

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

2001-0256

4

RESPONSE TYPE ☐ FINAL ☒ PARTIAL

REQUESTER

Thomas c. Poindexter, Esq.

DATE

NOV 14 2001

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 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, 2120 L Street, NW, Washington, DC.
- ☒ APPENDICES **G** 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. ☐ None. Minimum fee threshold not met.
- ☐ You will receive a refund for the amount listed. ☐ 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)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

NOV 14 2001

**RESPONSE TO FREEDOM OF INFORMATION
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PART II.A -- APPLICABLE EXEMPTIONS**APPENDICES****G**

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.
- ☐ 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 253(b), 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 2.790(d)(1).
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- ☒ 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
Hubert H. Miller	Regional Administrator, Region I	Appendix G	<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 G
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	03/03/99	Letter from J. Rogge to individual re Condition of Steam Generators at IP2. (4 pages) EX. 6
2.	04/06/00	E-mail from J. Harold to Leanne Harrison re 10 am steam generator call for 4/7 & 4/10 - 4/14. (1 page). EX. 2
3.	04/14/00	E-mail from J. Harold to Steam Generator Tech. Group. (1 page) EX. 2
4.	05/19/00	E-mail from C. Dodd to Lew re Judas Tube Program. (2 pages) EX. 6
5.	05/30/00	E-mail from C. Dodd to W. Schmidt re probe write-up. (10 pages) EX. 6
6.	06/29/00	E-mail from Ian Barnes to W. Schmidt, re RAI Review, with attachments. (6 pages) EX. 6
7.	06/30/00	E-mail from I. Barnes to W. Schmidt re guidelines. (2 pages) EX. 6
8.	07/11/00	E-mail from C. Dodd to W. Schmidt re Monkey tube, with attachments. (10 pages) EX. 6
9.	07/11/00	E-mail frm C. Dodd to W. Schmidt re Three 1997 C-scans, w/enclosures. (11 pages) EX. 6
10.	07/11/00	E-mail from W. Schmidt to C. Dodd re question. (1 page) EX. 6
11.	07/11/00	E-mail from C. Dodd to W. Schmidt re question. (1 page) EX. 6
12.	07/11/00	E-mail from C. Dodd to W. Schmidt re question. (1 page) EX. 6
13.	07/11/00	E-mail from C. Dodd to W. Schmidt re sludge pile and U-bends. (1page) EX. 6

14. 07/11/00 E-mail from w. Schmidt to C. Dodd re sludge pile and U-bends. (1 page) **EX. 6**
15. 07/11/00 E-mail from W. Schmidt to C. Dodd, subject: Sludge pile and U-bends. (1 page) **EX. 6**
16. 07/11/00 E-mail from W. Schmidt to C. Dodd, subject: Call with Con Ed, with enclosure. (3 pages) **EX. 6**
17. 07/12/00 E-mail from I. Barnes to W. Schmidt, subject: Call with Con Ed. (8 pages) **EX. 6**
18. 07/12/00 E-mail from C. Dodd to W. Schmidt, subject: Tube R2C5. (1 page) **EX. 6**
19. 7/13/00 E-mail from I. Barnes to W. Schmidt, subject: EPRI PWR Examination Guidelines, Revision 4. (1 page) **EX. 6**
20. 7/17/00 E-mail from C. Dodd to W. Schmidt, subject: IP2 tubes with signals in 1997. (2 pages) **EX. 6**
21. 7/17/00 E-mail from C. Dodd to W. Schmidt, subject: IP 2 tubes with signals in 1997. (1 page) **EX. 6**
22. 7/17/00 E-mail from W. Schmidt to D. Lew re IP 2 tubes with signals in 1997. (1 page) **EX. 5 and EX. 6**
23. 7/17/00 E-mail from I. Barnes to W. Schmidt re IP 2 tubes with signals in 1997. (1 page) **EX. 6**
24. 7/18/00 E-mail from G. Cranston to W. Schmidt, subject IP2 Enforcement Panel Worksheet, with attached worksheet. (15 pages total, 1 page released) **EX. 5**
25. 07/18/00 E-mail from H. Miller to D. Lew, subject: Expectations, with attachment. (3 pages) **EX. 5**
26. 7/18/00 E-mail from I. Barnes to W. Schmidt, subject: 1997 ECT Program Review Writeup. (4 pages) **EX. 6**
27. 7/19/00 E-mail from D. Lew to various, subject: Exit meeting w/Con Edison to discuss prelim findings. (1 page) **EX. 6**
28. 7/19/00 E-mail from C. Dodd to D. Lew, subject: Exit Meeting w/Con Edison to discuss prelim findings. (1 page) **EX. 6**

