



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

2010-0116

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Mary Olson

DATE

APR 16 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 **C,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 **C,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 *

- 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)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing
Donna L. Sealing

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
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
Luis Reyes	Regional Administrator, RII	Appendix D/2 - D/10	<input checked="" type="checkbox"/>		
Mark A. Satorius	Regional Administrator, RIII	Appendix D/1	<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."

FOIA-2010-0116

APPENDIX C
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	10/5/09	E-mail from Chou to Franke, Crystal River (1 page)
2.	10/6/09	E-Mail from ODonohue to Masters, Pictures of CR3 Concrete Crack (2 pages)
3.	10/6/09	E-Mail from ODonohue to Masters, Crystal River containment Crack (1 page)
4.	10/6/09	E-Mail from Carrion to Blake, Crystal River containment crack (1 page)
5.	10/6/09	E-Mail from Carrion to Franke, Crystal River containment crack (1 page)
6.	10/6/09	E-Mail from Collins to Sykes, Thought on the containment at Crystal River (1 page)
7.	10/7/09	E-Mail from Carrion to Chou, Crystal River U3 containment Cracks (1 page)
8.	10/7/09	E-Mail from Franke to Sykes, Crystal River talking points (1 page)
9.	10/7/09	E-Mail from Sykes to Franke, Crystal River U3 containment cracks (2 pages)
10.	10/8/09	E-Mail from Christensen to Kennedy, Establishing a Special Inspection Team for Crystal River (1 page)
11.	10/8/09	E-Mail from Fletcher to Ninh, Crystal River SI Charter (4 pages)
12.	10/19/09	E-Mail from Doult to Kuntz, Crystal River SIT status update (2 pages)
13.	10/9/09	E-Mail from Carrion to Franke, Draft Crystal River SIT Charter (1 page)
14.	10/9/09	E-Mail from Carrion to Franke, Draft Crystal River SIT Charter (1 page)
15.	10/9/09	E-Mail from Carrion to Kennedy, Crystal River SI Charter (1 page)

16. 10/9/09 E-Mail from Carrion to Morrison, Crystal River SI Charter (1 page)
17. 10/9/09 E-Mail from Carrion to Ninh, Crystal River 3 Special Inspection Report Number 2009-007 (1 page)
18. 10/19/09 E-Mail from Carrion to Lake, Documents Reviewed During First Week of SIT Activities (3 pages)
19. 10/9/09 E-Mail from Franke to Sengupta, CR3 (1 page)
20. 10/13/09 E-Mail from Franke to Sykes, 2009 Oct 13 – Containment – NRC SIT Briefing (9 pages)
21. 10/13/09 E-Mail from Morrison to Reyes, Special Inspection Charter to Evaluate Crystal River Containment Building (1 page)
22. 10/15/09 E-Mail from Kennedy to Christensen, Crystal River – High Level Update (1 page)
23. 10/16/09 E-Mail from Chou to Franke, Questions on Containment (1 page)
24. 10/16/09 E-Mail from Chou to Franke, Turkey Point Contamination Wall Cut During Reactor Head Replacement in 2004 & 2005 (1 page)
25. 10/19/09 E-Mail from Carrion to Carrion, Lou's Phone number at Crystal River (1 page)
26. 10/19/09 E-Mail from Carrion to Masters, SIT Status Call (1 page)
27. 10/20/09 E-Mail from Carrion to Lake, Electronic Version of Debrief Outline (2 pages)
28. 10/20/09 E-Mail from Carrion to Collins, Lou's Phone Number at Crystal River (1 page)
29. 10/25/09 E-Mail from Carrion to Masters, Crystal River 3 Status Update (1 page)
30. 10/26/09 E-Mail from Carrion to Franke, NDE Procedure (1 page)
31. 10/27/09 E-Mail from Carrion to Franke, Status (1 page)
32. 10/27/09 E-Mail from Franke to Lake, Special Inspection Charter to Evaluate Crystal River Containment Building (4 pages)
33. 10/27/09 E-Mail from Franke to Lake, Crystal River 3 Containment Delamination Update (21 pages)
34. 10/28/09 E-Mail from Carrion to Franke, Status of CR3 NDE (1 page)
35. 10/29/09 E-Mail from Carrion to Franke, status (1 page)

