

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST

2017-0289

1

RESPONSE  
TYPE☐

INTERIM

☒

FINAL

## REQUESTER:

Julian Tarver

## DATE:

FEB 13 2017

## DESCRIPTION OF REQUESTED RECORDS:

Copies of the 20 oldest open or pending FOIA requests being processed or held in coordination with other agencies

## PART I. -- INFORMATION RELEASED

- ☐ Agency records subject to the request are already available in public ADAMS or on microfiche in the NRC Public Document Room.
- ☒ 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

- ☐ We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- ☒ We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- ☐ Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- ☒ You may appeal this final determination within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

## PART I.C COMMENTS ( Use attached Comments continuation page if required)

In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that: (1) you have the right to seek assistance from the NRC's FOIA Public Liaison; (2) you have the right to seek dispute resolution services from the NRC's FOIA Public Liaison or the Office of Government Information Services; and (3) notwithstanding the language in Parts I.B and II.B of this form, you may appeal this final determination within 90 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Stephanie Blaney

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST**

2017-0289

DATE:

FEB 13 2017

**PART II.A -- APPLICABLE EXEMPTIONS**

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- ☐ Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by the 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. 4702(b), which prohibits the disclosure of contractor proposals, 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 confidential commercial or financial information that is being withheld for the reason(s) indicated.
- ☐ 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 is considered to be another type or confidential business (proprietary) information.
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☐ Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
- ☐ Deliberative process privilege.
- ☐ Attorney work product privilege.
- ☐ Attorney-client privilege.
- ☒ Exemption 6: The withheld information from a personnel, medical, or similar file, 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 open enforcement proceeding.
- ☐ (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names 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

**PART II.B -- DENYING OFFICIALS**

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			EDO	SECY
Stephanie Blaney	FOIA Officer/OCIO/GIMS/FPIB		<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

Appeals must be made in writing within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

**FOIA REQUEST**Case No: 2014-0412Date Rec'd: 3/26/16**FOIA Resource**

**From:** David Lochbaum <dlochbaum@ucsusa.org>  
**Sent:** Friday, March 25, 2016 2:37 PM  
**To:** FOIA Resource  
**Subject:** WWW Form Submission

Specialist: \_\_\_\_\_

Related Case: \_\_\_\_\_

Below is the result of your feedback form. It was submitted by

David Lochbaum (dlochbaum@ucsusa.org) on Friday, March 25, 2016 at 14:36:59

through the IP 63.141.200.6

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

---

Company/Affiliation: Union of Concerned Scientists

Address1: PO Box 15316

Address2:

City: Chattanooga

State: TN

Zip: 37415

Country: United\_States

Country-Other:

Phone: 423-468-9272

Desc: SECY-86-384, believed to be coded non-public in ADAMS under Accession No. ML12248A651, either on CD or as a digital file made publicly available in ADAMS.

FeeCategory: Educational

MediaType:

MediaType\_Other\_Description:

Expedite\_ImminentThreatText:

Expedite\_UrgencyToInformText:

Waiver\_Purpose: I seek a fee waiver as a representative of an educational or noncommercial scientific institution. My understanding is that classification gives me a fee waiver for searches and my request for CD or

a digital copy eliminates any fees for copying expenses. If my understanding is incorrect, I'll provide answers to these eight questions.

Waiver\_ExtentToExtractAnalyze:

Waiver\_SpecificActivityQuals:

Waiver\_ImpactPublicUnderstanding:

Waiver\_NatureOfPublic:

Waiver\_MeansOfDissemination:

Waiver\_FreeToPublicOrFee:

Waiver\_PrivateCommericalInterest:

---

CASE NO: 2016-0468  
DATE REC'D: 05/11/16  
SPECIALIST:  
RELATED CASE:

Date : May 11, 2016 13:14 GMT  
To : 13014155130  
From : fax@requests.muckrock.com  
Subject: MR#25638-248479 - Freedom of Information Request: NUMEC/Apollo

May 11, 2016  
Nuclear Regulatory Commission  
U.S. Nuclear Regulatory Commission  
FOIA/Privacy Officer  
Mailstop: T-5 F09  
Washington, DC 20555-0001

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

Files relating to or mentioning the the Apollo Affair, a 1965 incident in which a US company, Nuclear Materials and Equipment Corporation (NUMEC), in the Pittsburgh suburbs of Apollo and Parks Township, Pennsylvania was investigated for losing 200-600 pounds (91-272 kg) of highly enriched uranium, with suspicions that it had gone to Israel's nuclear weapons program.

In February 1976 the CIA briefed senior staff at the Nuclear Regulatory Commission (NRC) about the matter, stating that the CIA believed the missing highly enriched uranium went to Israel. The NRC informed the White House, leading to President-elect Carter being briefed about the investigation. Carter asked for an assessment by his National Security Adviser, whose staff concluded "The CIA case is persuasive, though not conclusive."

I am a member of the news media and request classification as such. The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Michael Best

-----  
Filed via MuckRock.com  
E-mail (Preferred): 25638-04608558@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock  
DEPT MR 25638  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name

rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

-----

CASE NO: 2016-0474  
DATE REC'D: 05/23/16  
SPECIALIST:  
RELATED CASE:

**From:** David Lochbaum  
**To:** FOIA Resource  
**Subject:** WWW Form Submission  
**Date:** Friday, May 20, 2016 4:15:57 PM

---

Below is the result of your feedback form. It was submitted by

David Lochbaum (dlochbaum@ucsusa.org) on Friday, May 20, 2016 at 16:19:11

through the IP 63.141.200.6

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

-----  
Company/Affiliation: Union of Concerned Scientists

Address1: PO Box 15316

Address2:

City: Chattanooga

State: TN

Zip: 37415

Country: United\_States

Country-Other:

Phone: 423-468-9272

Desc: All records not already publicly available in ADAMS related to the petition for rulemaking submitted by Mark Edward Leyse and designated as PRM-50-108 and NRC-2014-0171 by the staff.

FeeCategory: Educational

MediaType:

MediaType\_Other\_Description:

Expedite\_ImminentThreatText:

Expedite\_UrgencyToInformText:

Waiver\_Purpose:

Waiver\_ExtentToExtractAnalyze:

Waiver\_SpecificActivityQuals:

Waiver\_ImpactPublicUnderstanding:

Waiver\_NatureOfPublic:

Waiver\_MeansOfDissemination:

Waiver\_FreeToPublicOrFee:

Waiver\_PrivateCommericalInterest:

---



**From:** David Lochbaum  
**To:** FOIA Resource  
**Subject:** WWW Form Submission  
**Date:** Monday, June 20, 2016 9:28:18 AM

CASE NO: 2016-0537  
DATE REC'D: 6/20/16  
SPECIALIST:  
RELATED CASE: 2016-0418/2016-0111A

Below is the result of your feedback form. It was submitted by

David Lochbaum (dlochbaum@ucsusa.org) on Monday, June 20, 2016 at 09:32:40

through the IP 63.141.200.6

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

-----  
Company/Affiliation: Union of Concerned Scientists

Address1: PO Box 15316

Address2:

City: Chattanooga

State: TN

Zip: 37415

Country: United States

Country-Other:

Phone: 423-468-9272

Desc: BY FOIA/PA-2016-0418, I requested a bibliographical listing of all non-public records added to ADAMS between January 1, 2016, and March 31, 2016, inclusive. By Response 1 dated June 16, 2016, the NRC denied my request for this listing, pointing out that the FOIA law does not require it to produce records that did not exist at the time of the request. Okay, so I submit this request under FOIA for ALL non-public records added to ADAMS between January 1, 2016, and March 31, 2016, inclusive. I do not want the NRC to generate a listing that currently does not exist. Instead, I request all the EXISTING non-public records added to ADAMS during the first quarter of 2016. I request that the records be provided in digital version (preferably placed in public ADAMS or alternatively burned onto CDs and mailed to me). If any non-public record contains OUCO, personal privacy information, or any other information that can be withheld, I request that this information be redacted from the record and that I be provided with a redacted version of the record. If a record must be withheld in its entirety, I request something like a Vaughn index be provided (in digital form) for records withheld in their entirety.

FeeCategory: Educational

MediaType:

MediaType\_Other\_Description:

Expedite ImminentThreatText:

Expedite\_UrgencyToInformText:

Waiver\_Purpose:

Waiver\_ExtentToExtractAnalyze:

Waiver\_SpecificActivityQuals:

Waiver\_ImpactPublicUnderstanding:

Waiver\_NatureOfPublic:

Waiver\_MeansOfDissemination:

Waiver\_FreeToPublicOrFee:

Waiver\_PrivateCommericalInterest:

---

CASE NO: 2016-0539  
DATE REC'D: 6/21/16  
SPECIALIST:  
RELATED CASE:

**From:** Teri Sforza  
**To:** FOIA Resource  
**Subject:** WWW Form Submission  
**Date:** Monday, June 20, 2016 5:33:40 PM

---

Below is the result of your feedback form. It was submitted by  
Teri Sforza (tsforza@ocregister.com) on Monday, June 20, 2016 at 17:38:03  
through the IP 209.170.118.116  
using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>  
and resulted in this email to foia.resource@nrc.gov

---

Company/Affiliation: The Orange County Register

Address1: co/4592 Leon St

Address2:

City: San Diego

State: CA

Zip: 92107

Country: United\_States

Country-Other:

Phone: 714.350.5365

Desc: Greetings. I'm Teri Sforza, a reporter for The Orange County Register in California.

I'm looking for documents related to the National Academies' aborted probe into cancer prevalence around nuclear power plants, which was requested by the NRC.

This would include, but is not limited to:

- documents such as email, meeting notes and other correspondence between NAS and NRC regarding the project,
- internal email and memos relating to the project,
- outside comment received by the NRC about the new probe in the form of letters, emails, etc.
- contracts between NRC and NAS related to the study
- study design reports

and other documentation illuminating the probe and the decision to not pursue it. We would like these records in electronic format. Thank you.

FeeCategory: NewsMedia

MediaType: The Orange County Register

MediaType Newspaper: on

MediaType\_Other\_Description:

Expedite ImminentThreatText:

Expedite\_UrgencyToInformText:

Waiver\_Purpose: We are trying to illuminate the NRC's decision to discontinue the study to answer questions that have been raised by members of the public.

Waiver\_ExtentToExtractAnalyze: We plan to write as many stories out of the data as will be necessary to explain what happened to our readers. It is in the public interest for people to understand how and why decisions are made by federal officials.

Waiver\_SpecificActivityQuals: We are a newspaper. Please see above.

Waiver\_ImpactPublicUnderstanding: Critics of the NRC's decision to halt the incidence of cancer probe make dark charges about the agency's motivation. We hope to be able to shine a light onto how and why that decision was made.

Waiver\_NatureOfPublic: The Orange County Register and its sister papers in the Southern California News Group reach millions of people in one of the most densely populated areas of the nation.

Waiver\_MeansOfDissemination: Our stories, and likely many of the documents received, will be made available to the public both in print and online.

Waiver\_FreeToPublicOrFee: We will post data on our web sites which can be accessed by all. Non-subscribers can read stories free so long as they don't exceed the threshold.

Waiver\_PrivateCommericalInterest: -

---

CASE NO: 2016-0557  
DATE REC'D: 07/01/16  
SPECIALIST:  
RELATED CASE:

**From:** David Lochbaum  
**To:** FOIA Resource  
**Subject:** WWW Form Submission  
**Date:** Thursday, June 30, 2016 2:50:44 PM

---

Below is the result of your feedback form. It was submitted by

David Lochbaum (dlochbaum@ucsusa.org) on Thursday, June 30, 2016 at 14:55:29

through the IP 63.141.200.6

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

-----  
Company/Affiliation: Union of Concerned Scientists

Address1: PO Box 15316

Address2:

City: Chattanooga

State: TN

Zip: 37415

Country: United\_States

Country-Other:

Phone: 423-468-9272

Desc: All records classified "non-public" placed in ADAMS on April 13, 2016. I request these records in digital format (i.e., PDFs placed in public ADAMS and/or copied onto CD(s) and mailed to me.)