29. 7/19/00 E-mail from I. Barnes to W. Schmidt, subject: 1997ECT Program Review Writeup. (1page) **EX. 6**
30. 07/19/00 E-mail from W. Schmidt to various addressees, subject: Outline/Format for IR. (4 pages) **EX. 6**
31. 07/19/00 E-mail from C. Dodd to I. Barnes, subject: Ian's Report. (1 page) **EX. 6**
32. 07/19/00 E-mail from W. Schmidt to I Barnes, subject: 1997 ECT Program Review Writeup. (1 page) **EX. 6**
33. 07/19/00 E-mail from C. Dodd to W. Schmidt, re IP 2. (1 page) **EX. 6**
34. 07/19/00 E-mail from A. R. Blough to B. Platchek, w/ attachment. (2 pages) **EX. 6**
35. 07/20/00 E-mail from C. Dodd to addressees re Exit Meeting. (1 page) **EX. 6**
36. 07/21/00 E-mail from W. Schmidt to C. Dodd re Exit Meeting. (1 page) **EX. 6**
37. 07/21/00 E-mail from C. Dodd to W. Schmidt re Rebuttal of talking points. (1 page) **EX. 6**
38. 07/21/00 E-mail from W. Schmidt to R. Urban, subject: Talking Points from IP2/NRC/Westinghouse 7/20/00 11:00 am Meeting. (8 pages) **EX. 6**
39. 07/24/00 E-mail from C. Dobb to I. Barnes re 100% TW Notch. (1 page) **EX. 6**
40. 07/24/00 E-mail from C. Dodd to various addressees re question. (2 pages) **EX. 6**
41. 07/24/00 E-mail from W. Schmidt to various addressees re question. (2 pages) **EX. 6**
42. 07/24/00 E-mail from C. Dodd to addressees re Rebuttal. (3 pages) **EX. 6**
43. 07/24/00 E-mail form w. Schmidt to addressees re question. (1 page) **EX. 6**

44. 07/24/00 E-mail from I. Barnes to W. Schmidt re Status. (1 page) **EX. 6**
45. 07/24/00 E-mail from I Barnes to C. Dodd re 100% TW Notch. (1 page) **EX. 6**
46. 07/24/00 E-mail from G. Matakas to addressees, subject: SDP Panel for IP2 Steam Generator Tube Failure - Update, with attached SDP/Enforcement Panel Worksheet. (27 pages total, 1 page released) **EX. 5**
47. 07/25/00 E-mail from C. Dodd to I. Barnes re Phase shifts. (1 page) **EX. 6**
48. 07/25/00 E-mail from I. Barnes to W. Schmidt, subject: IP-2 Inspection - Eddy Current Program Writeup. (5 pages) **EX. 6**
49. 07/26/00 E-mail from C. Dodd to I Barnes re IP2Sg12.wpg. (1 page) **EX. 6**
50. 07/26/00 E-mail from D. Dodd to I. Barnes re IP2sg12.wpg. (1 page) **EX. 6**
51. 07/26/00 E-mail from I. Barnes to C. Dodd, re: IP2sg12.wpg. (1 page) **EX. 6**
52. 07/27/00 E-mail from W. Schmidt to I. Barnes re IP 2 July 20, 2000, Handout. (1 page) **EX. 6**
53. 07/27/00 E-mail from I. Barnes to W. Schmidt re IP 2 July 20, 2000, Meeting Handout. (4 pages) **EX. 6**
54. 07/27/00 E-mail from D. Lew to addressees subject: Monday and Tuesday Festivities. (1 page) **EX. 6**
55. 07/28/00 E-mail from I. Barnes to W. Schmidt re Quick Letter. (1 page) **EX. 6**
56. 07/30/00 E-mail from I. Barnes to W. Schmidt, subject: IP 2 Report. (5 pages) **EX. 6**
57. 07/31/00 E-mail from B. Holian to D. Lew re: IP 2 Draft NOV for Enf. Panel - Tuesday, August 1. (2 pages) **EX. 5**
58. 08/11/00 E-mail from W. Schmidt to C. Dodd re Corrections. (1 page)