36. 10/30/09 E-Mail from Carrion to Lake, SIT Status (Oct 30 2009) (1 page)
37. 11/2/09 E-Mail from Christensen to Franke, Crystal River pics (1 page)
38. 11/3/09 E-Mail from Franke to Lake, Question re-Statement in CR3 Talking Points on Concrete Issue (1 page)
39. 11/3/09 E-Mail from lake to Masters, FSAR Section 5.2 (2 pages)
40. 11/3/09 E-Mail from Lake to Masters, FSAR Section 5.2 (1 page)
41. 11/3/09 E-Mail from Carrion to Lake, Morning Status (1 page)
42. 11/3/09 E-Mail from Carrion to Franke, Status (1 page)
43. 11/4/09 E-Mail from Masters to Davis, CR3 SIT Update (1 page)
44. 11/4/09 E-Mail from Carrion to Thomas, Morning Status (2 pages)
45. 11/4/09 E-Mail from Chou to Franke, Crystal River Containment Wall Concrete Delamination (1 page)
46. 11/4/09 E-Mail from Carrion to Christensen, CR3 Status (1 page)
47. 11/5/09 E-Mail from Masters to Carrion, observations from core boring This afternoon (1 page)
48. 11/5/09 E-Mail from Masters to ODonohue, CR3 SIT Update (2 pages)
49. 11/5/09 E-Mail from Carrion to Franke, CR3 SIT Status (1 page)
50. 11/5/09 E-Mail from Carrion to Franke, CR3 SIT Status (1 page)
51. 11/5/09 E-Mail from Carrion to Franke, Crystal River Containment Wall Opening Core Boring Pictures (2 pages)
52. 11/6/09 E-Mail from Carrion to Masters, observations from core boring this Afternoon (2 pages)
53. 11/9/09 E-Mail from Masters to Carrion, observations from core boring this Afternoon (2 pages)
54. 11/9/09 E-Mail from Plisco to Masters, CR3 SIT Update (2 pages)
55. 11/9/09 E-Mail from Franke to Coursey, Special Inspection Charter to Evaluate Crystal River Containment Building (4 pages)
56. 11/10/09 E-Mail from Carrion to Franke, CR3 SIT Status (10 Nov 2009) (2 pages)

57. 11/10/09 E-Mail from Franke to Lake, SIT debrief template (1 page)
58. 11/10/09 E-Mail from Franke to lake, Crystal River SIT Exit (1 page)
59. 11/1/09 E-Mail from Carrion to Franke, CR3 SIT Status (November 11, 2009 (1 page)
60. 11/11/09 E-Mail from Carrion to Franke, CR3 SIT Status (10 Nov 2009) (2 pages)
61. 11/11/09 E-Mail from Franke to Lake, Crystal River SIT (1 page)
62. 11/12/09 E-Mail from Carrion to Franke, CR3 SIT Status (November 12, 2009 (1 page)
63. 11/13/09 E-Mail from Carrion to Franke, CR3 SIT Status (1 page)
64. 11/16/09 E-Mail from Carrion to Lake, background.doc (2 pages)
65. 11/16/09 E-Mail from Masters to Lake, SIT experience for Mr. Ryes (2 pages)
66. Undated Handwritten notes (2 pages)
67. 11/16/09 E-Mail from Chou to Sabisch, Concrete Curing Time Between the New Concrete Pour and the Application of Tensioning (1 page)
68. 11/17/09 E-Mail from Lake to Franke, SIT experience for Mr. Ryes (2 pages)
69. 11/18/09 E-Mail from Carrion to Lake, SIT Status Call (1 page)
70. 11/19/09 E-Mail from Franke to Khanna, Public Meeting with Progress – SIT talking points/notes (3 pages)
71. 11/23/09 E-Mail from Carrion to Lake, Charter #7 (3 pages)
72. 11/23/09 E-Mail from Carrion to Lake, Charter Item #1 (3 pages)
73. 11/24/09 E-Mail from Carrion to Chou, Nov 20 CR3 Presentation (1 page)
74. 11/24/09 E-Mail from Carrion to Lake, 2009 Nov 23 – Containment Unfolded Graphics (1 page)
75. 11/24/09 E-Mail from Chou to Franke, new Concrete Pour Schedule for Crystal River (2 pages)
76. 11/24/09 E-Mail from Lake to Herrin, Changes to Crystal River SIT Exit (1 page)
77. 11/24/09 E-Mail from Chou to Franke, Curing Time for the Containment

Wall Opening with Tendons (2 pages)

