



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

2010-0334

3

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

David Lochbaum

DATE

OCT 19 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  **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 \*  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-2010-0334 request is located in ADAMS at ML102600016.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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

2010-0334

**OCT 19 2010**

**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
William M. Dean	Regional Administrator, RI	See Attached	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eric J. Leeds	Director, Office of Nuclear Reactor Regulation	See Attached	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input 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."

2010-0334

3

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

DATE

**OCT 19 2010**

PART I.C COMMENTS (Continued)

Denying Official	Title/Office	Records Denied	Appellate Official
Mr. William M. Dean	Regional Administrator, RI	D/1-16, 19, 21-23, 25, 29, 32, 34-36, 39, 47, 51, 53, 59, 60, 62, 63, 68, 75, 77, 79, 81-83, 86, 91, 92-98, 100, 102-104, 109- 113, and 121	EDO
Mr. Eric J. Leeds	Director, Office of Nuclear Reactor Regulation	D/17, 20, 24, 26-28, 33, 36, 43, 46, 99, 116- 120	EDO

**APPENDIX D  
RECORDS WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	4/7/10	E-Mail from OHara to Balian, Buried AFW Piping (2 pages) <b>Ex. 6</b>
2.	4/7/10	E-Mail from Roberts to Conte, Update on Salem AFW Condition (1 page) <b>Ex. 5</b>
3.	4/7/10	Branch 3 Daily Status (4 pages) <b>Outside Scope</b>
4.	4/7/10	E-Mail from Schroeder to Burritt, Salem Outage Issues (1 page) <b>Outside Scope</b>
5.	4/7/10	E-Mail from Balian to Sheehan, Inspectors in Action (4 pages) <b>Ex. 6</b>
6.	4/7/10	E-Mail from OHara to Balian, Buried Pipe Pictures (1 page) <b>Ex. 6</b>
7.	4/6/10	E-Mail from Balian to Schroeder, Monday Night (1 page) <b>Ex 6, Outside Scope</b>
8.	4/8/10	E-Mail from OHara to Modes, Wednesday Night (2 pages) <b>Ex. 6, Outside Scope</b>
9.	4/8/10	E-Mail from Balian to Schroeder, Thursday Night (1 page) <b>Ex. 6, Outside Scope</b>
10.	4/9/10	E-Mail from Darrell to OHara, Salem AFW Update – Correction (2 pages) Salem AFW Update – Correction (2 pages) <b>Ex. 6</b>
11.	4/9/10	E-Mail from Cline to Lew, Telephone call with Carl Fricker (1 page) <b>Ex. 6</b>
12.	4/9/10	E-Mail from Burritt to Lew, Salem AFW Update – Correction (2 pages) <b>Ex. 6</b>
13.	4/9/10	E-Mail from OHara to Ennis, Salem AFW Update – Correction (2 pages) <b>Ex. 6</b>

14. 4/09/10 E-Mail from Burrirt to Lew, Salem AFW Update – Correction (2 pages)  
**Ex. 6**
15. 4/09/10 E-Mail from Conte to OHara, OpE Inputs for Today (2 pages) **Ex. 6**
16. 4/9/10 Branch 3 Daily Status (4 pages) **Outside Scope**
17. 4/9/10 E-Mail from Thomas to Rosebrook et al., IOEB Clearinghouse  
Screening Summary for Friday, April 9, 2010 (5 pages) **Outside Scope**
18. 4/9/10 E-Mail from Haskell to Brown et al., Region 1 Morning Call Notes for  
Friday, April 9, 2010 (2 pages) **Outside Scope**
19. 4/10/10 E-mail from OHara to Berrick, Questions on AF Piping Repair (2 pages)  
**Ex. 6**
20. 4/9/10 E-Mail from OHraa to Conte, IOEB Clearinghouse Screening Summary  
For Friday, April 9, 2010 (6 pages) **Outside Scope**
21. 4/11/10 E-Mail from Ennis to Pelton, Update on Salem AFW Condition (5 pages)  
**Ex. 6**
22. 4/11/10 E-Mail from OHara to Conte, AF Issues at Salem 1 and 2 (1 page) **Ex. 6**
23. 4/11/10 E-Mail from Balian to OHara, Update on Unit 1 AFW Excavation?  
(13 pages) **Ex. 6**
24. 4/12/10 E-mail from Brown to Conte, More Buried pipe stuff (38 pages) **Ex. 6**
25. 4/12/010 E-Mail from OHara to Berrick, Additional Questions on AFW Piping  
(5 pages) **Ex. 6**
26. 4/12/10 E-Mail from Brown to Conte, Buried Piping Info (1 page) **Ex. 6**
27. 4/12/10 E-Mail from Schroeder to Brown, Update – Salem – AFW buried piping  
Issues (1 page) **Ex. 6**
28. 4/12/10 E-Mail from Burrirt to Brown, Update – Salem – AFW buried piping  
Issues (1 page) **Ex. 6**
29. 4/12/10 Branch 3 Daily Status (4 pages) **Outside Scope**
30. 4/12/10 E-Mail from Burrirt to Balian, Branch 3 Status – 4/12/10 (5 pages)