FeeCategory: Educational

MediaType:

MediaType\_Other\_Description:

Expedite ImminentThreatText:

Expedite\_UrgencyToInformText:

Waiver\_Purpose:

Waiver\_ExtentToExtractAnalyze:

Waiver\_SpecificActivityQuals:

Waiver\_ImpactPublicUnderstanding:

Waiver\_NatureOfPublic:

Waiver\_MeansOfDissemination:

Waiver\_FreeToPublicOrFee:

Waiver\_PrivateCommericalInterest:

---



CASE NO: 2016-0558  
DATE REC'D: 07/01/16  
SPECIALIST:  
RELATED CASE:

**Beyond Nuclear**  
1630 Carroll Avenue Suite 400  
Takoma Park, MD 20912  
Tel. 301.270.2209  
[paul@beyondnuclear.org](mailto:paul@beyondnuclear.org)  
[www.BeyondNuclear.org](http://www.BeyondNuclear.org)

June 30, 2016

Chief  
Division of Freedom of Information and Publication Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
BY EMAIL: [foia@nrc.gov](mailto:foia@nrc.gov)

**FOIA Request pertaining to communications and analyses of the Exelon's Oyster Creek atomic power station "Request for Extension to Comply with NRC Order EA-2013-109 Modifying Licenses with Regard to Reliable Hardened Containment Vent Capable of Operation Under Severe Accident Conditions" (June 2, 2014) and the NRC decision regarding "Relaxation of the Schedule Requirement for Order" (November 16, 2015)**

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA); 5 U.S.C. 552(b), et seq., Beyond Nuclear hereby requests information for the subject matter described as follows. This request covers but is not limited to all draft and final reports, correspondence, memoranda, notes, records of telephone contacts, electronic communications including fax transmissions and Email, or other written records, whether in paper or computer files, preserved via the use of any medium (e.g., paper documents, final notes, or word processors or computer discs, diskettes, hard drives, or network systems.) In addition, this request includes studies, analyses, work papers, internal or external communications of any sort, testimony, press releases, reports, diagrams and drawings, memoranda of the like and photographs in print or digitally format concerning, recording or in any way related to:

- 1) All communications to and from U.S. Nuclear Regulatory Commission (NRC) Office of Nuclear Reactor Regulation (NRR) and the Japan Lessons Directorate (JLD) dated between June 2, 2014 to June 21, 2016 regarding Exelon Generation's June 2, 2014 "Request for Extension to Comply with NRC Order

EA-2013-109 Order Modifying Licenses with Regard to Reliable Hardened Containment Vent Capable of Operation Under Severe Accident Conditions" and the NRC decision regarding "Relaxation of the Schedule Requirement for Order EA-13-109" dated November 16, 2015 for the Oyster Creek nuclear generating station;

- 2) All communications to and from Brett Titus NRC/NRR between June 2, 2014 to date regarding Exelon Generation's June 2, 2014 "Request for Extension to Comply with NRC Order EA-2013-109 Order Modifying Licenses with Regard to Reliable Hardened Containment Vent Capable of Operation Under Severe Accident Conditions" and the NRC decision regarding "Relaxation of the Schedule Requirement for Order EA-13-109" dated November 16, 2015 for the Oyster Creek nuclear generating station.

Pursuant to this request, please provide all documents and communications prepared or utilized by, in the possession of, or routed through the NRC related to items 1-2.

For any portion of the request that you deem appropriate to deny, Beyond Nuclear requests that you describe the information that is denied, identify the exception to the FOIA on which you rely, and explain how that exception applies to the withheld information.

Pursuant to federal regulations at 10 CFR 9.41, Beyond Nuclear requests that any searching and copying fees incurred as a result of this search be waived, and provides the following information in response to the eight criteria listed in Section 9.41(b):

**1) Purpose of request:**

The purpose of the request is to gather information on the NRC oversight and enforcement of regulation regarding the operation of nuclear power generating stations and public safety. The requested information is currently not publicly available through the agency's public document room.

**2) Extent to which Beyond Nuclear will extract and analyze the substantive content of the records:**

Beyond Nuclear is qualified to make use of the requested information. Its staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Beyond Nuclear is quoted in national and international media and has been cited as a reliable source of information on NRC oversight and enforcement of regulation regarding the operation of nuclear power generating stations and public safety in electronic and print media including the New York Times. Beyond Nuclear is recognized and utilized as a reliable source of information in the broadcast media of television and radio.



Beyond Nuclear has a working relationship with physicists, structural and nuclear engineers, federal policy analysts and other respected professionals who contribute to the full understanding of NRC oversight and enforcement of regulation regarding the operation of nuclear power generating stations and public safety.

**3) Nature of the specific activity or research in which the records will be used and Beyond Nuclear qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding:**

Beyond Nuclear seeks the requested information solely to contribute to and help shape the public policy debate on NRC oversight and enforcement of public safety requirements at nuclear power stations. Beyond Nuclear intends to use the information in order to advance the concerns for public understanding of NRC oversight and enforcement of regulation regarding the operation of nuclear power generating stations and public safety.

**4) Likely impact on the public understanding of the subject as compared to the level of understanding of the subject prior to disclosure:**

The public understanding of the issues regarding NRC oversight and enforcement of requirements for the protection of public safety will be enhanced by the contribution of this information.

**5) Size and nature of the public to whose understanding a contribution will be made:**

Beyond Nuclear has a membership of 15,000 who periodically receive communications from Beyond Nuclear. Beyond Nuclear provides resource material to electronic and print media outlets with very broad outreach to a constituency and the interested public. Additionally, Beyond Nuclear maintains a web site at [www.BeyondNuclear.org](http://www.BeyondNuclear.org) where postings on this issue will be made available.

**6) Means of distribution of the requested information:**

Beyond Nuclear will use its publications and media contacts in both electronic and print media outlets to provide very broad outreach to the public on this issue. Beyond Nuclear will also share information with other interested parties concerned about NRC oversight and enforcement of public safety requirements. Additionally, Beyond Nuclear will post information on its web site.

**7) Whether free access to information will be provided:**

Beyond Nuclear will provide the information without charge to all members of the public. Information from the FOIA requested will be prepared for printed material and electronically posted on the web site for downloading free of charge. Beyond Nuclear will provide a copy of information to all interested public without charge.

**8) No commercial interest by Beyond Nuclear or any other party:**

Beyond Nuclear has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of Beyond Nuclear is to promote an open policy debate on the NRC oversight and enforcement of requirements for the protection of public safety.

Sincerely,

---/s/----

Paul Gunter, Director  
Reactor Oversight Project  
Beyond Nuclear

Dear FOIA Office  
NRC

6/18/2016

CASE NO: 2016-0566  
DATE REC'D: 07/06/16  
SPECIALIST:  
RELATED CASE:

Pursuant to FOIA 5 USC 552, I am writing  
for.

- \* SRM-SECY 09-0087
- \* SECY 09-0087

please waive all fees for paper format.  
I do not agree to fee payment.

I look forward to a prompt 20 day  
reply not counting holidays & weekends

Thanks Always

Julian Tarver DDC 085530

SCCC

191 Constantine Way  
Alberdeen WA 98520

cc: [unclear] file

**From:** (b)(6)  
**To:** FOIA Resource  
**Subject:** WWW Form Submission  
**Date:** Sunday, July 10, 2016 11:58:56 PM

CASE NO: 2016-0581  
DATE REC'D: 07/11/16  
SPECIALIST:  
RELATED CASE:

Below is the result of your feedback form. It was submitted by

(b)(6) on Monday, July 11, 2016 at 00:04:07

through the IP 63.141.200.21

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to [foia.resource@nrc.gov](mailto:foia.resource@nrc.gov)

-----  
Company/Affiliation:

(b)(6)

Desc: I am interested in all documents, memos, studies and other information relating to the design, deployment, operation, and recent removal to the Nevada National Security Site (NNSS) of the Radioisotope Thermoelectric Generators deployed at the seismic array at Burnt Mountain, Alaska by the Air Force Technical Applications Center (AFTAC), including any reports and memos regarding the tundra fire near the site in 1992 that raised concerns about their safety and the proposal in 2005 by Patty Wagner, the Sandia Site Office Manager in 2005 about their removal.

More information about them and their removal at  
([http://www.sandia.gov/news/publications/labnews/articles/2015/16-10/rig\\_removal.html](http://www.sandia.gov/news/publications/labnews/articles/2015/16-10/rig_removal.html)) (Date Range for Record Search: From 01/01/1971 To 07/10/2016)

FeeCategory: NewsMedia

MediaType: Freelance

MediaType\_Other: on

MediaType\_Other\_Description: Online

Expedite\_ImminentThreatText:

**Expedite\_UrgencyToInform:** on

**Expedite\_UrgencyToInformText:** I am a freelance journalist who intends to publish the information I receive in an article aimed at the general public.

**Waiver\_Purpose:** I intend to write an article for public consumption about the safety of RTGs over the years.

**Waiver\_ExtentToExtractAnalyze:** I will analyze how these RTGs in a remote site in Alaska were kept safe by analyzing the information about their design, deployment, operation and decommissioning.

**Waiver\_SpecificActivityQuals:** I am a freelance science writer with years of experience writing about the physical sciences, technology and the relationship of federal agencies with technology policy.

**Waiver\_ImpactPublicUnderstanding:** The public has little knowledge of Burnt Mountain, or RTGs in general and would greatly benefit from knowing how these assets were kept safe and secure in remote regions like Alaska.

**Waiver\_NatureOfPublic:** I intend to write an article for consumption by the general public who could be negatively affected by a damaged or stolen RTG.

**Waiver\_MeansOfDissemination:** I intend to write an article for a general, online, open news source accessible to the general public.

**Waiver\_FreeToPublicOrFee:** I intend to write an article for a publication that freely distributes to the public without access or publication fees.

**Waiver\_PrivateCommericalInterest:** I have no commercial or private interests in this information other than informing the public.

---

CASE NO: 2016-0607  
DATE REC'D: 07/21/2016  
SPECIALIST:  
RELATED CASE:

From: David Lochbaum  
To: FOIA Resource  
Subject: WWW Form Submission  
Date: Thursday, July 21, 2016 9:22:02 AM

---

Below is the result of your feedback form. It was submitted by

David Lochbaum (dlochbaum@ucsusa.org) on Thursday, July 21, 2016 at 09:21:33

through the IP 63.141.200.21

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

---

Company/Affiliation: Union of Concerned Scientists

Address1: PO Box 15316

Address2:

City: Chattanooga

State: TN

Zip: 37415

Country: United\_States

Country-Other:

Phone: 423-468-9272

Desc: Four emails from NRC staffer Lawrence Criscione each dated May 19, 2016, with the following subjects: (1) Failure to Study Dam Security, (2) Need-to-Know Regarding Nuclear Safety Issues Associated with Flooding, (3) MOU Between USACE and ACRS, and (4) Keeping Inundation Levels from the Public. I request this records in digital form. If these records are placed into public ADAMS, sending me copies via CD are not necessary.

FeeCategory: Educational

MediaType:

MediaType\_Other\_Description:

Expedite\_ImminentThreatText:

Expedite\_UrgencyToInformText:

Waiver\_Purpose:

Waiver\_ExtentToExtractAnalyze:

Waiver\_SpecificActivityQuals:

Waiver\_ImpactPublicUnderstanding:

Waiver\_NatureOfPublic:

Waiver\_MeansOfDissemination:

Waiver\_FreeToPublicOrFee:

Waiver\_PrivateCommericalInterest:

---

**From:** Sue Newall  
**To:** FOIA Resource  
**Subject:** WWW Form Submission  
**Date:** Monday, July 25, 2016 11:43:11 AM

CASE NO: 2016-0622  
DATE REC'D: 07/25/2016  
SPECIALIST:  
RELATED CASE:

Below is the result of your feedback form. It was submitted by

Sue Newall (snewall@800goldlaw.com) on Monday, July 25, 2016 at 11:42:53

through the IP 209.170.118.134

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

-----  
Company/Affiliation: Law Offices of Craig Goldenfarb

Address1: 1800 S. Australian Ave., Suite 400

Address2:

City: West Palm Beach

State: FL

Zip: 33409

Country: United States

Country-Other: United States

Phone: 561-697-4440

Desc: We are requesting:

1. All records pertaining to any investigation by the NRC of an incident that occurred at the St. Lucie Nuclear Power Plant in Jensen Beach, FL on 8/15/2012 in which Mark Robertson, an electrical worker, was injured.
2. Copies of reports from all investigations of the St. Lucie Nuclear Power Plant by the NRC from 2000 to the present.