78. 11/30/09 E-Mail from Carrion to Williams, Draft Refute 4.2 for Review (1 page)
79. 11/30/09 E-Mail from Carrion to Williams, Draft Refute 4.2 for Review (1 page)
80. 11/30/09 E-Mail from Carrion to Thomas, Question Clarification (1 page)
81. 12/02/09 E-Mail from Lake to Chou, Monday NCRs (2 pages)
82. 13/3/09 Root Cause Analysis – PII Metrics as of Dec 3rd 2009 (1 page)
83. 12/4/09 E-Mail from Lake to Dan naus, Clarification on Vertical Tendons (1 page)
84. 12/14/09 E-Mail from Lake to Masters, Update on Crystal River (2 pages)
85. 12/14/09 E-Mail from Chou to Lake, Proposal for the inspection of Crystal River 3 Containment Wall Opening Closure and Repair of Wall Delamination (1 page)
86. 12/17/09 E-Mail from Lake, Additional Resources Needed for Crystal River SIT (1 page)
87. 12/21/09 E-Mail from Williams to Franke, CR Containment Comm Plan Update (2 pages)
88. 12/21/09 E-Mail from Chou to Franke, NRC Activities During Repair CR Containment (2 pages)
89. 12/28/09 Root Cause Analysis – PII Metrics as of Dec 28th 2009 (2 pages)
90. 1/5/10 E-Mail from Calloway to Ninh, Crystal River 2009005 Inspection Input (18 pages)
91. 1/6/10 E-Mail from Kennedy to Franke, Crystal River De-lamination Project Presentations (1 page)
92. 1/11/10 E-Mail from Kennedy to Franke, DD Counterpart Meeting with NRR and NSIR (1 page)
93. 1/7/10 E-Mail from Williams to Franke, Crystal River Communications Team (1 page)
94. 1/15/10 E-Mail from Lake to Dan naus, Status of NRC Questions (1 page)
95. 1/20/10 E-Mail from Christensen to R2DRS, FOIA on Crystal River Containment (1 page)

96. 1/20/10 E-Mail from Ogle to Masters, Crystal River containment crack (1 page)
97. 1/20/10 E-Mail from Ogle to Masters, News Release II-09-055 (Crystal River Special Inspection (3 pages)
98. 1/20/10 E-Mail from Ogle to Masters, Talking Points for Crystal River Issue (2 pages)
99. 1/20/10 E-Mail from Ogle to Masters, Crystal River (1 page)
100. 1/20/10 E-Mail from Ogle to Masters, Crystal River IST support (1 page)
101. 1/20/10 E-Mail from Ogle to Masters, Chairman's Periodic – Top 5 Topics (1 page)
102. 3/19/10 E-Mail from Kuntz to Craver, Crystal River containment repair plan Update (38 pages)
103. 1/21/10 E-Mail from Chou to Morrissey, CTR Level II Schedule (2 pages)
104. 1/22/10 E-Mail from Lake to Franke, NRC Issue (1 page)
105. 1/22/10 E-Mail from Carrion to Lake, CR SIT NRC Questions (1 page)
106. 1/22/10 E-Mail from Chou to Carrion, NRC Issue (2 pages)
107. 1/25/10 E-Mail form Chou to Franke, Crystal River 3 Concrete Repair Level 2 schedule (1 page)
108. 1/25/10 E-Mail from Chou to Powell, New NCR (1 page)
109. 1/26/10 E-Mail from Carrion to Lake, Recent High Level Schedule Info (1 page)
110. 1/26/10 E-Mail from Sykes to Wert, CR3 Concrete Delamination Repair Schedule (1 page)
111. 1/27/10 E-Mail from Lake to Masters, New NCR (3 pages)

APPENDIX D
RECORDS WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	10/8/09	E-Mail from Khanna to Khanna, crystal river information... (3 pages) Ex. 5
2.	10/9/09	E-Mail from Franke to R2DRS_EB3, Talking Points for Crystal River issue (4 pages) Ex. 6
3.	10/9/09	E-Mail from Franke to Fletcher, EB3 and IST update (1 page) Ex. 6
4.	10/16/09	E-Mail from Chou to Zeller, Questions re: Summer Past Containment Concrete Work Activities (1 page) Ex. 6
5.	10/19/09	E-Mail from Carrion to Carrion, SIT Status Call (1 page) Ex. 2
6.	11/4/09	E-Mail from Sykes to Boyce, Telecon w/Progress Energy to Discuss Status of Activities at CR3 – November 5, 2009, 2pm (1 page) Ex. 2
7.	11/11/09	E-Mail from Lake to Khanna, CR-3 Reactor Building Design Model (1 page) Ex. 2
8.	11/16/09	E-Mail from Carrion to Lake, background.doc (2 pages) Ex. 6
9.	1/20/10	E-Mail from Chou to Herrin, SGR Inspection (1 page) Ex. 6
10.	11/23/09	E-Mail from Carrion to Lake, Process for NRC review of Root Cause Info (2 pages) Ex. 6