



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

2011-0021

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

David Lochbaum

DATE

DEC 23 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 **A** 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 **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 **B, 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 *
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- 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 request is in ADAMS at ML103050242.

Records with a ML Accession Number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. If you need assistance in obtaining these records, please contact the NRC's Public Documents Room (PDR) at 301-415-4737, or 1-800-397-4209, or by E-mail to PDR.Resource@nrc.gov.

The attachments to Documents B/8, B/9 and B/10 are copyrighted, and are therefore not included in this response. If you would like to review the copyrighted records, please contact the NRC Public Document Room (PDR) to make arrangements for a review. You can reach the PDR on (301) 415-4737, or toll free on (800) 397-4209.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Mary Gem Raphael
Donna L. Sealing

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

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
C

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, Region II	Appendix C, Items 1-28	✓		
Eric J. Leeds	Director, Office of Nuclear Reactors	Appendix C, Items 29, 30, 32-35	✓		
William M. Dean	Regional Administrator, Region I	Appendix C, Items 31, 36-39	✓		

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 ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	09/24/09	ML092740312	Relief Request from Immediate ASME Code Flaw Repair of Standby Shutdown Facility Auxiliary Service Water Piping (51 pages)
2.	10/29/09	ML093020695	NRC Integrated Inspection Report 05000269/2009004, 05000270/2009004, 05000287/2009224 and Emergency Preparedness Inspection Report 05000269/2009501, 05000270/2009501, 05000287/2009501 (35 pages)
3.	03/14/09	ML091340445	Letter from M. Gray, Chief, Projects Branch 2, Division of Reactor Projects, USNRC to J. Pollock, Site Vice President, Entergy Nuclear Operations, Inc., Indian Point Energy Center; Subject: Indian Point Nuclear Generating Unit 2 – NRC Integrated Inspection Report 05000247/2009002. (45 pages)
4.	08/12/09	ML092240592	Letter from M. Gray, Chief, Projects Branch 2, Division of Reactor Projects, USNRC to J. Pollock, Site Vice President, Entergy Nuclear Operations, Inc., Indian Point Energy Center. Subject: Indian Point Nuclear Generating Unit 2 – NRC Integrated Inspection Report 05000247/2009003 (39 pages)

APPENDIX B
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	08/21/09	E-mail from E. Michel, NRC to M. Franke, NRC; Subject: RE: OCO leaking buried pipe. (2 pages)
2.	08/21/09	E-mail from G. Ottenberg, NRC to E. Michel, NRC; Subject: FW: Scanned Document, w/handwritten notes. (5 pages)
3.	08/24/09	E-mail from J. Bartley, NRC to M. Franke and E. Michel, NRC; Subject: 1400 phonecon to discuss Oconee SSF ASW leak. (1 page)
4.	08/24/09	E-mail from Oconee [R2Oconee] to E. Riggs, et al; Subject: SSF ASW Leak Photo. (2 pages)
5.	08/26/09	E-mail from M. Franke, NRC to E. Michel, NRC; Subject: Re: OCO leakage.(2 pages)
6.	08/27/09	E-mail from E. Michel, NRC to T. Chan , et al; Subject: RE: OCO leakage. (2 pages)
7.	08/27/09	E-mail from E, Riggs to E. Michel, NRC; Subject: Unit 2 SSF ASW leak PIP and PDO. (1 page)
8.	08/31/09	*E-mail from E. Riggs to M. Holmberg,NRC et al; Subject: RE: OCO SSF ASW leak. (3 pages released, 26 pages copyrighted –see comments section of response)
9.	09/16/09	*E-mail from G. Ottenberg, NRC to E. Michel, NRC; Subject: RE: Coal Tar Application (1 page released, 14 pages copyrighted –see comments section of response)
10.	09/18/09	*E-mail from E. Michel, NRC to G. Ottenberg, NRC; Subject: NACE Report. (1 page released, 8 pages copyrighted –see comments section of response)
11.	08/31/09	E-mail from M. Holmberg, NRC to E. Michel, NRC; Subject: RE: OCO SSF ASW leak. (3 pages)
12.	08/21/09	E-mail from J. Tsao, NRC to E. Michel, NRC; Subject: RE: Oconee Raw Service Water Pipe. (2 pages)
13.	08/28/09	E-mail from J. Tsao, NRC to E. Michel, NRC; Subject: RE: OCO SSF ASW Leak. (2 pages)