FeeCategory: Private\_Corporation

MediaType:

MediaType\_Other\_Description:

Expedite\_ImminentThreatText:

Expedite\_UrgencyToInformText:

Waiver\_Purpose:

Waiver\_ExtentToExtractAnalyze:



**Waiver\_SpecificActivityQuals:**

**Waiver\_ImpactPublicUnderstanding:**

**Waiver\_NatureOfPublic:**

**Waiver\_MeansOfDissemination:**

**Waiver\_FreeToPublicOrFee:**

**Waiver\_PrivateCommericalInterest:**

---

**SUSAN H. SHAPIRO**  
ATTORNEY AT LAW

CASE NO: 2016-0656  
DATE REC'D: 08/09/2016  
SPECIALIST:  
RELATED CASE:

75 NORTH MIDDLETOWN ROAD  
NANUET, NEW YORK 10954

TEL (845) 371-2100  
FAX (845) 371-3721  
SUSAN@HITOSHAPIROLAW.COM  
MBS@OURROCKLANDOFFICE.COM

August 8, 2016

FOIA/Privacy Act Officer  
U.S. Nuclear Regulatory Commission  
Mail Stop T-6 D8  
Washington, D.C. 20555-0001  
email: [foia@nrc.gov](mailto:foia@nrc.gov)

RE: Freedom of Information Act Request  
Indian Point Nuclear Generating Units 2 and 3  
Docket Nos. 50-247 and 50-286  
License Nos. DPR-26 and DPR-64

Dear Madam/Sir:

On behalf of the Indian Point Safe Energy Coalition ("IPSEC"), and Beyond Nuclear (collectively known as the "Stakeholders") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., I hereby request that you provide me with copies of the following complete documents, from front matter to erratum's, including table of contents, introductions, all chapters, annexes, and exhibits related to each of the following requests regarding:

**Indian Point 2:**

- Original QC and QA Inspection Records for U2 Baffle Bolts prior to March 2016;
- New QC and QA Inspection Reports for New U2 Baffle Bolts;
- QC and QA Inspection Reports for U2 Baffles as installed;
- Apparent Cause Evaluation and or Root Cause Reports for Baffle Bolt failures as

submitted under Condition Reports IP2-2016-02081 and IP2-2016-02348;

- Status of Condition Reports IP2-2016-02081 and IP2-2016-02348 open or closed and any and all corrective actions opened under these condition reports;
- Finding Status of 24 FCU U2 leak investigation from 2015;
- CR regarding Fukushima Pipe. 2015;
- QC and QA Inspection report and work package, and all correspondence for U2 24 Fan Cooler Clamp Unit, in 2015;
- Inspection receipt IP2-17479;
- EN-DC-313-02;
- HQN-2015-01302;
- Results of thread strength and tensile tests of bolts, threads, and plates after re-tapping baffles;
- What vendor produced original installed baffle bolts?;
- What were the lot numbers for the original installed baffle bolts?;
- Original QA records for installed baffle bolts;
- CMTR review;
- COC review;
- What vendor manufactured and sold replacement baffle bolts?;
- QA & QC reviews for replacement baffle bolts?;
- MT & E Audit 2014
- 2014 QA audit
- RI-2014-0067 - any and all documents and related to the 2014 PI inspections reports, including problem identification and resolution
- Emergency Diesel Generator Field analysis December 2015 of couplers on all 6 EDG

- Chemical composition of original baffle bolts;
- Material test report specifically Chemical Composition of replacement baffle bolts and plates;
- Water chemistry report;
- Documentation related to License Event Report #2016-004-00;
- Documentation related to Reactor Baffle-Former Bolts;
- CR-IP2-2015-3601;
- CR-(P2-2015-05448;
- CR-IP2-2015-05843;
- Case ID 1510474;
- Any and all extensions, exemptions, deviations, relaxations, amendments of any licensed safety standards related to the bolts or any part of the reactor core and/or reactor vessel head;
- 24 Fan Cooler Unit Apparent Cause Report;
- 24 Fan Cooler Unit Root Cause Report.

For each of the unplanned shutdowns listed below provide: Apparent Cause Reports; Root cause Reports; Resolution Reports; any and all Radiation monitoring reports for all radionuclides releases into the air and water, for 1 month prior to, during, and one month after.

- Dec. 5, 2015 Control Rod malfunction;
- Feb. 5, 2016 Radioactive water leak;
- March 30, 2016 Faulty and missing Bolts;
- June 27, 2016 Pipe Leak and faulty switch;
- July 6, 2016 Wire Trip.

### **Indian Point 3**

- Original QC Inspection Records for U3 Baffle Bolts as installed in current status of reactor U3 as operating now;
- Any and all investigation reports regarding U2 and U3 Baffle bolts;
- Working product of any ROP investigation regarding Baffle Bolt Failures Finding Status of O-ring leak investigation from 2015;
- All reports Regarding O-Ring inspection and failure September 2015;
- CR-IP3-2015-6001;
- Any and all extensions, exemptions, deviations, relaxations, amendments of any licensed safety standards related to the bolts or any part of the core;
- Emergency Diesel Generator Field analysis 2014 of couplers on all 6 EDG;

For each of the unplanned shutdown listed below provide: Apparent Cause Reports; Root cause Reports; Resolution Reports; any and all Radiation monitoring reports for all radionuclides releases into the air and water, for 1 month prior to, during, and one month after.

- May 7, 2015, Steam Leak
- May 9 2015, Transformer Explosion:
- June 15, 2015 Balloon triggered Switchyard Breaker trip shutdown
- July 8, 2015 Steam Generator Condensate Pump failure
- Sept. 14, 2015 Reactor Vessel Head leak
- Dec. 14, 2015 Transmission Line Short – large bird or bird poop

### **Other**

- Provide evidence and reports on austenitic steel vs. 360 cold worked steel, including metallurgic and chemical properties, and failure rates;
- List of all safety components in reactor containment structure or spent fuel pools composed of austenitic steel;
- List of all safety components in reactor containment structure or spent fuel pools

composed of 360 cold worked steel;

- Reports of any baffle bolt failures or deterioration at any other nuclear plants in US American nuclear fleet;
- Reports on Flow reversal parameters including how, where and when tested and qualitative comparisons;
- What is the connection between baffle bolts and loss of cooling and Leak before break reference in assurance documentation?
- How many baffle bolts must fail before plates become unstable and/or fail?
- EN-MP-120 requirements;
- Standards for NRC to change color ratings, i.e. how many unplanned shutdowns;
- List of unplanned shutdowns throughout US nuclear fleet including, reactor site, region, resolution, including any and all changes in rating or fines.

If, for any reason, you deny this request or any portion thereof, for each document denied, please identify the statutory and/or regulatory exemption on which you rely, and the reason that it is applicable in this instance.

Pursuant to federal regulations at 10 CFR 9.41, IPSEC and Beyond Nuclear request that any searching and copying fees incurred as a result of this search be waived, and provides the following information in response to the eight criteria listed in Section 9.41(b):

**1) Purpose of request:**

The purpose of the request is to gather information on the NRC oversight and enforcement of regulation regarding the operation of nuclear power generating stations and public safety. The requested information is currently not publicly available through the agency's public document room.

**2) Extent to which Beyond Nuclear will extract and analyze the substantive content of the records:**

Beyond Nuclear and IPSEC are qualified to make use of the requested information. Their staff and volunteers have demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Beyond Nuclear is quoted in national and international media and has been cited as a reliable source of information on NRC oversight and enforcement of regulation regarding the operation of nuclear power generating stations and public safety in electronic and print

media including the New York Times. Beyond Nuclear is recognized and utilized as a reliable source of information in the broadcast media of television and radio.

Beyond Nuclear has a working relationship with physicists, structural and nuclear engineers, federal policy analysts and other respected professionals who contribute to the full understanding of NRC oversight and enforcement of regulation regarding the operation of nuclear power generating stations and public safety.

IPSEC is a coalition of public and private stakeholders in the Indian Point Reactor Community, who are directly impacted by the NRC enforcement or lack of enforcement of critical safety systems at Indian Point. IPSEC has no commercial interest in the requested information, and will disseminate the information free of charge to be used solely for public education necessary for transparency on regulatory methods and practices of the NRC. The information that IPSEC seeks to be released will benefit the public because it is not currently available to the public.

**3) Nature of the specific activity or research in which the records will be used by IPSEC and Beyond Nuclear will utilize the information for the intended use in such a way that it will contribute to public understanding:**

IPSEC and Beyond Nuclear seek the requested information solely to contribute to and help shape the public policy debate on NRC oversight and enforcement of public safety requirements at nuclear power stations. IPSEC and Beyond Nuclear intend to use the information in order to advance the concerns for public understanding of NRC oversight and enforcement of regulation regarding the operation of nuclear power generating stations and public safety.

**4) Likely impact on the public understanding of the subject as compared to the level of understanding of the subject prior to disclosure:**

The public understanding of the issues regarding NRC oversight and enforcement of requirements for the protection of public safety will be enhanced by the contribution of this information.

**5) Size and nature of the public to whose understanding a contribution will be made:**

Beyond Nuclear has a membership of 15,000 who periodically receive communications from Beyond Nuclear. Beyond Nuclear provides resource material to electronic and print media outlets with very broad outreach to a constituency and the interested public. Additionally, Beyond Nuclear maintains a web site at [www.BeyondNuclear.org](http://www.BeyondNuclear.org) where postings on this issue will be made available.

The Indian Point Safe Energy Coalition (IPSEC) is a coalition of environmental, health and public policy organizations, founded in 2001 to address the vulnerability of the

nuclear reactors at Indian Point Nuclear Power Plant in Buchanan, NY and provides resource material to electronic and print media outlets with very broad outreach to a constituency and the interested public.

**6) Means of distribution of the requested information:**

Beyond Nuclear and IPSEC will use their publications and media contacts in both electronic and print media outlets to provide very broad outreach to the public on this issue. Beyond Nuclear and IPSEC will also share information with other interested parties concerned about NRC oversight and enforcement of public safety requirements. Additionally, Beyond Nuclear will post information on its web site.

**7) Whether free access to information will be provided:**

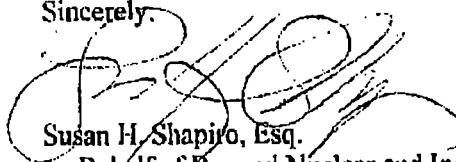
Beyond Nuclear and IPSEC will provide the information without charge to all members of the public. Information from the FOIA requested will be prepared for printed material and electronically posted on the web site for downloading free of charge. Beyond Nuclear and IPSEC will provide a copy of information to all interested public without charge.

**8) No commercial interest by Beyond Nuclear or any other party:**

Beyond Nuclear and IPSEC have no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of Beyond Nuclear and IPSEC is to promote an open policy debate on the NRC oversight and enforcement of requirements for the protection of public safety.

I look forward to receiving your response within 20 working days, as required by the FOIA.

Sincerely,



Susan H. Shapiro, Esq.  
on Behalf of Beyond Nuclear and Indian Point Safe  
Energy Coalition

Cc Senators Kirsten Gillibrand and Charles Schumer  
Congresswoman Nita Lowey  
Congressmen Eliot Engel and Sean Patrick Maloney



CASE NO: 2016-0664  
DATE REC'D: 08/19/2016  
SPECIALIST:  
RELATED CASE:

**From:** David Lochbaum  
**To:** FOIA Resource  
**Subject:** WWW Form Submission  
**Date:** Thursday, August 18, 2016 3:34:53 PM

---

Below is the result of your feedback form. It was submitted by

David Lochbaum (dlochbaum@ucsusa.org) on Thursday, August 18, 2016 at 15:35:30

through the IP 63.141.200.21

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

---

Company/Affiliation: Union of Concerned Scientists

Address1: PO Box 15316

Address2:

City: Chattanooga

State: TN

Zip: 37415

Country: United\_States

Country-Other:

Phone: 423-468-9272

Desc: ML16200A049

ML16201A086

ML16201A093

ML16201A095

ML16201A100

ML16202A536

ML16202A537

ML16202A538

ML16204A001

ML16204A002

ML16216A702

ML16216A703

ML16216A704

ML16216A705

ML16216A706

ML16216A707

ML16216A708

ML16216A709

ML16216A710

ML16216A711

ML16216A712  
and  
ML16216A713

FeeCategory: Educational

MediaType:

MediaType\_Other\_Description:

Expedite\_ImminentThreatText:

Expedite\_UrgencyToInformText:

Waiver\_Purpose:

Waiver\_ExtentToExtractAnalyze:

Waiver\_SpecificActivityQuals:

Waiver\_ImpactPublicUnderstanding:

Waiver\_NatureOfPublic:

Waiver\_MeansOfDissemination:

Waiver\_FreeToPublicOrFee:

Waiver\_PrivateCommericalInterest:

---

CASE NO: 2016-0665  
DATE REC'D: 08/19/2016  
SPECIALIST:  
RELATED CASE: 2016-0664

**From:** Darth Vader  
**To:** FOIA Resource  
**Subject:** [External\_Sender] FOIA Request for various ADAMS documents  
**Date:** Thursday, August 18, 2016 6:47:37 PM

---

It has come to my attention that some of the following ADAMS documents expose certain NRC managers as tools of the commercial nuclear industry:

ML16200A049  
ML16201A086  
ML16201A093  
ML16201A095  
ML16201A100  
ML16202A536  
ML16202A537  
ML16202A538  
ML16204A001  
ML16204A002  
ML16216A702  
ML16216A703  
ML16216A704  
ML16216A705  
ML16216A706  
ML16216A707  
ML16216A708  
ML16216A709  
ML16216A710  
ML16216A711  
ML16216A712  
ML16216A713

In accordance with the Freedom of Information Act, please provide me the records listed above.

CASE NO: 2016-0670  
DATE REC'D: 08/24/2016  
SPECIALIST:  
RELATED CASE:

From The Desk Of:  
**Lucas Hixson**  
P.O. Box 273  
Bath, MI 48808  
(312) 725-6596  
lhixson@enviromserve.com

U.S. Nuclear Regulatory Commission  
Mail Stop T-5 F09  
Washington, DC 20555-0001  
[FOIA.resource@nrc.gov](mailto:FOIA.resource@nrc.gov)

Wednesday, August 24<sup>th</sup>, 2016

**SUBJECT: FOIA Request – William T. Crow**

To Whom It May Concern;

Pursuant to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et seq. I request the following records:

I am requesting all responsive records related to William T. Crow of the NRC and the West Lake Landfill, Latty Avenue Site, St. Louis Airport Storage Site (SLAPS), or Mallinckrodt Downtown Site between 1970 and 1995.

"Records" is defined broadly to encompass all print, non-printable, electronically stored information, memoranda, reports, notes, transcripts, spreadsheets, photos, videos, drawings, actions documenting oversight, voicemails, etc.

This request also includes copies of any indices relating to the responsive records, including shared drive folder structures, or other documents referring to the formal file structure maintained for these records.

I also request that fees be waived pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), ('Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.'), since the disclosure is significantly in the public interest, and I don't stand to benefit from it.

