. 5
51. 10/23/07 Email from Thomas Scarbrough, NRO, to Anthony Hsia, David Terao, Jennifer Dixon-Herrity, Kimberly Gruss, Jai Rajan, S. Patrick Sekerak, NRO, Re: STP 3 / 4 Acceptance Review Issues (5 pages – double sided) EX. 5
52. 10/23/07 Email from Michael Gartman, NRO, to ABWR/ESBWR Supervisors, Mark Tonacci, Mohammed Shuaibi, NRO, Re: GE Topical Reports (4 pages) EX. 5
53. 10/24/07 E-mail from Nihar Ray to Allison Black Re: STP COL Acceptance Review (1 page) EX. 5
54. 10/24/07 Email from Kimberly Gruss, to Thomas Scarbrough, David Terao, George Wunder, Jai Rajan, Jennifer Dixon-Herrity, S. Patrick Sekerak, Yueh-Li Li, NRO, Re: Open Questions (2 pages) EX. 5
55. 10/24/07 Email from C. Craig Harbuck, NRO, to Michael Marshall, NRO, Re: Reject? (1 page) EX. 5
56. 10/24/07 Email from David Terao, NRO, to Sujit Samaddar Re: STP Containment ISI Program (1 pages) EX. 5
57. 10/25/07 Email from David Terao, NRO, to Kimberly Gruss, Thomas Scarbrough, NRO, Re: Open Questions (4 pages) EX. 5
58. 10/25/07 E-mail from Thomas Scarbrough to George Wunder cc: D. Terao, J. Dixon-Herrity, K. Gruss Re: Open QUESTIONS (2 pages) EX. 5
59. 10/25/07 Email from Raul Hernanadez, NRO, to John Segala, NRO, Re: STP RCOLA Acceptance Review Issues (3 pages) EX. 5

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60. 10/31/07 Email from Kimberly Gruss, NRO, to Michael Mayfield, Allison Black, David Terao, Nihar Ray, NRO, Re: Fwd: Strategy on Reactor Vessel Surveillance (1 page) EX. 5
61. 10/31/07 Email from Allison Black, NRO, to Kimberly Gruss, NRO, Re: Brief on STP COLA Acceptance Review Results (1 pages) EX. 5
62. 10/31/07 Email from Gerard Purciarello, NRO, to Chang Li, NRO, Re: STP COLA Acceptance Review (1 page) EX. 5
63. 10/31/07 E-mail from Allison Black to Kimberly Gruss Re: Fwd: Brief on STP COLA Acceptance Review Results (2 pages) EX. 5
64. 11/1/07 Email from Michael Gartman, NRO, to ABWR/ESBWR Supervisors, Donald Habib, Doug Weaver, Mark Tonacci, Stephanie Coffin, NRO, Re: STP Acceptance Review (19 pages) EX. 5
65. 11/2/07 Email from David Terao, NRO, to Laura Dudes, Michael Mayfield, Ian Jung, Jack Montgomery, Jennifer Dixon-Herrity, Kimberly Gruss, Sara Brock, Sujit Samaddar, NRO, Re: Summary of DE Acceptance Review Issues for STP COL (3 pages) EX. 5
66. 11/6/07 Email from George Georgiev, NRO, to Allison Black, Thomas Scarbrough, Kimberly Gruss, NRO, Re: Revised STP Acceptance Review Tables (1 page) EX. 5
67. 11/7/07 Email from Laura Dudes, NRO, to DEBC, Re: Fwd: SUMMARY OF ISSUES (5 pages) EX. 5
68. 11/7/07 Email from Richard Borchardt, NRO, to Mallett, Bruce, Reyes, Luis, Holahan, Gary, Re: Fwd: ACTION: ABWR Acceptance Review Schedule and Meeting (2 pages) EX. 5
69. 11/9/07 Email from Michael Marshall, NRO, to Gartman, Michael, Brock, Sara, Harbuck, C. Craig, Tjader, Theodore, NRO, Re: Heads-Up; CTSB STP Acceptance Review Supplement (5 pages) EX. 5
70. 11/13/07 Email from Laura Dudes, NRO, to DEBC, Re: Fwd: ACTION – draft of STP acceptance review issues letter (11 pages) EX. 5
71. 11/13/07 Email from Larry Burkhart, NRO, to George Wunder, Mark Tonacci, Michael Eudy, Michael Gartman, Paul Kallan, Raj Anand, Rocky Foster, Thomas Kevern, Joseph Calaccino, William Burton, NRO, Re: Please review 'STP Acceptance Review ltr' (1 page) EX. 5