## **Outside Scope**

- 31. 4/12/10 IOEB Clearinghouse Screening Summary for 4/12/10 (3 pages)  
**Outside Scope**
- 32. 4/12/10 E-Mail from Burritt to Cline, SL 1 AFW Conf Call at 200pm (3 pages)  
Ex. 2, **Outside Scope**
- 33. 4/13/10 E-Mail from Sabisch to Conte, AFW Buried Piping Issues at Oconee?  
(3 pages) **Ex. 6, Outside Scope**
- 34. 4/12/10 E-Mail from Holston to Pelton, SL 1 AFW Conf Call 200pm (6 pages)  
**Ex. 2**
- 35. 4/12/10 E-Mail from Burritt to Cline, SL 1 AFW Conf Call at 200pm (2 pages)  
**Ex. 2**
- 36. 4/13/10 E-Mail from OHara to Hardies, SL 1 AFW Conf Call at 200pm (3 pages)  
**Ex. 2, 6**
- 37. 4/13/10 Branch 3 Daily Status (4 pages) **Outside Scope**
- 38. 4/13/10 Branch 3 Daily Status (5 pages) **Outside Scope**
- 39. 4/13/10 E-Mail from Burritt to Lew, Inspector Visit (2 pages) **Ex. 6**
- 40. 4/14/10 E-Mail from Cline to Cline, Branch 3 Status – 4/14/10 (8 pages)  
**Outside Scope**
- 41. 4/15/10 Branch 3 Daily Status (5 pages) **Outside Scope**
- 42. 4/15/10 E-Mail from King to Rosebrook et al., IOEB Clearinghouse Screening  
Summary for Thursday, April 15, 2010 (7 pages) **Outside Scope**
- 43. 4/15/10 E-Mail from Brown to Cline, Update – Salem – AFW buried piping issues  
(3 pages) **Ex. 6**
- 44. 4/15/10 E-Mail from Kaufman to Conte, Unit 1 Containment liner photos (2 pages)  
**Outside Scope**
- 45. 4/16/10 E-Mail from OHara to Gray, B3 Status 4-16-10(6 pages) **Outside Scope**
- 46. 4/16/10 E-Mail from Cline to Brown, Update – Salem – AFW buried piping issues

- 2 pages) **Ex. 6**
47. 4/16/10 E-Mail from Conte to Ashley, Degraded AFW piping – Conference Details (8 pages) **Ex. 2**
48. 4/16/10 Branch 3 Daily Status (4 pages) **Outside Scope**
49. 4/16/10 E-Mail from King to Rosebrook et al., IOEB Clearinghouse Screening Summary for Friday, April 16, 2010 (6 pages) **Outside Scope**
50. 4/17/10 E-mail from OHara to Conte, Response to: Some thoughts on Salem 1 Before I forget (3 pages) **Outside Scope**
51. 4/19/10 E-Mail from Conte to Schmidt, Salem AFW (1 page) **Ex. 6**
52. 4/19/10 Branch 3 Status (5 pages) **Outside Scope**
53. 9/16/10 E-Mail from Schroeder to Burritt, ACE Aux MRC Comments Incorporated (2 pages) **Ex. 6**
54. 4/19/10 E-Mail from King to Rosebrook et al., IOEB Clearinghouse Screening Summary for Monday, April 19, 2010 (5 pages) **Outside Scope**
55. 4/19/10 E-Mail from Bernardo to Burritt, Region 1 OpE Takeaways (2 pages) **Outside Scope**
56. 4/19/10 E-Mail from Burritt to Bernardo, Region 1 OpE Takeaways (2 pages) **Outside Scope**
57. 4/20/10 Branch 3 Daily Status (5 pages) **Outside Scope**
58. 4/21/10 Branch 3 Daily Status (5 pages) **Outside Scope**
59. 4/21/10 E-Mail from OHara to Schoppy, Salem Unit 2 AFW – Memory Test From 1994 (1 page) **Ex. 6**
60. 4/21/10 E-Mail from Rich to Balian, Salem Issues (1 page) **Ex. 6, Outside Scope**
61. 4/22/10 Branch 3 Daily Status (5 pages) **Outside Scope**
62. 4/23/10 E-Mail from OHara to Tsao, FEA of Degraded Salem Unit 1 AFW Piping (1 page) **Ex. 6**
63. 4/23/10 E-Mail from Balian to Schroeder, AFW Piping (1 page) **Ex. 6**