If my fee waiver request is denied, please inform me in advance if this request is expected to cost more than \$250.00.

Please provide all applicable records, in their native form, to:

Enformable  
Attn: Lucas Hixson  
PO Box 273  
Bath MI 48808

I also request an estimate of how soon I can expect to receive the responsive documents. I requested that the responsive records be sent via email in the form of searchable pdfs, but if it will appreciably reduce

the wait time, I'd prefer that hardcopies be sent to me by overnight courier, followed by the pdfs at a later date.

I am the Editor-in-Chief for Enformable, a digital news service that has diligently worked to make FOIA documents available to the public online. I routinely make complex information to the public through a variety of platforms and plan to disseminate any information found through this request to the public.

The requested information will significantly contribute to a better public understanding of the operations of the federal government by providing the public with the information the government uses to decide how to act. The information should be released as quickly as possible to help public officials and citizens alike to make more informed decisions about ongoing efforts and to raise concerns.

I have no commercial interest in this information.

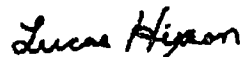
If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all aggregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I will expect your response to this request within 20 business days, as the statute requires.

Please feel free to contact me with any questions at (312) 725-6596 or [lhixson@environserve.com](mailto:lhixson@environserve.com).

I look forward to working with you on this FOIA request.

Sincerely,



Lucas Hixson  
Editor-in-Chief, Enformable  
PO Box 273  
Bath MI, 48808  
(312) 725-6596  
[lhixson@environserve.com](mailto:lhixson@environserve.com)

CASE NO: 2016-0721  
DATE REC'D: 09/12/2016  
SPECIALIST:  
RELATED CASE:

**From:** David Lochbaum  
**To:** FOIA Resource  
**Subject:** WWW Form Submission  
**Date:** Friday, September 09, 2016 2:29:46 PM

---

Below is the result of your feedback form. It was submitted by

David Lochbaum (dlochbaum@ucsusa.org) on Friday, September 09, 2016 at 14:31:12

through the IP 209.170.118.116

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

---

Company/Affiliation: Union of Concerned Scientists

Address1: PO Box 15316

Address2:

City: Chattanooga

State: TN

Zip: 37415

Country: United States

Country-Other:

Phone: 423-468-9272

Desc: ML16232A001, ML16236A018, ML16236A019, ML16236A021, ML16236A230, ML16237A004, ML16237A005, ML16237A006, ML16237A007, ML16238A005, ML16238A006, ML16238A007, ML16238A008, ML16238A009, ML16238A010, ML16238A011, ML16238A013, ML16238A014, ML16239A085, ML16242A333, ML16242A343, ML16242A344, ML16244A000, ML16244A001, ML16244A003, ML16244A004, ML16244A005, ML16244A006, ML16244A007, ML16244A008, ML16244A009, ML16245A000, ML16245A001, ML16245A002, and ML16252A004.

FccCategory: Educational

MediaType:

MediaType Other Description:

Expedite ImminentThreatText:

Expedite UrgencyToInformText:

Waiver\_Purpose:

Waiver\_ExtentToExtractAnalyze:

Waiver\_SpecificActivityQuals:

Waiver\_ImpactPublicUnderstanding:

Waiver\_NatureOfPublic:

Waiver\_MeansOfDissemination:

Waiver\_FreeToPublicOrFee:

Waiver\_PrivateCommmercialInterest:

---

CASE NO: 2016-0725  
DATE REC'D: 09/12/2016  
SPECIALIST:  
RELATED CASE:

**From:** Lawrence Criscione  
**To:** FOIA Resource  
**Subject:** [External\_Sender] 13 non public ADAMS records in package ML16195A365  
**Date:** Sunday, September 11, 2016 6:09:30 PM

---

Under the Freedom of Information Act, I request copies of the following records:

1. ML100271591, Evaluation Of Duke Energy Carolina, LLC (Duke), 30-Nov, 2009, Response To Nuclear Regulatory Commission (NRC) Letter Dated April 30, 2009, Related To External Flooding At Oconee Nuclear Station, Units 1, 2, And 3 (Oconee).
2. ML100780084, Generic Failure Rate Evaluation for Jocassee Dam Risk Analysis.
3. ML102910480, NRC Assessment of Oconee External Flooding Issue (October 18, 2010).
4. ML110740482, Analysis Report for the Proposed Generic Issue on Flooding of Nuclear Power Plant Sites Following Upstream Dam Failures.
5. ML112430114, Screening Analysis Report for the Proposed Generic Issue on Flooding of Nuclear Power Plant Sites Following Upstream Dam Failures.
6. ML12335A059, LIC-504EMcKenna.
7. ML13063A110, Oconee Nuclear Station, Units 1, 2, and 3 - Documentation of Staff Decision Regarding Implementation of Permanent Modifications for Protection from External Flooding.
8. ML13084A022, 03/25/2013 Slides From Meeting With Duke Energy Carolinas, LLC, Oconee Nuclear Station Units 1, 2, and 3, Concerning the Flooding Hazard Reevaluation Report.
9. ML13149A079, Second Quarter Operating Plan FY-2013
10. ML13218A150, Template for Staff Assessment of Response to 10 CFR 50.54(f) Information Request - Flooding Mechanisms.
11. ML14090A406, US Army Corps of Engineers Evaluation of Missouri River Mainstem Dams and Potential Flood Hydrographs at Fort Calhoun and Cooper Nuclear Power Plants (NRC internal access restricted—Criscione cannot access)
12. ML14325A850, Concern about the Appearance of Obstruction of Justice.
13. ML15356A158, Oconee Station, Units 1, 2, and 3 (NON-PUBLIC)- Staff Assessment of Response to Request for Information Pursuant to 10CFR 50.54(f) Flood-Causing Mechanisms Reevaluation (TACs MF1012, MF1013 and MF1014).

All of the above records can be found in ADAMS package ML16195A365.

Please provide the records and any correspondence to me electronically at

(b)(6)

Thank you,  
Larry



CASE NO: 2016-0727  
DATE REC'D: 09/13/2016  
SPECIALIST:  
RELATED CASE:

**From:** Lawrence Criscione  
**To:** FOIA Resource  
**Subject:** [External\_Sender] FOIA request for a video, an email, a LinkedIn profile, a briefing package, an NRC Form 183 and a memo  
**Date:** Monday, September 12, 2016 7:24:38 PM

---

Under the Freedom of Information Act, I request copies of the following records:

1. ML16236A019, 2014-Jan-9 mpg video of the flooding at St. Lucie, D43 MOV03976.MPG
2. ML16236A021, 2014-May-27 and 2014-June-5 emails concerning the St. Lucie Jan 9 Reactor Auxiliary Building Flooding Video
3. ML16216A704, 2016-Aug-3 LinkedIn Profile for Jack R. Davis, Director of the NRC's Japan Lessons-Learned Directorate
4. ML16216A711, 2015-March-13 Union of Concerned Scientists' briefing package for NRC Chairman Burns and Commissioner Baran
5. ML16238A013, 2012-Sep-20 NRC Form 183, Report of Security Incident/Infraction/Violation writtent against Criscione for sending Official Use Only documents to Congress
6. ML16238A014, 2012-Autumn undated Memorandum from Mary Jane Ross-Lee to Richard Correia concerning preventing recurrence of events such as the September 18, 2012 release of information to Congress

All of the above records can be found in ADAMS package ML16195A365.

Please provide the records and any correspondence to me electronically at  
LSCriscione@hotmail.com.

Thank you,  
Larry  
Lawrence S. Criscione

CASE NO: 2016-0731  
DATE REC'D: 9/14/2016  
SPECIALIST:  
RELATED CASE:

From The Desk Of:  
**Lucas Hixson**  
P.O. Box 273  
Bath, MI 48808  
(312) 725-6596  
lhixson@environserve.com

U.S. Nuclear Regulatory Commission  
Mail Stop T-5 F09  
Washington, DC 20555-0001  
[FOIA.resource@nrc.gov](mailto:FOIA.resource@nrc.gov)

Tuesday, September 13<sup>th</sup>, 2016

**SUBJECT: FOIA Request for Responsive Records**

To Whom It May Concern:

In a Presidential Memo dated January 21<sup>st</sup>, 2009, President Barack Obama declared the following policy for Executive Branch agencies:

*The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. ... All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.*

The President's policy of openness was reiterated in guidelines issued on March 19<sup>th</sup>, 2009 by Attorney General Eric Holder. Contained in those guidelines was the following direction:

*First, an agency should not withhold information simply because it may do so legally. I strongly encourage agencies to make discretionary disclosures of information. An agency should not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption.*

Pursuant to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et seq. I request the following records:

1. All records pertaining to the 2012-Dec-18 letter from the Chairman of the Senate Committee on Homeland Security & Governmental Affairs (Sen. Joseph Lieberman) to the NRC Inspector General (Hubert Bell) including all studies or investigations done in response to that letter and all follow up correspondence with the Senate Committee on Homeland Security & Governmental Affairs. Including any responsive records assembled under FOIA/PA 2015-0451 or other relevant releases.
2. Any and all responsive records pertaining to the following FOIA/PA requests, appeals and lawsuits: 2013-0013, 2013-0008, 2013-0127, 2013-0262, 2013-0239, 2013-0010A, 2013-0015A, 2013-0018A, 2013-0022A and lawsuit 1:13-cv-00942-RMC (PEER v. NRC). Including any records that may have been assembled under FOIA/PA 2013-0262 and 2015-0331 or other relevant releases.
3. Power Point presentation entitled "Criscione 2014-Oct-7 FOIA 2013-0008 & Exemption\_3" submitted by Lawrence Criscione in an email with the subject "Public Input portion of October 7 meeting—>Update" and sent to Laura Pearson, David Lochbaum and Karen Danoff on October 6, 2014.

4. Adobe Document entitled "Criscione\_slides\_&\_speaking\_notes.pdf" submitted by Lawrence Criscione in an email with the subject "Public Input portion of October 7 meeting—speaking notes" and sent to Laura Pearson, Dave Lochbaum, Jim Riccio and Karen Danoff on October 7, 2014.
5. All records pertaining to OIG Allegation #A12-07094 and Case #C12-079, "NRC Misuse of FOIA Exemption Rules". Some of these records were assembled under FOIA/PA 2014-0386 and 2016-0064.
6. All records pertaining to OIG Allegation #A13-07114 and Case #C13-005, "NRC Staff's Handling of Jocassee Dam and Oconee Nuclear Station". Some of these records were assembled for FOIA/PA 2013-0153, 2014-0185, 2014-0327, 2014-0353, 2016-0132 and lawsuit 1:13-cv-00942 (Criscione v. NRC).
7. All records pertaining to OIG Allegation #A13-07251, "Concerns Regarding Duke and Oconee Nuclear Power Plants". Some of these records were assembled under FOIA/PA 2014-0351.
8. All records pertaining to OIG Allegation #A14-07512, "Request to Appeal FOIA Action". Some of these records may have been assembled under FOIA/PA 2015-0340.
9. All records pertaining to OIG Allegation #A11-06735 and Case #C11-031, "Misuse of Government Position and Inappropriate Conduct by RFS Employee". Some of these records were assembled under FOIA/PA 2014-0188, 2014-0246, 2014-0324, 2014-0327, 2016-0132.
10. All records pertaining to OIG Allegation #A12-07095 and Case #C13-001, "Release of NRC Security Related Documents by RFS Employee". Some of these records were assembled for FOIA/PA 2013-0153, 2014-0186, 2014-0200, 2014-0211, 2014-0237, 2014-0238, 2014-0239, 2014-0240, 2014-0241, 2014-0247, 2014-0269, 2014-0323, 2014-0327, 2016-0132, and lawsuit 1:13-cv-00942 (Criscione v. NRC).
11. All records pertaining to OIG Allegation #A13-07105 and Case #C13-002, "Proactive Initiative - Computer Misuse and Computer Forensic Support". Some of these records may have been assembled under FOIA/PA 2014-0332 and 2015-0254.
12. All records pertaining to OIG Allegation #A13-07209 and Case #C13-027, "Special Project: NRC Regulatory Oversight". Some of these records may have been assembled under FOIA/PA 2014-0336 and 2015-0258.
13. All records pertaining to OIG Allegation #A13-07258 and Case #C13-045, "Possible Release of Internal NRC Documents to the Public by an NRC Employee". Some of these records were assembled under FOIA/PA 2014-0341.
14. All records pertaining to OIG Allegation #A13-07267 and Case #C13-052, "Region IV Employee Concerned with Pressure to Downplay Inspection Findings and Retaliation Causing a Chilled Work Environment". Some of these records may have been assembled under FOIA/PA 2014-0338.
15. All records pertaining to OIG Allegation #A13-07296 and Case #C13-055, "Interference By NRC Officials Into an Investigation Conducted By the Office of Investigation". Some of these records may have been assembled under FOIA/PA 2014-0331 and 2015-0255.
16. All records pertaining to OIG Allegation #A14-07527, "Possible Compromise of NRC Analyses". Some of these records may have been assembled under FOIA/PA 2015-0305.
17. All records pertaining to OIG Allegation #A14-07534, "Potential Interference with a FOIA Request by the Director of Public Affairs". Some of these records may have been assembled under FOIA/PA 2015-0330.
18. ML100271591, Evaluation Of Duke Energy Carolina, LLC (Duke), 30-Nov, 2009, Response To Nuclear Regulatory Commission (NRC) Letter Dated April 30, 2009, Related To External Flooding At Oconee Nuclear Station, Units 1, 2, And 3 (Oconee).
19. ML100780084, Generic Failure Rate Evaluation for Jocassee Dam Risk Analysis.
20. ML102910480, NRC Assessment of Oconee External Flooding Issue (October 18, 2010).
21. ML110740482, Analysis Report for the Proposed Generic Issue on Flooding of Nuclear Power Plant Sites Following Upstream Dam Failures.