14. 08/31/09 E-mail from J. Tsao, NRC to E. Michel, NRC, et al; Subject: RE: OCO SSF ASW leak. (3 pages)
15. 08/31/09 E-mail from J. Tsao, NRC to E. Michel, NRC; Subject: RE: Oconee – Comments on ASW Pipe Leak. (3 pages)
16. 09/03/09 E-mail from T. Chan to E. Michel, NRC; Subject: RE: OCO SSF ASW Leak. (1 page)
17. 09/08/09 E-mail from J. Tsao, NRC to E. Michel, NRC, et al; Subject: RE: SSF ASW Leak PDO. (2 pages)
18. 09/15/09 E-mail from J. Tsao, NRC to E. Michel, NRC; Subject: RE: Phone Call with Oconee Resident Inspector. (1 page)
19. 09/16/09 E-mail from J. Tsao, NRC to E. Michel, NRC; Subject: RE: Phone Call with Oconee Resident Inspector. (1 page)
20. 08/21/09 E-mail from E, Riggs to J. Bartley, NRC; Subject: Unit 3 SSF ASW leak cause analysis in 2006. (2 pages)
21. 08/24/09 E-mail from E, Riggs to J. Stang, NRC; Subject: FW. (4 pages)
22. 08/25/09 E-mail from E. Michel, NRC to M. Franke, NRC; Subject: FW: OCO phone call. (6 pages)
23. 02/20/09 E-mail from C. O’Daniell, NRC to EDO Group Account, et al; Subject: RESEND: (Additional Item) EDO Daily Notes – Region 1 Input for 2/23/09. (2 pages)
24. Various Photographs of SSF ASW leak and piping replacement project taken between August 20, 2009 and October 9, 2009, by Oconee Resident Inspectors. (305 pages)
25. 02/25/09 E-mail from A. Rosebrook, NRC to N. McNamara, NRC, et al; Subject: FW: An Invitation from Don Mayer at Indian Point Energy Center. (2 pages).
26. 03/19/09 E-mail from B. Bickett, NRC to R. Barkley, NRC; Subject: Green Ticket – DRP Input and insights into messages/letter format. (2 pages)
27. 05/07/09 Communications Plan; Indian Point Unit 2 Condensate Storage Tank Leak (CST). (7 pages)
28. 05/08/09 Communications Plan; Indian Point Unit 2 Condensate Storage Tank Leak (CST). (7 pages)
29. Undated Congressional Staff Briefing: Monday July 13, 2009, 3:30 pm, Room 2108 Rayburn Bldg; Topic: Follow-up Questions regarding Chairman’s June 17, 2009 Response Regarding a IP2 Buried Pipe Leak. (7 pages)

30. Undated Buried Piping Inspection Program, IP2 CST Return Line Piping, pages 37-46, (ACRS – 09/10/09). (10 pages)
31. Undated Draft, regarding Review of Root Cause Analysis and Actions Addressing the Underground Pipe Damage to the Condensate Storage Tank Return Line. (4 pages)
32. 06/04/10 E-mail from J. Bartley, NRC to J. Munday, NRC, et al; Subject: RE: OCO Award. (1 page)

**APPENDIX C
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	08/20/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 08/20/2009. (2 pages) / Portions Outside of Scope
2.	08/21/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 08/21/2009. (2 pages) / Portions Outside of Scope
3.	08/24/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 08/24/2009. (2 pages) / Portions Outside of Scope
4.	08/25/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 08/25/2009. (2 pages) / Portions Outside of Scope
5.	08/26/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 08/26/2009. (2 pages) / Portions Outside of Scope
6.	08/27/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 08/27/2009. (2 pages) / Portions Outside of Scope
7.	09/03/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 09/03/2009. (5 pages) / Portions Outside of Scope
8.	09/04/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 09/04/2009. (2 pages) / Portions Outside of Scope
9.	09/08/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 09/08/2009. (3 pages) / Portions Outside of Scope
10.	09/09/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 09/09/2009. (2 pages) / Portions Outside of Scope
11.	09/10/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 09/10/2009. (4 pages) / Portions Outside of Scope
12.	09/14/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 09/14/2009. (3 pages) / Portions Outside of Scope
13.	09/15/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 09/15/2009. (2 pages) / Portions Outside of Scope
14.	09/16/09	Plant Issue Tracking Application; plant status daily - Oconee Information for 09/16/2009. (2 pages) / Portions Outside of Scope