EX. 6

- 59. 08/11/00 E-mail from W. Schmidt to Ian Barnes re IP 2 Report, Rev. 2. (1 page) **EX. 6**
- 60. 08/15/00 E-mail from W. Schmidt to C. Dodd re Pictures. (1 page) **EX. 6**
- 61. 08/15/00 E-mail from W. Schmidt to C. Dodd re 2/67. (1 page) **EX. 6**
- 62. 08/15/00 E-mail from C. Dodd to W. Schmidt re sg24r2c5. (2 pages) **EX. 6**
- 63. 08/15/00 E-mail from W. Schmidt to C. Dodd re sg24r2c5. (1 page) **EX. 6**
- 64. 08/16/00 E-mail from I. Barnes to W. Schmidt re IP 2 Report. (1 page) **EX. 6**
- 65. 08/16/00 E-mail from W. Schmidt to C. Dodd and S. Coffin re Sample size. (1 page) **EX. 6**
- 66. 08/17/00 E-mail from C. Dodd to W. Schmidt and S. Coffin, re Sample size. (1 page) **EX. 6**
- 67. 08/18/00 E-mail from I. Barnes to W. Schmidt and D. Lew, subject: Indian Point 2 Inspection Report. (1 page) **EX. 6**
- 68. 08/31/00 E-mail from I. Barnes to W. Schmidt, subject: Ip 2 Report. (1 pg) **EX. 6**
- 69. 11/3/00 E-mail from D. Vito to G. Cwalina re Proposed Allegation. (1 page) **EX. 5**
- 70. 11/3/00 E-mail from D. Vito to addressees re IP-2 Potential 50.9 issue. (1 page) **EX. 5**
- 71. 11/07/00 E-mail from S. Barber to D. Vito re IP2 SG. (1 page) **EX. 5**
- 72. 11/07/00 E-mail from D. Vito to G. Cwalina re Ip-2 SG. (1 page) **EX. 5**
- 73. 11/14/00 Allegation Receipt Report. (3 pgs total, 1 page released) **EX. 5**
- 74. 11/14/00 E-mail from D. Vito to V. Ordaz re IP 2 allegation. (1 page) **EX. 5**

75. 11/15/00 Allegation Review Board disposition Record. (2 pages) **EX. 5**
76. 11/20/00 E-mail from D. Vito to addressees, subject: NRC Review of alleged 1997 SSW for U-bend Indication(SG24 R2C67) (1 page) **EX. 5**
77. 12/14/00 E-mail from S. Barber to B. Holian re Ip 2 issue. (1 page) **EX. 5**
78. 12/19/00 Fax from G. Cwalina to D. Vito, enclosing: a. Additional Information Regarding 1997 sg Conference Call with IP-2, (2 pages - withheld); b) e-mail from M. Young to J. Moore re: Oral statements, (1 page - released in part); and c) pgs 37&38 of NUREG-1600, (2 pages, released). (6 pages total, 4 pages released) **EX. 5**
79. 01/09/01 E-mail from G. Cwalina to S. Johnson, including e-mail from S. Johnson to G. Cwalina re IP-2 SG Issue. (1 page) **EX. 2**
80. 1/10/01 Allegation Review Board Disposition Record. (3 pages total, 2 pages released) **EX. 5**
81. 01/11/01 E-mail from J. Goldberg to addressees, subject: ARB Sheet for Ip2 Issue. (2 pages) **EX. 5**
82. 01/12/01 E-mail from G. Cwalina to J. Harold. (1 page) **EX. 5**
83. 01/18/01 Affidavit of Richard S. Maurer. (12 pages) **EX. 6**
84. 01/18/01 Affidavit of Stephen D. Brown. (23 pages) **EX. 6**
85. 01/18/01 Affidavit of Jon J. Funanich. (9 pages) **EX. 6**
86. 01/18/01 Affidavit of Gregory M. Turley. (35 pages) **EX. 6**
87. 02/01/01 E-mail from E. Sullivan to D. Lew re Ian's piece. (1 page) **EX. 6**
88. 02/01/01 E-mail from I. Barnes to D. Lew re Reponse to NRC Special Inspection Report 50-247/2000010. (1 page) **EX. 6**
89. 02/02/01 E-mail from G. Cranston to D. Lew view on IP2SG. (4 pages total, 1 page released) **EX. 5 & EX. 6**

- 90. 02/22/01 E-mail from D. Vito to addressees re: Re-ARB of IP-2 1997 S/G Inspection Issue. (1 page) **EX. 5**
- 91. 02/26/01 E-mail from D. Vito to G. Cwalina re: IP-2 S/G ARB. (1 page) **EX. 2**
- 92. 02/27/01 Allegation Rview Board Disposition. (3 pages) **EX. 5**
- 93. 02/28/01 E-mail from J. Fewel to D. Vito, attaching Allegation Review Board Disposition Record. (3 pages) **EX. 5**
- 94. 03/01/01 E-MAIL from J. Goldberg to J. Fewell, re IP-2 SGT 1997 Issue. (1 page) **EX. 5**
- 95. 03/12/01 E-mail from J. Goldberg to J. Fewell re IP2 SGTR Panel Record. (1 page) **EX. 5**