22. ML112430114, Screening Analysis Report for the Proposed Generic Issue on Flooding of Nuclear Power Plant Sites Following Upstream Dam Failures.
23. ML12335A059, LIC 504EMcKenna.
24. ML13063A110, Oconee Nuclear Station, Units 1, 2, and 3 - Documentation of Staff Decision Regarding Implementation of Permanent Modifications for Protection from External Flooding.
25. ML13084A022, 03/25/2013 Slides From Meeting With Duke Energy Carolinas, LLC, Oconee Nuclear Station Units 1, 2, and 3, Concerning the Flooding Hazard Reevaluation Report.
26. ML13149A079, Second Quarter Operating Plan FY-2013.
27. ML13218A150, Template for Staff Assessment of Response to 10 CFR 50.54(f) Information Request - Flooding Mechanisms.
28. ML14090A406, US Army Corps of Engineers Evaluation of Missouri River Mainstem Dams and Potential Flood Hydrographs at Fort Calhoun and Cooper Nuclear Power Plants (NRC internal access restricted—Criscione cannot access)
29. ML14325A850, Concern about the Appearance of Obstruction of Justice.
30. ML15356A158, Oconee Station, Units 1, 2, and 3 (NON-PUBLIC)- Staff Assessment of Response to Request for Information Pursuant to 10CFR 50.54(f) Flood-Causing Mechanisms Reevaluation (TACs MF1012, MF1013 and MF1014).
31. ML16201A086, 2016-May-19 0734, Failure to study Dam Security, from Criscione to Kirkwood, Holahan and Clark.
32. ML16201A093, 2016-May-19 0800, MOU between USACE and ACRS, from Criscione to Kirkwood, Holahan and Clark.
33. ML16201A095, 2016-May-19 0754, Need-to-Know regarding nuclear safety issues associated with flooding, from Criscione to Kirkwood, Holahan and Clark.
34. ML16201A100, 2016-May-19 0813, Email Regarding Keeping Inundation Levels from the Public, from Criscione to Kirkwood, Holahan and Clark.
35. ML16202A536, 2016-May-9 email from Criscione to Kirkwood, Holahan and Clark.pdf
36. ML16202A537, 2016-May-17 0849 email regarding initial interview, sent from Criscione to Kirkwood, Holahan and Clark.pdf
37. ML16202A538, 2016-May-20 0600, Clarification regarding pumps at Peach Bottom, from Criscione to Kirkwood, Holahan and Clark.pdf
38. ML16204A001, 2012-Sep-14, email from Criscione to various Congressional staff concerning NRC Concealing Concerns Regarding Oconee Nuclear Station.pdf
39. ML16204A002, 2012-Sep-14 Letter from Richard Perkins to Inspector General Hubert Bell regarding Concealment of Significant Nuclear Safety Information by the U.S. Nuclear Regulatory Commission
40. ML16216A702, 2013-Aug-4 email from Scott Hodes to Lawrence Criscione.pdf
41. ML16216A704, 2016-Aug-3 LinkedIn Profile for Jack R. Davis, Director of the NRC's Japan Lessons-Learned Directorate
42. ML16216A706, 2013-July-5 Appeal From Initial Decision FOIAPA-2013-00239.pdf
43. ML16216A707, 2013-June-10 Discussion of FOIA Releases regarding the flooding issues at Oconee.pdf
44. ML16216A708, 2013-June-13 Letter from Hirsch to Criscione and Criscione's Response.pdf
45. ML16216A709, 2013-May-24 email from Criscione to Macfarlane, Bell, Doane, Vietti-Cook, Borchardt, Ash, Sealing, Zobler, Grodin and Lee, subj Inquiry Regarding Overdue FOIA Appeals 2013-004A, 006A, 009A, 010A, 011A & 013A.pdf
46. ML16216A710, 2014-Jan-5 Input regarding Audit of NRC's FOIA Process.pdf
47. ML16216A711, 2015-March-13 Union of Concerned Scientists briefing package for NRC Chairman Burns and Commissioner Baran
48. ML16216A712, 2013-Mar-29 Appeal for refusal to release documents requested under FOIA Requests 2013-0126, 2013-0127, and 2013-0128

49. ML16216A713, 2012-Nov-15 Entry for FOIA 2013-0008 on p 25 of ML13149A079 and FOIA request 2013-0262
50. ML16232A001, Sensitivity Reviews for ML16200A049, ML16201A086, ML16201A093, ML16201A095, ML16201A100, ML16202A536-A538, ML16204A001-A002, ML16216A702-A713
51. ML16236A018, Style Sheet for JLD Flooding Review Documents.pdf
52. ML16236A019, 2014-Jan-9 mpg video of the flooding at St. Lucie, D43 MOV03976.MPG
53. ML16236A021, 2014-May-27 and 2014-June-5 emails concerning the St. Lucie Jan 9 Reactor Auxiliary Building Flooding Video
54. ML16236A230, 2010-Feb-13 Memo from NRR requesting a Generic Issue regarding flooding due to upstream dam failures.pdf
55. ML16237A004, 2013-Mar-25 Emails from the NRC to various members of the public (Greenville News, Westinghouse Electric Company, WGOG radio, Greenpeace, etc.) distributing Duke Energy power point presentation concerning flooding at the Oconee Nuclear Station\_redacted
56. ML16237A005, 2013-April-23 email from Duke Energy to NRC complying with NRC direction to redact power point presentation presented at a March 25, 2013 public meeting.pdf
57. ML16237A006, 2013-April-11 Letter from a FOIA requester to the NRC EDO concerning an update for FOIA Appeal 2013-009A
58. ML16237A007, 2013-Mar-25 email from Greenpeace to the Union of Concerned Scientists and the Huffington Post containing a Duke Energy presentation obtained from the NRC.pdf
59. ML16239A085, 2014-Mar-12 letter and email informing Criscione's attorney that OIG Case 13-001 and 13-005 had closed.pdf
60. ML16242A343, Sensitivity Review: ML16195A368-A369 ML16232A001 ML16236A018-A019 ML16236A021 ML16236A230 ML16237A004-A007 ML16238A005-A011 ML16238A013-A014 ML16239A085 ML16242A333 ML16242A344 ML16244A000-A009 ML16245A000-A002
61. ML16242A344, 2016-Aug-29 Verification of Identity and Sworn Authorization for Release of Information
62. ML16244A008, 2012-Dec-10 email from Criscione to Commissioner Ostendorff and follow up correspondence arranging an Open Door policy meeting on the Oconee flooding issues

"Records" is defined broadly to encompass all print, non-printable, electronically stored information, memoranda, reports, notes, transcripts, files transferred through 3rd party file sharing sites, electronic mail, CD's, DVD's, Powerpoint Presentations, spreadsheets, photos, videos, drawings, actions documenting oversight, voicemails, text messages, etc.

This request also includes copies of any indices relating to the responsive records, including shared drive folder structures, or other documents referring to the formal file structure maintained for these records.

I would prefer that the responsive records be copied to disk or thumb drive in the form of searchable pdfs and mailed to me by overnight courier.

I expect to receive all information not prohibited from release by law and that redactions will not be made *"merely because [an Agency] can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption."* I am interested in all portions of the records assembled. That is, nothing should be marked as "Out of Scope" except, as mentioned above, for cases of the appearance of the name of an individual specifically granted confidentiality.

I also request that fees be waived pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), ('Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.'), since the disclosure is significantly in the public interest, and I don't stand to benefit from it.

If my fee waiver request is denied, please inform me in advance if this request is expected to cost more than \$250.00.

Please provide all applicable records, in their native form, to:

Enformable  
Attn: Lucas Hixson  
PO Box 273  
Bath MI 48808

When I receive a response with the FOIA number assigned to this request, I would also appreciate an estimate of how soon I can expect to receive the responsive documents.

I routinely make complex information to the public through a variety of platforms and plan to disseminate any information found through this request to the public. I will use my resources and contacts in both electronic and print media outlets to provide broad outreach to the public on the requested records.

I am the Editor-in-Chief for Enformable, a digital news service that has diligently worked to make thousands of FOIA documents available to the public online without fee or membership required. Enformable provides resource material to electronic and print media outlets with very broad outreach to the interested public at large. Additionally, Enformable maintains a web site at [www.enformable.com](http://www.enformable.com) where postings on the requested material will be made publicly available.

I am also the Acting Librarian of Environmental Archives, a free to the public digital library that promotes transparency, accountability and integrity in government, politics and law by providing records obtained through Freedom of Information Act requests filed with various State and Federal Agencies.

Every record will be analyzed and, as necessary, outside experts will be called upon to provide additional analysis and understanding of oversight and enforcement actions.

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all aggregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

The requested information will significantly contribute to a better public understanding of the operations of the federal government by providing the public with the information the government uses to decide how to act. The information should be released as quickly as possible to help public officials and citizens alike to make more informed decisions about ongoing efforts and to raise concerns.

In recognition of the FOIA policy declared by the President and the guidelines promulgated by the Attorney General, I expect that all records requested be released in their entirety except where release is prohibited by law. That is, I expect that this FOIA request be handled in a manner such that the "presumption of disclosure" is applied "to all decisions involving FOIA" and such that the agency will "not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption".

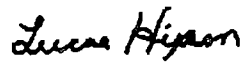
I will expect your response to this request within 30 days, as the statute requires. If it is not possible for all the requested records to be released within the time limits set forth in the FOIA and in its own

regulations, then I expect every effort be made to provide every record possible within the prescribed time limits and to regularly provide partial responses as records become available for release.

Please feel free to contact me with any questions at (312) 725-6596 or [lhixson@enviromserve.com](mailto:lhixson@enviromserve.com).

I look forward to working with you on this FOIA request.

Sincerely,

A handwritten signature in cursive script that reads "Lucas Hixson".

Lucas Hixson  
Acting Librarian, Environmental Archives  
Editor-in-Chief, Enformable  
PO Box 273  
Bath MI, 48808  
(312) 725-6596  
[lhixson@enviromserve.com](mailto:lhixson@enviromserve.com)

CASE NO: 2016-0457  
REC'D DATE: 5/3/16  
SPECIALIST:  
RELATED CASE:

## **Friends of the Earth**

May 2, 2016

FOIA/Privacy Officer  
U.S. Nuclear Regulatory Commission  
Mailstop: T-5 F09  
Washington, DC 20555-0001  
FOIA.resource@nrc.gov

**Re: FOIA request for records regarding communications within the NRC and between NRC and Entergy regarding baffle bolts at Indian Point Units 2 and 3 during the period from March 7, 2016 to the present.**

Dear NRC FOIA/Privacy Officer:

On behalf of Friends of the Earth (Friends) (the "Requesting Party"), I write to request disclosure of records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and applicable Nuclear Regulatory Commission ("NRC") regulations at 10 C.F.R. §9.11 et seq.

Friends is a nonprofit organization founded in 1969, with more than 316,600 members and activists in every state in the country. Friends uses policy analysis and advocacy to work for a healthier and just world. For over forty years Friends has campaigned to reduce the health and environmental risks of nuclear power.

### **I. Description of Records Sought**

Requesting Party asks that the NRC provide all records<sup>1</sup> since March 7, 2016 in NRC's possession, custody, or control that contain or reference communication<sup>2</sup> within the NRC or between the NRC (including NRC

<sup>1</sup> The term "records" is used herein to mean anything denoted by the use of that word or its singular form in the text of FOIA. The term includes correspondence of any kind, minutes of meetings, memoranda, notes, emails, letters, cards, telegrams, teletypes, briefing papers, cables, forms, diaries, schedules, chronological data, meeting and teleconference agendas, notices, facsimiles, charts, tables, presentations, orders, filings, receipts, printed matter, checks, statements, agreements, any evidence of telephone communication, any audio, aural, visual, or video item, including without limitation all cassette tapes, compact disks, digital video disks, microfiche, pictures, photographs, or videotapes, and any writings (handwritten, typed, electronic, or otherwise produced, reproduced, or stored).

<sup>2</sup> The term "communication" must be given the broadest possible meaning and includes comments, emails, courtesy copies of emails, messages, notes, data sets, calendars, personal digital assistant entries, any record of telephone communication, any other agency record involving communication and/or record of communications, as well as the above-mentioned items considered "records" if and when they mention, are



Commissioners, ASLB Administrative Judges and NRC Staff) and representatives of Entergy Nuclear Operations, Inc. ("Entergy)," regarding baffle bolts or baffle-former assembly bolts at Indian Point reactor units 2 and 3. Records sought should include, but are not limited to, materials relating to baffle bolt inspections, preparation of root cause analysis on baffle bolt deterioration, repair of baffle bolts, and operability assessment under all design basis conditions with as-found defective bolts for either reactor unit 2 and/or Unit 3 (IP2 and/or IP3).

