

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

2010-0010

1

RESPONSE  
TYPE

FINAL



PARTIAL

REQUESTER

Paul Gunter

DATE

MAR - 4 2010

**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**  
**A&B** 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**  
**A&B** 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 \*

\$

\* 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)**

The incoming FOIA/PA-2010-0010 is located in ADAMS at ML092860015.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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

2010-0010

MAR - 4 2010

**APPENDICES  
B & C****PART II.A -- APPLICABLE EXEMPTIONS**

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
Eric J. Leeds	Director, Office of New Reactor Regulation	See Appendix B & C	<input checked="" type="checkbox"/>		
Luis Reyes	Regional Administrator, Region II	See Appendix B	<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 A  
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	12/76	Safety Evaluation Report, Supp. 2, Crystal River Nuclear Generating Plant, Unit 3, (4 pages)
2.	12/76	Safety Evaluation Report, Supp. 3, Crystal River Nuclear Generating Plant, Unit 3, (4 pages)
3.	1/77	Safety Evaluation Report, Supp. 4, Crystal River Nuclear Generating Plant, Unit 3, (3 pages)
4.	10/5	Email from T. Gody to D. Ayres, subj: IOEB Clearinghouse Screening Summary for 10/5/09, (7 pages) <b>[Portions outside of scope redacted]</b>
5.	10/6	Email from M. King to A. Wilson, et. al, subj: IOEB Clearinghouse Screening Summary fro 10/6/09, (4 pages) <b>[Portions outside of scope redacted]</b>
6.	10/6/09	Email from B. Adkins to D. Ayres, subj: Re; CR3 Containment Concrete Crack, (2 pages)
7.	10/7/09	Email from J. Gitter to J. Page, et. al., subj: Re; Status Update: Crystal River Containment Crack, (3 pages)
8.	10/7/09	Email from M. Franke to M. Skyes, subj: Crystal River talking points, (1 page)
9.	10/7/09	Email from M. Franke to R. Carrion, subj: CR3 Containment Cracks Issue Review, (1 page)
10.	10/7/09	Email from A. Alen to M. Skyes, subj: Containment Wall x-section, (2 pages)
11.	10/7/09	Email from R. Chou to M. Skyes, subj: re: CR3 Containment, (2 paes)
12.	10/7/08	Email from J. Hamman to M. Skyes, subj: CR RB Summary Points, (2 pages)
13.	10/7/09	Email from H. Graves to M. Skyes, subj: Re; Interesting Issue and Picture attached, (2 pages)

**APPENDIX A  
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
14.	10/7/09	Plant Issue Tracking, Crystal River Information for 10/7/09, (2 pages)
15.	10/7/09	Email from J. Gray to S. Burns, subj: New Items 10/07, (1 page) <b>[Portions outside of scope redacted]</b>
16.	10/8/09	Email from J. Lambert to R. Reyes, subj Supervisor Talking Points, (2 pages)
17.	10/8/09	Email from R. Chou to M. Skyes, subj: Hoop Tendon And Containment Wall Section, (3 pages)
18.	10/8/09	Email from M. Franke to R. Chou, subj: Re: Crystal River call, (1 page)
19.	10/8/09	Email from J. Paige to D. Skeen, et. al, sub; Crystal River Teleconference, (1 page)
20.	10/8/09	Email from T. Boyce to M. Khanna, subj: Re: Outcome from Crystal River call, (2 pages)
21.	10/8/09	Email from J. Gitter to M. Khanna, subj: Re: Status Update: CR Containment, (3 pages)
22.	10/8/09	Email from J. Giantelli to R. Bernardo, subj: Concrete Structures and Operating Experience, (2 pages)
23.	10/8/09	Email from M. Khanna to M. Franke, subj: Re: Crystal River SIT entrance, (1 page)
24.	10/8/09	Email from C. Fletcher to S. Ninh, subj: Crystal River SI Charter, (5 pages)
25.	10/8/09	Email from M. Skyes to J. Munday, et. al., subj: re: We Do No Know that CR was Done in One Continuous Pour, (1 page)
26.	10/8/09	Email from L. Reyes to J. Grobe, subj: Re: Support to Special Inspection at CR, (1 page)
27.	10/8/09	Email from J. Paige to E. Brown, et. al., subj FW: CR3 Containment, (4 pages)