15. 09/17/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 09/17/2009. (4 pages) / **Portions Outside of Scope**
16. 09/18/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 09/18/2009. (3 pages) / **Portions Outside of Scope**
17. 09/21/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 09/21/2009. (4 pages) / **Portions Outside of Scope**
18. 09/22/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 09/22/2009. (2 pages) / **Portions Outside of Scope**
19. 09/23/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 09/23/2009. (2 pages) / **Portions Outside of Scope**
20. 09/25/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 09/25/2009. (2 pages) / **Portions Outside of Scope**
21. 09/28/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 09/28/2009. (2 pages) / **Portions Outside of Scope**
22. 09/29/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 09/29/2009. (2 pages) / **Portions Outside of Scope**
23. 09/30/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 09/30/2009. (2 pages) / **Portions Outside of Scope**
24. 10/01/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 10/01/2009. (4 pages) / **Portions Outside of Scope**
25. 10/02/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 10/02/2009. (2 pages) / **Portions Outside of Scope**
26. 10/05/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 10/05/2009. (2 pages) / **Portions Outside of Scope**
27. 10/06/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 10/06/2009. (2 pages) / **Portions Outside of Scope**
28. 10/07/09 Plant Issue Tracking Application; plant status daily - Oconee Information for 10/07/2009. (2 pages) / **Portions Outside of Scope**
29. 08/21/09 E-mail from J. Tsao, NRC to E. Michel, NRC; Subject: Oconee –leakage on buried raw water pipe. (5 pages total, 1 page released) / **Portions Outside of Scope**
30. 08/24/09 E-mail from J. Tsao, NRC to E. Michel, NRC; Subject: RE: Oconee Raw Service Piping. (1 page) / **Portions Outside of Scope and EX 6**
31. 03/12/09 E-mail from N. McNamara, NRC to D. Tift, NRC; Subject: FW: Example: for IP NRC Conf Call. 1 page) / **EX 2 High and EX 6**

32. 02/17/09 E-mail from J. Thorp, NRC to A. Hull, NRC, et al; Subject: IOEB Clearinghouse Screening Summary Tuesday, February 17, 2009. (4 pages) / **Portions Outside of Scope**
33. 02/19/09 E-mail from E. Thomas, NRC to A. Hull, NRC, et al; Subject: IOEB Clearinghouse Screening Summary Tuesday, February 19, 2009. (3 pages) / **Portions Outside of Scope and EX 6**
34. 02/20/09 E-mail from J. Thorp, NRC to A. Hull, NRC, et al; Subject: IOEB Clearinghouse Screening Summary Tuesday, February 17, 2009. (3 pages) / **Portions Outside of Scope**
35. 02/23/09 E-mail from J. Thorp, NRC to A. Hull, NRC, et al; Subject: IOEB Clearinghouse Screening Summary Tuesday, February 17, 2009. (5 pages) / **Portions Outside of Scope**
36. 05/20/09 Visit Briefing Package –Kristine L. Svinicki, NRC Commissioner; Indian Point Energy Center Site Visit; Indian Point Nuclear Generating Unit Nos. 1, 2 & 3; Entergy Nuclear Northeast,, Entergy Nuclear Operations, Inc. (38 pages total, 3 pages released) / **Portions Outside of Scope**
37. Undated 2009 Mid-Cycle Plant Safety Performance Summary; Plant/Site Name: Indian Point Unit 2; Assessment Period: July 1, 2008 – June 30, 2009. (27 pages) / **Portions Outside of Scope**
38. Undated 2009 Mid-Cycle Plant Safety Performance Summary; Plant/Site Name: Indian Point Unit 2; Assessment Period: January 1, 2009 – December 31, 2009. (27 pages) / **Portions Outside of Scope**
39. Undated 2010 Mid-Cycle Plant Safety Performance Summary; Plant/Site Name: Indian Point Unit 2; Assessment Period: July 1, 2009 – June 30, 2010. (22 pages) / **Portions Outside of Scope**