Our request includes but is not limited to records relating to:

-January 12, 2016, Determination of Acceptable Baffle-Former Bolting for Indian Point Units 2 and 3. NYS000586-WCAP-18048-P, Rev 0

-March 29, 2016 Letter from Morgan Lewis on behalf of Entergy Nuclear Operations, Inc to Lawrence G. McDade, Chairman, Dr. Michael F. Kennedy, Dr. Richard E. Wardwell, Atomic Safety and Licensing Board, US Nuclear Regulatory Commission, Washington, DC 20555-0001, Docket Nos. 50-247-LR and 50-286-LR, Re: Licensing Board Notification of Preliminary Indian Point Unit 2 Baffle-Former Assembly Bolt Inspection Findings (Attachment #1)

-April 19, 2016, "Briefing on Indian Point Baffle Bolts Inspections", NRC presentation made to NRC Commissioners Burns, Osterdorff, Svinicki and Baran (staff) (Attachment #2)

-April 22, 2016 Memo from Jeremy S. Bowen, Executive Technical Assistant, Office of the Executive Director for Operations to Houman Rasouli, Deputy Assistant for Operation, Office of the Executive Director for Operations, Subject: Summary of April 19, 2016, Briefings for the Commissioners on Indian Point Baffle Bolts (Attachment #2)

-April 26, 2016 Letter from Sherwin E. Turk, Counsel for NRC Staff to Lawrence G. McDade, Chairman, Dr. Michael F. Kennedy, Dr. Richard E. Wardwell, Atomic Safety and Licensing Board, US Nuclear Regulatory Commission, Washington, DC 20555, Re: In the Matter of ENTERGY NUCLEAR OPERATIONS, INC. Docket Nos 50-247-LR/286-LR (Attachment #2)

-April 27, 2016 NRC Blog post by Neil Sheehan, Public Affairs Officer, Region 1, "An Outage Twist: Degraded bolts at New York Nuclear Plant Warrants Attention" (Attachment #3)

And including but not limited to records relating to any and all communications between Entergy representatives and the following NRC

---

related to, have been, or are going to be, shared or communicated between Entergy and NRC representatives.

representatives and internal NRC communications involving:

- NRC Public Affairs Officer, Region 1, Neil Sheehan
- Counsel for NRC Staff, Sherwin E. Turk
- Counsel for NRC Staff, Anita Gosh
- Counsel for NRC Staff, Brian Harris
- Counsel for NRC Staff, Joseph Lindell
- Counsel for NRC Staff, Beth Mizuno
- Counsel for NRC Staff, Dave Roth
- NRC Office of the Director for Operations, Deputy Assistant for Operations, Houman Rasouli
- NRC Office of the Executive Director for Operations, Executive Technical Assistant, Jeremy S. Bowen
- NRC Commissioner, Chairman Burns
- NRC Commissioner Ostendorff
- NRC Commissioner Svinicki
- NRC Commissioner Baran
- NRC Atomic Safety and Licensing Board, Administrative Judge McDade
- NRC Atomic Safety and Licensing Board, Administrative Judge Wardwell
- NRC Atomic Safety and Licensing Board, Administrative Judge Kennedy
- NRC EDO V. McCree
- NRC DEDR, M Johnson
- NRC DEDM, D Dorman
- NRC AO, R. Lewis
- NRC OEDO, T. Clark
- NRC OEDO, J Bowen
- NRC NRR, B. Dean
- NRC NRR, M. Evans
- NRC NRR/DE, J. Lubinski
- NRR/DORL, D. Picket
- NRC Region 1, D. Lew
- NRC Region 1, S. Flanders
- NRC Region 1, M. Scott
- NRC Region 1, D. Pelton
- NRC Region 1, G Dentel

## **II. Request for Justification of Any Denials and Segregation of Non-Exempt Portions**

In an executive order titled "Memorandum for the heads of executive departments and agencies" published in the Federal Register on May 12, 2014, President Barack Obama

stated that:

The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails . . . all agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA. The presumption of disclosure also means that agencies should take affirmative steps to make information public. They should not wait for specific requests from the public. All agencies should use modern technology to inform citizens about what is known and done by their Government. Disclosure should be timely.

Given the above memorandum, if any part of this request is denied, please cite the specific exemptions upon which the NRC relies to refuse release the documents and identify which records are being withheld. Further, since the Freedom of Information Act provides that the remainder of a file must be released if portions are exempt from disclosure, we request that we be provided with all non-exempt portions.

### III. Request for Expedited Review

Pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 10 C.F.R. § 9.25(e), the Requesting Parties ***ask for expedited processing of this FOIA request due to compelling need for the information requested.*** A "compelling need" exists where the requester is "primarily engaged in disseminating information" and can demonstrate that "[t]he information is urgently needed . . . in order to inform the public concerning actual or alleged Federal Government activity." 10 C.F.R. § 9.25(e)(1)(ii); *see also* 5 U.S.C. § 552(a)(6)(E)(v).

The Requesting Party is a non-profit organization engaged in, among other things, information dissemination, public education, and advocacy on the health and environmental risks of electricity generation from nuclear power. The Requesting Party has websites, email lists, blogs, and other forms of mass communication with its members and the general public for the express purpose of disseminating information about important environmental issues.

The Requesting Party urgently needs this information because the records, communication, and information sought concern an "[a]ctual or alleged Federal Government activity" within the NRC related to its responsibility to objectively regulate and evaluate the deterioration of baffle bolts at Indian Point 2 & 3, given that the bolts perform a critical safety and operational function in reactors. The requested documents pertain to two related NRC activities: (1) NRC's license renewal proceeding for Indian Point, (2) NRC's public commitment that "NRC staff will ensure the condition is fully understood and addressed prior to the plant returning to service. The NRC staff will also consider all available information in evaluating if changes are needed to the current inspection programs for these bolts across the industry." Given that decisions in both of these activities are pending within the next few months, public access to this information is both time sensitive and critical for public engagement and information.

The Requesting Party also reserves the right to appeal any denial of our request for expedited processing of this request.

### **III. Request for a Fee Waiver**

The Requesting Party asks that NRC waive all fees for search and production of the records described above. FOIA dictates that requested records be provided without charge "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 10 C.F.R. § 9.39(a) and 10 C.F.R. § 9.41(c). The requested disclosure meets these requirements. The request also meets the criteria of 10 C.F.R. § 9.41(d) and demonstrates the required factors listed in 10 C.F.R. § 9.41(b).

#### **A. *Subject of the request relates directly to the operations or activities of the government***

The records requested herein pertain to the activities of the NRC in regulating safe operation and regulatory consistency at Indian Point. NRC is a government agency. The requested records thus directly concern "the operations or activities of the government." *See* 5 U.S.C. § 552(a)(4)(A)(iii); 43 C.F.R. § 9.41(d)(1).

#### **B. *Contribution to an understanding of the subject by the public is likely to result from disclosure.***

The requested records are "likely to contribute" to the public's understanding of government operations and activities. 5 U.S.C. § 552(a)(4)(A)(iii); 10 C.F.R. § 9.41(d)(2). There is intense public concern about the NRC regulation of Indian Point and considerable public concern about the safe operation of both Units 2 and 3 given the as yet to be fully evaluated nature and cause of the baffle bolt deterioration and the possibility that such deterioration could lead to problems in the core cooling systems of either or both of the reactors.

The records requested shed light on a matter of considerable public interest and concern: NRC's actions, contacts and assessments have received extensive attention. This is demonstrated by the following examples of media coverage:

- [http://www.huffingtonpost.com/roger-wITHERSPOON/critical-nuclear-reactor-\\_b\\_9585718.html](http://www.huffingtonpost.com/roger-wITHERSPOON/critical-nuclear-reactor-_b_9585718.html)
- <http://www.inhud.com/story/news/local/indian-point/2016/03/29/indian-point-nuclear-power-plant-faulty-bolts-closure/82408462/>
- <http://newyork.cbslocal.com/2016/03/29/cuomo-indian-point-plant/>

- <http://www.bloomberg.com/news/articles/2016-03-29/entergy-discovers-missing-bolts-at-new-york-nuclear-plant>
- <http://abc7ny.com/news/hundreds-of-faulty-missing-bolts-found-during-indian-point-reactor-inspection/1268796/>
- <http://www.wsj.com/articles/entergy-to-replace-some-liner-bolts-at-indian-point-nuclear-power-plant-1459299518>
- <http://www.prnewswire.com/news-releases/hundreds-of-inspections-completed-on-indian-point-unit-2-replacement-of-reactor-liner-bolts-planned-300242845.html>
- <http://www.nydailynews.com/new-york/indian-nuke-plant-shutdown-missing-bolts-discovered-article-1.2583408>
- <http://www.dailyfreemian.com/general-news/20160330/indian-point-nuclear-plant-outage-extended-to-replace-missing-bolts>

Public understanding of NRC's actions regarding Indian Point would be significantly enhanced by disclosure of the requested records. Disclosure would help the public to more effectively evaluate NRC's recent and future decision-making procedures regarding Indian Point. Disclosure would also help the public to better understand and evaluate NRC's actions regarding the legally binding safety regulations established for the operability of Indian Point.

*C. Extent to which the requester has a commercial interest that would be furthered by disclosure of the requested agency records; and whether that commercial interest exceed the public interest in disclosure*

The Requesting Party is a nonprofit environmental organization with no commercial interest in obtaining the requested information. Rather, this organization intends to use the requested information to inform the public, so the public can meaningfully participate in the debate around public health, environmental, and safety risks posed by the Indian Point Nuclear Power Plant. The Requesting Party believes that transparency of the relationship between the NRC and its licensee is essential to the NRC's obligation "to protect public health and safety, the environment, and the common defense and security."

"Congress amended FOIA to ensure that it be 'liberally construed in favor of waivers for noncommercial requesters,'" *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003); The Requesting Parties wish to serve the public by reviewing, analyzing and disclosing presently non-public information about operational safety at Indian Point. Any communication within NRC and between the agency and Entergy regarding critical equipment deterioration inside of the reactors at Indian Point relates to matters of considerable public interest and concern because of the significant risk to public health of millions of people should the safety systems of the plant fail during an emergency. Disclosure of the requested records will contribute significantly to public understanding of the safe operability of Indian Point and any associated threats to human health and the environment, and the NRC's regulatory options.

The Requesting Parties thus satisfy the criteria of 10 C.F.R. § 9.41(d). We further demonstrate below each of the eight factors required by NRC under 10 C.F.R. § 9.41(b) to evaluate whether a fee waiver is appropriate for this request.

*D. Describe the purpose for which the requester intends to use the requested information.*

The Requesting Party intends to use the requested information to understand and better inform the public about the status of the bolt deterioration and about the larger issue of operational safety at Indian Point. Specifically we wish to better understand and inform the public about: the inspection of the damaged baffle bolts and related equipment, the nature of the proposed repairs, the status and nature of the root cause analysis to be conducted and the decision-making process in regard to the timing and completion of repairs and any related decision for reactor restart. The Requesting Party intends to make such understanding and analysis available to their members and the general public.

*E. Explain the extent to which the requester will extract and analyze the substantive content of the agency records.*

The Requesting Party's members, technical experts and attorneys will carefully analyze the requested documents to evaluate the extent to which the licensee and NRC have complied with their respected and shared safety and regulatory obligations.

*F. Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to the public understanding.*

The Requesting Party intends to use the requested information to educate its members and the general public about the safety issues raised by the baffle bolt deterioration. This may be through public dissemination to the Requesting Party's members through news releases, blog posts, emails, or other electronic media or legal filings on behalf of the organizations in the current or future license related proceedings.

Friends' is qualified to analyze and disseminate the requested information, as demonstrated by Friends' multi-decade involvement in nuclear energy issues.

*G. Describe the likely impact on the public's understanding of the subject as compared to the level of public understanding of the subject before disclosure*

It is presently unclear whether Entergy and the NRC are being transparent about the safety risks presented by the deterioration of baffle-former bolts at Indian

Point Unit 2 and 3.. The requested information will aid the Requesting Party and its members in evaluating the response of the NRC and the licensee to the baffle-former bolt problem, and the safety of restarting the Unit 2 reactor and continuing to operate the Unit 3 reactor.

*H. Describe the size and nature of the public audience to whose understanding a contribution will be made.*

Friends has over 300,000 members across the country. Many of its members are engaged in the safety issues presented by Indian Point. Friends keeps an up-to-date website and often releases press statements on important developments in the safety of nuclear power plants around the country, such as the issues raised in this request. National newspapers such as the New York Times, San Francisco Chronicle, and LA Times often pick up the releases. Friends' analysis of the requested information could therefore reach anyone with a computer and an Internet connection.

*I. Describe the intended means of dissemination to the general public*

The means by which the Requesting Party intends to disseminate the information yielded by this FOIA request is described above in F.

*J. Indicate if public access to information will be provided free of charge or provided for an access fee or public education.*

Public access to the requested information will be provided completely free of charge.

*K. Describe any commercial or private interest the requester or any other party has in the agency records sought.*

The Requesting Party is a non-profit organization whose sole purpose in requesting the documents is to educate itself, its members, and the general public regarding the safety issues at Indian Point. The Requesting Party plans to publish the requested information in correspondence with its members and supporters and to post the information on its website. The requested materials will not be used for the Requesting Parties' commercial use or gain.