64. 4/23/10 Branch 3 Daily Stsatus (5 pages) **Outside Scope**
65. 4/23/10 E-Mail from Lew to Roberts, Biweekly Director's Counterpart Call (2 pages) **Outside Scope**
66. 4/23/10 E-Mail from Burritt to Balian, Branch 3 Status – 4/23/10 (6 pages) **Outside Scope**
67. 4/25/10 E-Mail from Lew to Dentel et al., Midcycle Assessment Guidance (2 pages) **Outside Scope**
68. 4/26/10 E-Mail from Tsao to OHara, Salem buried pipe flaw analysis RAI 4-23-10 (4 pages) **Ex. 6**
69. 4/26/10 E-Mail from Cline to Ennis, Salem Unit 2 Containment Liner Corrosion Discoveryrev2. Doc (3 pages) **Outside Scope**
70. 4/26/10 E-Mail from Burritt to Balian, et al., B-3 Status 4-26-10.doc (6 pages) **Outside Scope**
71. 4/26/10 E-Mail from OHara to Ennis et al., Salem Update (3 pages) **Outside Scope**
72. 4/26/10 E-Mail from Ennis to Conte, et al., Salem Update (3 pages) **Outside Scope**
73. 4/26/10 E-Mail from King to Rosebrook et al., IOEB Clearinghouse Screening Summary for Monday, April 26, 2010 (5 pages) **Outside Scope**
74. 4/26/10 Branch 3 Daily Status (5 pages) **Outside Scope**
75. 4/27/10 E-Mail from OHara to Cahill et al., OP Eval 10-005 Salem U2 Buried AFW Pipe (2 pages) **Ex. 6**
76. 4/27/10 E-Mail from King to Rosebrook et al., IOEB Clearinghouse Screening Summary for Tuesday, April 27, 2010 (9 pages) **Outside Scope**
77. 4/27/10 E-Mail from Ennis to Conte, Salem AFW Piping Testing (5 pages) **Ex. 6**
78. 4/27/10 Branch 3 Daily Status (5 pages) **Outside Scope**
79. 4/28/10 E-Mail from OHara to Tsao, Draft OP Eval 10-005 Salem U2 Buried

- AFW Pipe (4 pages) **Ex. 6**
80. 4/23/10 E-Mail from Roberts to Lew et al., Biweekly Director's Counterpart Call (2 pages) **Outside Scope**
81. 4/28/10 E-Mail from Schroeder to Burritt, Unit 1 AFW past operability and Unit 2 AFW extent of condition (6 pages) **Ex. 6**
82. 4/28/10 E-Mail from Gray to Conte, Salem FAW questions – conf call 4/28/10 (3 pages) **Ex. 2**
83. 4/28/10 E-Mail from Conte to Ashley et al., Conference Call to Go Over Statue Of Salem Unit 1 and 2 AFW Issues (3 pages) **Ex. 2**
84. 4/28/10 Branch 3 Daily Status (5 pages) **Outside Scope**
85. 4/28/10 E-Mail from Burritt to Ennis, Salem Unit 2 Containment Liner Corrosion Discoveryrev2.doc (3 pages) **Outside Scope**
86. 4/29/10 E-Mail from OHara to Berrick, Scanned impage from PX082MPO (1 page) **Ex. 6**
87. 4/29/10 E-Mail from Burritt to OHara et al., Branch 3 Status 4/29/10 (5 pages) **Outside Scope**
88. 4/29/10 Branch 3 Daily Status (4 pages) **Outside Scope**
89. 4/29/10 E-Mail from Burritt to Cline, Salem Unit 2 Containment Liner Corrosion (3 pages) **Outside Scope**
90. 4/30/10 Branch 3 Daily Status (3 pages) **Outside Scope**
91. 5/3/10 E-Mail from OHara to Manoly (1 page) **Ex. 6**
92. 5/4/10 E-mail from OHara to Tsao, Salem—PSEG calcs (2 pages) **Ex. 6**
93. 5/4/10 E-Mail from OHara to Tsao, Salem—PSEG calcs (2 pages) **Ex. 6**
94. 5/5/10 E-Mail from OHara to Berrick, Scanned image from PX082MPO (1 page) **Ex. 6**
95. 5/10/10 E-Mail from Conte to Conte, et al., Conf. Logistics re: Salem Unit 2/1 AFW Pipe Degradation (10 pages) **Ex. 2**
96. 5/10/10 E-Mail from Burritt to Conte, Conf. Logistics re: Salem Unit 2/1 AFW