**APPENDIX A**  
**RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
28.	10/8/09	Email from C. Fletcher to M. Franke, subj: Crystal River SI Charter Draft, (4 pages)
29.	10/8/09	Email from R. Chou to M. Franke, subj: Re: Crystal River Call, (1 page)
30.	10/8/09	Email from H. Christensen to K. Kennedy, subj: Establishing a Special Inspection Team for Crystal River, (1 page)
31.	10/8/09	Email from M. Skyes to T. Morrissey, Re: Teleconference, (2 pages)
32.	10/8/09	Email from M. Skyes to T. Morrissey, FW Teleconference, (1 page)
33.	10/8/09	Email from J. Paige to D. Skeen, et. al., subj: Outcome From Crystal River Teleconference Re: Containment Crack, (2 pages)
34.	10/8/09	Email from J. Paige to T. Boyce, subj: Request: Special Inspection at CR Re Containment Crack, (1 page)
35.	10/8/09	Email from D. Toro-diaz to M. Sykes, subj: Mtg w/NRR And Dr. Mallett, (1 page)
36.	10/8/09	Email from R. Haag M. Sykes, subj: FW: Events Notice, (2 pages)
37.	10/8/09	Email from B. Grenier to M. Khanna, subj: RE: Support To Special Inspection, (1 page)
38.	10/8/09	Email from R. Bernardo to M. Sykes, subj: RE: Region II Morning Call Notes for Oct 8, 09, (2 pages)
39.	10/8/09	Email from C. Morrison to M. Sykes, subj: CR RB Summary Points, (2 pages)
40.	10/8/09	Email from P. Hiland to J. Paige, subj: RE: Request: Special Inspection at Crystal River (1 page)
41.	10/8/09	Email from M. Khanna to J. Grobe, et al, subj: Summary of Mtg with Chairman Jaczko, (2 pages)

**APPENDIX A**  
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<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
42.	10/8/09	Email from R. Bernardo to A. Wilson, et al, Subj: IOEB Clearinghouse Screening... (4 pages) <b>[Portions outside of scope redacted]</b>
43.	10/8/09	Crystal River Update from Plant Issue Tracking Application, (2 pages)
44.	10/8/09	Email from T. Morissey to B. Adkins, subj: RE: Crystal River Support, (1 page)
45.	10/8/09	Email from K. Karwoski to M. Khanna, subj: Plants who have replaced steam generators, (4 pages)
46.	10/8/09	Email from M. Khanna, subj: Mtg w/ Chairman Jaczko on Delamination of Containment Domes, (2 pages)
47.	10/8/09	Email from M. Khanna, subj:PWR Containment Construction Type, (5 pages)
48.	10/8/09	Email from J. Gray to S. Burns, subj: RE: Items, (1 page) <b>[Portions outside of scope Redacted]</b>
49.	10/9/09	Email from M. Franke to A. Sengupta, Subj: RE: CR3, (1 page)
50.	10/9/09	Email from D. Herrin to L. Lake, subj: CR3 Special Inspection Team, (1 page)
51.	10/9/09	Email from A. Masters to M. Franke, subj: Crystal River SIT, (1 page)
52.	10/9/09	Email from E. Thomas to M. King, et al., subj: IOEB Clearinghouse Screening – Oct 9, 09, (4 pages) <b>[Portions outside of scope redacted]</b>
53.	10/9/09	Email from C. Morrison to M. Franke, subj: RE: Crystal River SI Charter, (2 pages)
54.	10/9/09	Email from M. Franke to P. Hiland, subj: Re: Did Inspection Report Number for Contracts, (1 page)

**APPENDIX A**  
**RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
55.	10/9/09	Email from M. Franke to R@DRS_EB3, subj: FW: Talking Points for CR Issue, (3 pages)
56.	10/9/09	Email from M. Franke to K. ODonohue, subj: RE: Crystal River, (1 page)
57.	10/9/09	Email from M. Khanna to R. Carrion, subj: RE: CR Issue, (2 pages)
58.	10/9/09	Email from F. Farzam to J. Paige, subj: RE: Outcome from CR Teleconference – Containment Crack, (3 pages)
59.	10/9/09	Email from S. Ninh to M. Sykes, subj: MD 8.3 Eval for CR3 Containment Bldg Separation, (9 pages)
60.	10/9/09	Crystal River Update from Plant Issue Tracking Application, (2 pages)
61.	10/9/09	Email from M. Sykes to D. Ayres, subj: RE: Crystal River Support, (1 page)
62.	10/9/09	Email from R. Croteau to K. ODonohue, subj: Crystal River, (1 page)
63.	10/9/09	Email from K. ODonohue to C. Ogle, et al, subj: Crystal River SIT Support, (1 page)
64.	10/9/09	Letter from P. Hiland, NRC to J. Reafsnyder, Oak Ridge Ntl Lab, subj: ORNL Technical Assistance to Office of Nuclear Reactor Regulations... (13 pages)
65.	10/13/09	Email from C. Fletcher to M. Sykes, subj: RE: Crystal River SI Charter, (6 pages)
66.	10/13/09	Email from L. Lake to H. Turner, subj: Crystal River SIT Duration of Site Access, (1 page)
67.	10/13/09	Email from M. Franke to M. Sykes, subj: FW: Crystal River SI Charter, (8 pages)