**IV. Willingness to Pay Fees Under Protest**

Please provide the records requested above irrespective of the status and outcome of your evaluation of the Requesting Party's fee category assertion and fee waiver request. In order to prevent delay in NRC's provision of the requested records, the Requesting Party states that it will, if necessary and under protest, pay fees in accordance with NRC's FOIA regulations at 10 C.F.R. § 9.33 for all or a portion

of the requested records. Please consult with the Requesting Party, however, before undertaking any action that would cause the fee to exceed **\$100.00**. Such payment will not constitute any waiver of the Requesting Party's right to seek administrative or judicial review of any denial of its fee waiver request and/or rejection of its fee category assertion.

#### **VI. Conclusion**

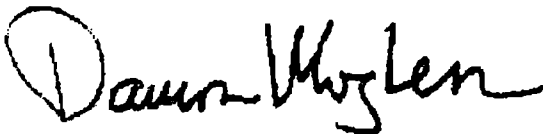
We trust that, in responding to this request, NRC will comply with all relevant deadlines and other obligations set forth in FOIA and NRC's FOIA regulations. *See, e.g., 5 U.S.C. § 552(a)(6); 10 C.F.R. § 9.25.*

Please produce the records above by emailing or mailing them to me at the Friends' office address listed below. Please produce them on a rolling basis; at no point should NRC's search for--or deliberations concerning--certain records delay the production of others that NRC has already retrieved and elected to produce. In the event that NRC concludes that some of the records requested above may already be publicly available, we will be happy to discuss those conclusions.

Please respond within 20 business days, as provided by 5 U.S.C. § 552(a)(6)(A)(i). If you have any questions regarding this request, please contact me at (202) 587-5242.

Thank you for your prompt attention to this request.

Sincerely,



Damon Moglen  
Senior Strategic Advisor  
Friends of the Earth  
1101 15th Street, NW  
11<sup>th</sup> Floor  
Washington, DC 20005  
(202) 222-0708  
[dmoglen@foe.org](mailto:dmoglen@foe.org)



## **Attachment # 1**

**March 29, 2016 Letter from Morgan Lewis to NRC re.**

**Docket: Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating  
Units 2 and 3), Docket Nos. 50-247-LR and 50-286-LR**

**Re: Licensing Board Notification of Preliminary Indian Point Unit 2 Baffle-  
Former Assembly Bolt Inspection Findings**

# Morgan Lewis

1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
United States  
☎ +1.202.739.3000  
☎ +1.202.739.3001

**Kathryn M. Sutton**  
Partner  
+1.202.739.5738  
kathryn.sutton@morganlewis.com

**Paul M. Bessette**  
Partner  
+1.202.739.5796  
paul.bessette@morganlewis.com

March 29, 2016

Lawrence G. McDade, Chairman  
Dr. Michael F. Kennedy  
Dr. Richard E. Wardwell  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Docket:** *Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3), Docket Nos. 50-247-LR and 50-286-LR*

**Re:** *Licensing Board Notification of Preliminary Indian Point Unit 2 Baffle-Former Assembly Bolt Inspection Findings*

Dear Administrative Judges:

In accordance with its obligation to inform the Licensing Board of relevant developments in a timely fashion,<sup>1</sup> Entergy Nuclear Operations, Inc. ("Entergy") hereby notifies the Licensing Board of recent developments relevant to Contentions NYS-25 and NYS-38/RK-TC-5. By way of explanation, the parties' testimony on those contentions discusses relevant industry operating experience as well as Entergy's planned inspections of baffle-former assembly bolts located within the Indian Point Unit 2 ("IP2") reactor pressure vessel during the now-ongoing refueling and maintenance outage that commenced on March 7, 2016. Specifically, Entergy conducted visual and, where feasible, volumetric (ultrasonic testing, or "UT") examinations of approximately 2000 baffle-former assembly bolts (which include baffle-former and baffle-edge bolts) as part of the reactor vessel internals aging management program. The visual and preliminary UT examination results show indications (e.g., missing bolts, and bars meant to hold them in place, and other

---

<sup>1</sup> See *Duke Power Co.* (William B. McGuire Nuclear Station, Units 1 & 2), ALAB-143, 6 AEC 623, 625 (1973); *Metro Edison Co.* (Three Mile Island Nuclear Station, Unit 1), ALAB-774, 19 NRC 1350, 1359 (1984).

Lawrence G. McDade, Chairman  
Dr. Michael F. Kennedy  
Dr. Richard E. Wardwell  
March 29, 2016  
Page 2

**Morgan Lewis**

degradation requiring replacement of the bolts) on approximately 227 of 832 baffle-former bolts. No failures of the baffle-edge bolts were identified.

Entergy is reporting this event to the Nuclear Regulatory Commission ("NRC") pursuant to 10 C.F.R. § 50.72.

As required by plant procedures, Entergy has entered the inspection findings into its Corrective Action Program and is taking appropriate corrective actions, including the conduct of a root cause analysis. In accordance with its mandatory disclosure obligations in this proceeding, Entergy today disclosed the condition report ("CR") for the preliminary baffle-former bolt inspection findings to the other parties.

In addition, Entergy plans to initiate consultations with New York State, Riverkeeper, and the NRC Staff under 10 C.F.R. § 2.323(b) to discuss the potential implications of the inspection findings for the pending adjudication on Contentions NYS-25 and NYS-38/RK-TC-5, particularly in light of the ongoing nature of Entergy's evaluations of the inspection findings. At this juncture, because New York State's reply supplemental testimony is due on Friday, April 1, Entergy will propose that the parties prepare and submit to the Licensing Board a joint motion requesting a 30-day abeyance of the Track 2 proceedings pending the completion of Entergy's initial evaluation and/or a further report from Entergy.

Respectfully submitted,

Executed in accord with 10 C.F.R. § 2.304(d)

Paul M. Bessette, Esq.  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
Phone: (202) 739-5796  
Fax: (202) 739-3001  
E-mail: paul.bessette@morganlewis.com

*Counsel for Entergy Nuclear Operations, Inc.*

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of	)	Docket Nos. 50-247-LR and
	)	50-286-LR
ENTERGY NUCLEAR OPERATIONS, INC.	)	
	)	
(Indian Point Nuclear Generating Units 2 and 3)	)	March 29, 2016

**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 2.305 (as revised), I hereby certify that, on this date, copies of Entergy's "Licensing Board Notification of Preliminary Indian Point Unit 2 Baffle-Former Assembly Bolt Inspection Findings" were served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above-captioned proceeding.

*Signed (electronically) by Martin J. O'Neill*

Martin J. O'Neill, Esq.  
MORGAN, LEWIS & BOCKIUS LLP  
1000 Louisiana Street, Suite 4000  
Houston, TX 77002  
Phone: (713) 890-5710  
Fax: (713) 890-5001  
E-mail: martin.o'neill@morganlewis.com

*Counsel for Entergy Nuclear Operations, Inc.*

DB1/87058200

## **Attachment #2**

**April 26, 2016 Letter from Sherwin Turk to ASLB (with April 22, 2016 letter from Jeremy Bowen to Housman Rasouli and NRC powerpoint attached)**

**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON DC 20555 - 0001

April 26, 2016

Lawrence G. McDade, Chair  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555

Dr. Michael F. Kennedy  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555

Dr. Richard E. Wardwell  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555

In the Matter of  
ENTERGY NUCLEAR OPERATIONS, INC.  
(Indian Point Nuclear Generating Unit Nos. 2 and 3)  
Docket Nos. 50-247-LR/286-LR

Dear Administrative Judges:

The NRC Staff ("Staff") wishes to inform the Atomic Safety and Licensing Board ("Board") and parties that the telephone numbers for Staff Counsel have changed. Effective immediately, Staff Counsel in this proceeding may be reached as follows:

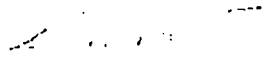
Ghosh, Anita	(301) 287-9175
Harris, Brian	(301) 287-9120
Lindell, Joseph	(301) 287-9114
Mizuno, Beth	(301) 287-9201
Roth, David	(301) 287-9121
Turk, Sherwin	(301) 287-9194

In addition, the Staff wishes to inform the Board and parties that on April 19, 2016, the Staff provided a PowerPoint briefing to the Chairman, Commissioner Ostendorf, Commissioner Svinicki, and Commissioner Baran's staff, regarding the licensee's inspection of baffle-former assembly bolts in the Indian Point Unit 2 reactor pressure vessel. In its briefings, the staff provided an overview of the design of a pressurized water reactor baffle-former assembly and the associated bolts; the regulatory requirements associated with inspection of the baffle-former assembly and bolts; the inspection results at Indian Point Unit 2, including the current status; the implications for Indian Point Unit 3; and the Staff's related ongoing activities.

Atomic Safety and Licensing Board  
April 26, 2016  
Page 2

Copies of the Staff's meeting summary and briefing slides are enclosed herewith

Respectfully,

  
Sherwin E. Turk  
Counsel for NRC Staff

Encl : As stated

cc w/Encl : EIE Service List

April 22, 2016

MEMORANDUM TO: Houman Rasouli  
Deputy Assistant for Operations  
Office of the Executive Director for Operations

FROM: Jeremy S. Bowen /RA/  
Executive Technical Assistant  
Office of the Executive Director for Operations

SUBJECT: SUMMARY OF APRIL 19, 2016 BRIEFINGS FOR THE  
COMMISSIONERS ON INDIAN POINT BAFFLE BOLTS

On April 19, 2016, the Nuclear Regulatory Commission (NRC) staff provided information briefings for the Commissioners on Baffle Bolts at the Indian Point Nuclear Generating Station (Indian Point). One briefing was held for Chairman Burns and Commissioner Ostendorff; and a separate briefing was held for Commissioner Svinicki. Commissioner Baran was not briefed, but had staff in attendance during the first briefing.

The staff provided (1) an overview of the design of a pressurized water reactor (PWR) baffle-former assembly and the associated bolts; (2) the regulatory requirements associated with inspection of the assembly and bolts; (3) the results of the inspections at Indian Point, Unit 2, including the current status; (4) the implications for Indian Point, Unit 3; and (5) the NRC engagement in the ongoing activities. Information presented on the design was limited to the function of the assembly and the bolts, the associated material properties, and the potential failure mechanisms and related consequences. The process and bases of the regulatory required inspections was provided as it relates to all PWRs. Discussions on the inspection results at Indian Point was limited to factual information about the numbers of bolts that failed, the current plans to replace or further evaluate the affected bolts, and the anticipated schedules for the associated activities. The staff concluded by discussing how the operating experience at Indian Point correlates with industry, and by covering the NRC's ongoing and planned activities.

cc OGC

CONTACT: Jeremy Bowen OEDO  
(301) 415-3171



April 22, 2016

MEMORANDUM TO: Houman Rasouli  
Deputy Assistant for Operations  
Office of the Executive Director for Operations

FROM: Jeremy S. Bowen /RA/  
Executive Technical Assistant  
Office of the Executive Director for Operations

SUBJECT: SUMMARY OF APRIL 19, 2016 BRIEFINGS FOR THE  
COMMISSIONERS ON INDIAN POINT BAFFLE BOLTS

On April 19, 2016, the Nuclear Regulatory Commission (NRC) staff provided information briefings for the Commissioners on Baffle Bolts at the Indian Point Nuclear Generating Station (Indian Point). One briefing was held for Chairman Burns and Commissioner Ostendorff; and a separate briefing was held for Commissioner Svinicki. Commissioner Baran was not briefed but had staff in attendance during the first briefing.