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72. 11/14/07 E-mail from Thomas Scarbrough to Kimberly Gruss, Re: STP Operational Program Issue (3 pages) EX. 5
73. 11/14/07 Email from Kimberly Gruss, NRO, to Douglas Huyck, George Wunder, Ian Jung, Michael Marshall, Rebecca Karas, Sujit Samaddar, William Burton, Allison Black, Larry Burkhart, Mark Tonacci, Michael Eudy, Michael Gartman, Raj Anand, Rocky Foster, Thomas Kevern, NRO, Re: PROPOSED LETTER TO STP (3 pages) EX. 5
74. 11/15/07 Email from George Wunder, to Ian Jung, Kimberly Gruss, Michael Marshall, Rebecca Karas, Sujit Samaddar, William Burton, Michael Gartman, NRO, Re: Enclosure to STP Letter (4 pages) EX. 5
75. 11/20/07 Email from Michael Gartman, NRO, to ABWR/ESBWR Supervisors, George Wunder, Mark Tonacci, Mohammed Shuaibi, Thomas Bergman, William Burton, NRO, Re: Action: Update of STP and Information Needed From BCs (2 pages) EX.5
76. 11/20/07 Email from Kimberly Gruss, NRO, to CIBALL, Re: Fwd: Action: Update of STP and Information Needed From BCs (2 pages) EX. 5
77. 11/20/07 Email from Michael Gartman, NRO, to Anthony Mendiola, Charles Cox, Daniel Barss, Douglas Huyck, Gregory Cranston, Hossein Hamzehee, Ian Jung, Jack Montgomery, Jennifer Dixon-Herrity, John Nakoski, John Tappert, Joseph Donoghue, Kimberly Gruss, Mark Thaggard, Michael Junge, Michael Marshall, Michael Snodderly, Peter Wilson, Rebecca Karas, Robert Radlinski, Sujit Samaddar, Terry Jackson, Timothy Frye, Vince Williams, George Wunder, John McKirgan, Mark Tonacci, Mohammed Shuaibi, Thomas Bergman, William Burton, Re: Action: Update of STP and Information Needed From BCs (2 pages) EX. 5
78. 11/20/07 Email from Michael Marshall, NRO, to William Reckley C. Craig Harbuck, Gartman, Michael, Tjader, Theodore, Wunder, George, NRO, Re: Tech Spec Question.. (1 page) EX. 5
79. 12/4/07 Email from Michael Eudy, NRO, to Charles Cox, Douglas Huyck, Hossein Hamzehee, Ian Jung, Jack Montgomery, Jennifer Dixon-Herrity, John Nakoski, Joseph Donoghue, Kimberly Gruss, Mark Thaggard, Michael Junge, Michael Marshall, Michael Snodderly, Peter Wilson, Rebecca Karas, Richard Burton, Robert Radlinski, Sujit Samaddar, Timothy Frye, Vince Williams, George Wunder, Michael Gartman, NRO, Re: STP Commitments Info Needed (1 page) EX. 5

**APPENDIX D
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE:</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	10/31/07	Email from Kimberly Gruss, NRO, to Michael Mayfield, Allison Black, David Terao, Nihar Ray, NRO, Re: Fwd: Strategy on Reactor Vessel Surveillance (10 pages) EX. 5