**APPENDIX A**  
**RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
68.	10/13/09	Email from J. Munday to M. Franke, subj: EDO Office Called... (1 page)
69.	10/13/09	Email from C. Morrison to L. Reyes, et al, subj: Special Inspection Charter to Evaluate CR Containment Bldg, (4 pages)
70.	10/13/09	Email from J. White to M. Sykes, subj: Crystal River Containment/Delamination Issues, (1 page)
71.	10/13/09	Crystal River Update for 10/13/09 from Plant Issue Tracking Application, ( 2 pages)
72.	10/14/09	Email from M. Franke to A. Davis, subj: RE: Crystal River Conference Call, (1 page)
73.	10/14/09	Email from M. Franke to R. Carrion, subj: SIT debrief agenda templat, (1 page)
74.	10/14/09	Email from F. Saba to R. Kuntz, et al, subj: FYI: POP for E. Leeds Briefing, (6 pages)
75.	10/14/09	Crystal River Update for 10/14/09 from Plant Issue Tracking Application, (2 pages)
76.	10/14/09	Email from D. Pelton to S. Lee, subj: FYI – Status Update: Crystal River...(1 page)
77.	10/14/09	Email from E. Heher to A. Masters, subj: Crystal River, (1 page)
78.	10/14/09	Email from R. Bernardo to A. Csontos, et al, subj: New OpE COMM Posting – Crystal River, (3 pages)
79.	10/16/09	Email from J. Fuller to A. Masters, subjL Cause of crack at CR Plant not yet known, (1 page)
80.	10/16/09	Email from J. Fuller to A. Masters, subj: FW: Crystal River U3 Containment Cracks, (2 pages)



**APPENDIX A**  
**RECORDS BEING RELEASED IN THEIR ENTIRETY**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)</u></b>
81.	10/8/09	Email from J. Bettie to R. Dennig, subj: RE: Crystal River Teleconference, (3 pages)
82.	Undated	SGR Action Plan for Concrete Cracks (2 pages)
83.	10/5/09	Action Request: CR3 SGR Hydrodemolition Exposed Cracks... (9 pages)
84.	10/7/09	Email w/Internal Newsletter, (3 pages)
85.	10/13/09	Email w/Briefing on CR3 Containment Project Overview, (9 pages)
86.	10/12/09	Summary Report, (1 page)
87.	10/7/09	Email from D. Toro-Diaz to D. Weaver, subj: Crack Found Exterior Containment Wall, (9 pages)
88.	10/8/09	Email from D. Toro-Diaz to D. Weaver, subj: Additional Photos – Crystal River, (4 pages)
89.	10/8/09	Email from P. Hiland to M. Khanna, subj: FYI – Crystal River re: Crack Found Exterior... (4 pages)
90.	10/8/09	Email from M. Sykes to D. Toro-Diaz, subj: FW: Our talking points, (3 pages)
91.	10/8/09	Email from T. Hipschman to J. Monninger, subj: More info on Crystal River, (1 page)
92.	10/9/09	Email from M. Sykes to S. Ninh, subj: Re: Crystal River 3 Special Inspection Report, (1 page)
93.	10/10/09	Email from R. Carrion to M. Franke, subj: Re: Authorization and RFP for a New ORNL Contract... (4 pages)
94.	10/13/09	Email from M. Franke to C. Fletcher, subj: FW: Crystal River SI Charter, (1 page)
95.	10/14/09	Email from M. Franke to A. Davis, subj: Re: Crystal River Conference Call, (1 page)

**APPENDIX A**  
**RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT</u>
96.	10/8/09	Email from R. Dennig to J. Bettle, et al, subj: FW: Crystal River Containment Crack, (2 pages)
97.	10/8/09	Email from R. Dennig to W. Ruland, et al, subj: Re: Crystal River Containment Crack, (3 pages)
98.	Undated	Various Photos – Crystal River, (18 pages)

**APPENDIX B  
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	10/8/09	Email from E. Thomas to R. Bernardo, Subj: FW: IOEB Clearinghouse Screening... (4 pages) <b>Ex.5</b>
2.	10/8/09	Email from K. Manoly to P. Hiland, subj: RE: Request for Special Inspection at CR... (2 pages) <b>Ex. 5</b>
3.	10/8/09	Email from M. Khanna, subj: FW: Crystal River Information (2 pages) <b>Ex. 5</b>
4.	10/9/09	Email from M. Franke to C. Fletcher, et al, subj: EB3 and SIT Update, (1 page) <b>Ex. 6</b>
5.	10/9/09	Email from M. Franke to M. Khanna, subj: RE: Crystal River SIT (2 pages) <b>Ex. 6</b>
6.	10/14/09	Email from R. Chou to M. Franke, subj: Crystal River Containment Wall Cracks or Separation, (3 pages) <b>Ex. 4</b>

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	10/14/09	Email from B. Lehamn to R. Auluck, subj: CR3 Containment Crack, (2 pages) <b>Ex. 5</b>
2.	Undated	Drawing S-421-032, Reactor Building (1 page) <b>Ex. 4</b>
3.	Undated	Drawing S-421-036, Reactor Building (1 page) <b>Ex. 4</b>