Pipe Degradation (2 pages) **Ex. 2**

97. 5/12/10 E-Mail from OHara to Berrick, Guided Wave Data (1 page) **Ex. 6**
98. 5/12/10 E-Mail from Berrick to Hara, Response to 16 questions dated 051210 (1 page) **Ex. 6**
99. 5/18/10 E-Mail from Lew to Clifford et al., GAO entrance on audit of NRC Oversight of Buried Piping (3 pages) **Outside Scope**
100. 5/18/10 E-Mail from Burritt to Clifford, Conference Details Notification Ltr NRC Buried Pipes (6 pages) **Ex. 2, 6**
101. 5/18/10 E-Mail from Ennis to Burritt et al., Action Regional RA periodic With the Chairman – Information Request Templates/Matrices (3 pages) **Outside Scope**
102. 5/19/10 E-Mail from OHara to Berrick, NRC Inspector Questoins AFW Buried Pipe (2 pages) **Ex. 6**
103. 5/19/10 E-Mail from OHara to Berrick, Final Report – GUIDed Wave Technology (2 pages) **Ex. 6**
104. 5/19/10 E-Mail from OHara to Berrick, Final Report – Guided Wave Technology (3 pages) **Ex. 6**
105. 5/26/10 E-Mail from OHara to Conte, et al., NRC Inspector Questions AFW Buried Pipe (3 pages) **Ex. 6**
106. 5/27/10 E-Mail from OHara to Berrick, Requests & Question (2 pages) **Ex. 6**
107. 6/15/10 E-Mail from OHara to Schroeder, AFW EQ: ACE? (1 page) **Outside Scope**
108. 6/24/10 E-Mail from Rao to Turilin, Significant Accomplishments/ Challenges for Branch 3 (3 pages) **Outside Scope**
109. 6/25/10 E-Mail from OHara to Conte, ISI exit meeting (1 page) **Ex. 6**
110. 6/30/10 E-mail from OHara to Bearde, Salem Unit 1 ISI Feeder (27 pages) **Ex. 6**
111. 7/20/10 E-Mail from Conte to DeFrancisco, ISI inspection Feeder (29

Pages) **Ex. 5, Outside Scope**

112. 7/2/10 E-Mail from Cahill to Conte, Feeder Review (1 page) **Ex. 6**
113. 7/21/10 E-Mail from DeFrancisco to Ambrosini, Enforcement for OC Finding (3 pages) **Ex. 5**
114. 7/22/10 E-Mail from Douglas to Cline, Input Needed for NRR Management Meeting (4 pages) **Outside Scope**
115. 7/22/10 E-Mail from Burritt to Ennis, Input Needed for NRR Management Meeting (1 page) **Outside Scope**
116. 9/8/10 E-Mail from Brown to Conte, Buried Pipe Degradation at Salem (1 page) **Ex. 6**
117. 9/8/10 E-mail from Conte to Burritt et al., Salem1 (2 pages) **Ex. 6**
118. 9/8/10 E-Mail from OHara to Brown, Salem 1 (26 pages) **Ex. 6**
119. 9/13/10 E-Mail from Burritt to Schroeder, Board Item re: Buried Pipe Degradation at Salem (2 pages) **Ex. 6**
120. 9/15/10 E-Mail from Conte to Brown, Board Item re: Buried Pipe Degradation at Salem (3 pages) **Ex. 6**
121. 9/15/10 E-Mail from Villar to OHara, Final MRC approved ISI RCE 70109827 (1 page) **Ex. 6**
122. 9/16/10 E-Mail from King, IOEB Clearinghouse Screening Summary for Thursday, September 16, 2010 (3 page) **Outside Scope**
123. 6/11/10 E-mail from Burritt to Lew, Huge Favor – Talking Points Regarding Salem Buried Pipe Excavations (17 pages) **Outside Scope**