The staff provided (1) an overview of the design of a pressurized water reactor (PWR) baffle-former assembly and the associated bolts; (2) the regulatory requirements associated with inspection of the assembly and bolts; (3) the results of the inspections at Indian Point, Unit 2, including the current status; (4) the implications for Indian Point, Unit 3; and (5) the NRC engagement in the ongoing activities. Information presented on the design was limited to the function of the assembly and the bolts, the associated material properties, and the potential failure mechanisms and related consequences. The process and bases of the regulatory required inspections was provided as it relates to all PWRs. Discussions on the inspection results at Indian Point was limited to factual information about the numbers of bolts that failed, the current plans to replace or further evaluate the affected bolts, and the anticipated schedules for the associated activities. The staff concluded by discussing how the operating experience at Indian Point correlates with industry and by covering the NRC's ongoing and planned activities.

cc: OGC

CONTACT: Jeremy Bowen, OEDO  
(301) 415-3471

DISTRIBUTION:  
See next page

ADAMS Accession No.: ML16112A347

OFFICE	OEDO/ETA	OEDO/DAO
NAME	JBowen	HRasouli
DATE	04/21/16	04/22/16


OFFICIAL RECORD COPY

Memo to Houman Rasouli from Jeremy S. Bowen dated April 22, 2016

SUBJECT: SUMMARY OF APRIL 19, 2016, BRIEFINGS FOR THE COMMISSIONERS ON  
INDIAN POINT BAFFLE BOLTS

DISTRIBUTION:

V McCree, EDO  
M Johnson, DEDR  
D. Dorman, DEDM  
R Lewis, AO  
T. Clark, OEDO  
J. Bowen, OEDO  
B. Dean, NRR  
B McDermott, NRR  
M. Evans, NRR  
J Lubinski, NRR/DE  
J McHale, NRR/DE  
D. Picket, NRR/DORL  
D. Lew, Region I  
S. Flanders, Region I  
M. Scott, Region I  
D. Pelton, Region I  
G. Dental, Region I  
S. Turk, OGC  
OGC  
EDO R/F



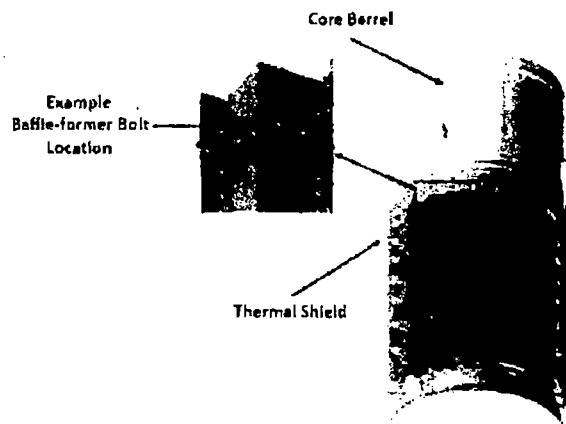
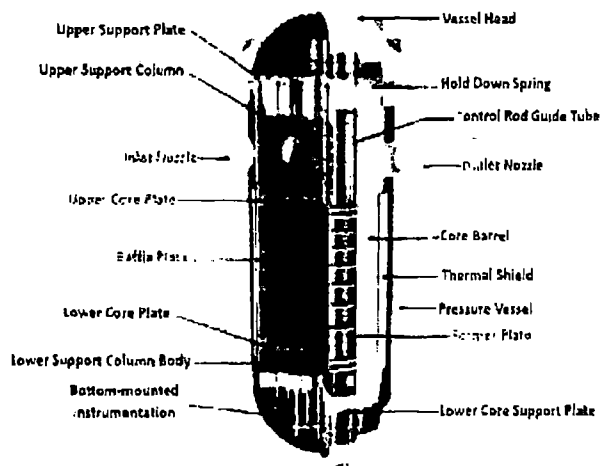
# **Briefing on Indian Point Baffle Bolt Inspections**

**April 19, 2016**

*Protecting People and the Environment*



## Baffle-former assembly



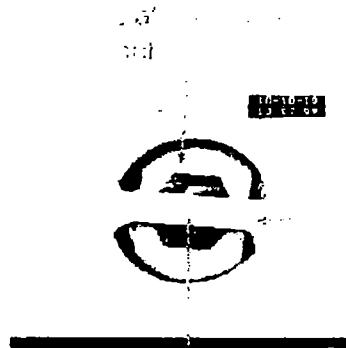
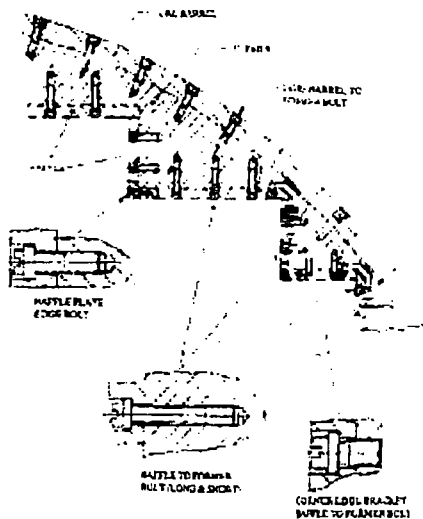
Function of baffle-former assembly is to direct coolant flow through the core. It also provides lateral support to the core during a seismic event or loss-of-coolant accident (LOCA).

*Protecting People and the Environment*

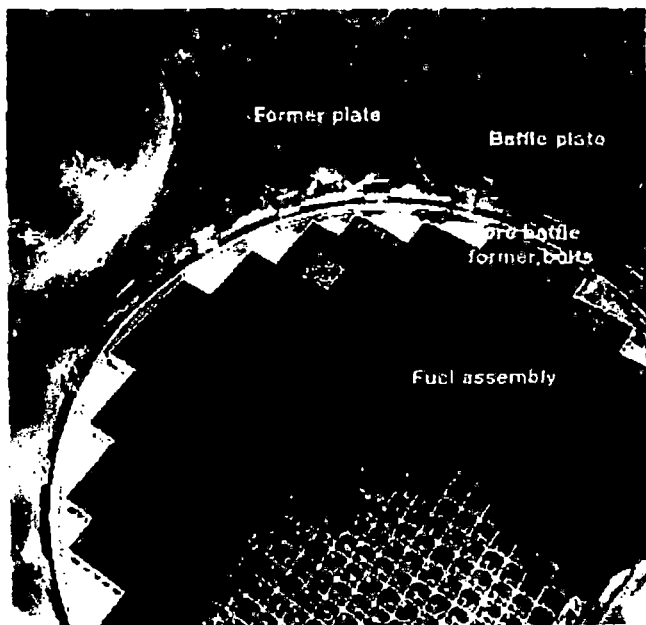


## Baffle-former bolts

- Stainless steel bolts are 5/8" dia. x ~2" long and attach the baffle plates to the former plates to form the baffle assembly



## Potential consequences



- No impact from a few bolt failures
- Large numbers of failed bolts could cause:
  - Flow leakage through gaps between adjacent plates
    - Fuel degradation (baffle jetting erosion)
    - Increased core bypass flow (less fuel cooling)
  - Baffle plates impacting fuel assemblies during LOCA event, potentially leading to grid deformation



## ***Baffle-Former Bolt Inspections – Regulatory Basis – First 40 years***

- **10 CFR 50.55a “Codes and Standards”**
  - Incorporates by Reference ASME Code, Section XI
  - Section XI mandates general visual condition examination of reactor vessel internals (RVI) every 10 years
- **All PWRs have been performing every 10 years during the first 40 years of operation**



## ***Baffle-Former Bolt Inspections Regulatory Basis – Period of Extended Operation***

- **Guidance for PWR RVI aging management program is based on NRC-approved topical report MRP-227-A**
- **To manage aging of RVI, IP2 committed to enhanced inspections following MRP-227-A, consistent with NRC guidance**

*Protecting People and the Environment*





## ***MRP-227-A Inspection Requirements for Baffle-Former Bolts***

- **Ultrasonic (UT) Examination**
- **Initial (baseline) inspection between 25-35 effective full power years**
- **100% of bolts**
- **Inspect every 10 years thereafter**
- **All PWRs with baffle-former bolts must perform these inspections (most PWR designs)**



## 2016 Indian Point Results

### Entergy Unit 2 Activities

- Conducted visual examination of 1232 baffle-edge bolts
- Conducted ultrasonic and visual examination of 832 baffle-former bolts
- Results:
  - All baffle edge-bolts were acceptable
  - 227 total baffle-former bolt identified as failed
    - 182 ultrasonic testing failures
    - 31 visually identified as protruding
    - 14 inaccessible, conservatively assumed failed
- Bolts to be sent out for analysis by Westinghouse and LPI, an independent engineering firm



## **2016 Indian Point Activities**

### **Indian Point Unit 2 (IP2)**

- Removing degraded bolts using mechanical extraction and Electrical Discharge Machining (EDM) tools
- Developing plans to replace baffle-former bolts
- Developing safety evaluation of as-found condition
- Developing analysis to support baffle-former assembly return to service (if not all bolts are replaced)

### **Indian Point Unit 3 (IP3)**

- Developing evaluation of baffle-former assembly considering information from IP2
- Evaluating schedule for future baffle bolt examinations, currently planned in 2019

*Protecting People and the Environment*



## ***NRC Inspections to Ensure Safety Of Indian Point Unit 2***

- Evaluated Entergy's Inservice Inspection to verify their examination methods/acceptance criteria were appropriate
- Baseline Inspections being planned and implemented to:
  - Verify Entergy completes bolt replacement and analyses that ensure the baffle-former assembly will perform intended safety functions
  - Review Entergy's evaluation of the as-found conditions to independently assess the safety significance and whether there were prior performance issues



## NRC Inspections to Ensure Safety Of Indian Point Unit 3

- **NRC staff's current assessment is that IP3 is safe to operate**
  - Smaller number of failed bolts expected because:
    - IP3's baffle-former bolts are exposed to less radiation than those in IP2
    - Less operating time than IP2
    - No current indication of fuel leaks which would indicate significant problems with baffle-former bolts
  - Analysis for other Westinghouse plants have demonstrated significant margin regarding the total number of required bolts
  - Will reassess IP3 functionality based on results of IP2 analysis currently in progress
- **Resident Inspectors onsite to independently assess if conditions change**
- **NRC will review Entergy's evaluation of IP3 and their plans for future baffle-former assembly exams**



## ***Operating Experience – Inspection Results***

- **Only one plant found broken baffle-former bolts via Section XI visual inspections**
- **Over 12,000 baffle-former bolts ultrasonically inspected to date**
- **Only 3.6% defective (potentially cracked)**
- **Excluding IP2 results, 2% defective**
- **Several plants of similar age or older to IP2 have inspected**
- **These older plants have found no more than 10% defective bolts**



## *Industry Response*

- **Entergy will perform root cause analysis**
- **Results will be shared with the industry through the EPRI Materials Reliability Program (MRP)**
- **EPRI considers MRP-227-A a living program**
- **Changes can be made in response to operating experience**



## **NRC Response**

- **Region I and NRR monitoring IP2 analysis, repair and root cause, and IP3 implications**
- **Decide if regulatory action needed based on:**
  - **Operating experience with baffle-former bolt inspections**
  - **IP2 root cause analysis results**
  - **Operability of IP2 under all design basis conditions with as-found defective bolts**
- **Potential actions could include acceleration of baseline inspection schedule, shorten reinspection interval, or no change**
- **Could implement through modification to guidance, or generic communication if warranted by safety impact**



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

ENTERGY NUCLEAR OPERATIONS, INC.

Docket Nos. 50-247/286-LR

(Indian Point Nuclear Generating  
Units 2 and 3)

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (as revised), I hereby certify that copies of the foregoing letter from Sherwin E. Turk to the Atomic Safety and Licensing Board, dated April 26, 2016, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above-captioned proceeding, this 26<sup>th</sup> day of April, 2016.

Sherwin E. Turk  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop - O-15D21  
Washington, DC 20555  
Telephone: (301) 287-9194  
E-mail: [Sherwin.Turk@nrc.gov](mailto:Sherwin.Turk@nrc.gov)

## **Attachment #3**

**NRC Blog Post, April 27, 2016, Neil Sheehan: "An Outage Twist:  
Degraded bolts at New York Nuclear Power Plant Warrant Attention"**

<https://public-blog.nrc-gateway.gov/2016/04/27/an-outage-twist-degraded-bolts-at-new-york-nuclear-plant-warrant-attention/>

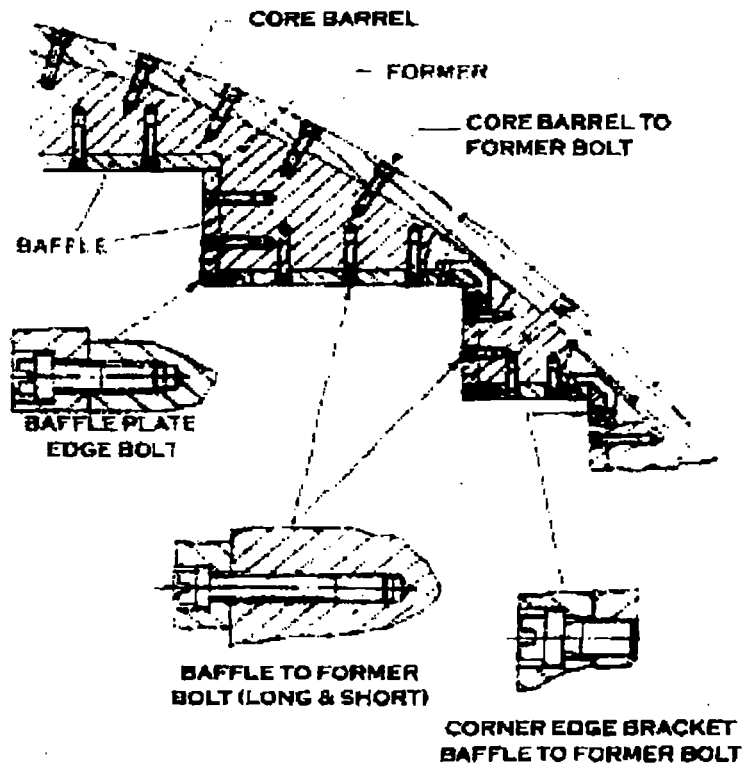
## An Outage Twist: Degraded bolts at New York Nuclear Plant Warrant Attention

11 Comments Posted by Moderator on April 27, 2016

Neil Sheehan  
Public Affairs Officer  
Region I

When the Indian Point Unit 2 nuclear power plant entered a refueling and maintenance outage in early March, the to-do list included a task born of industry operating experience, both in the United States and overseas

### Baffle-Former Assembly Bolts



EPRI

Specialists were geared up to check on the condition of bolts employed in the reactor vessel at the Buchanan, N.Y., facility. These are the kind of bolts you likely wouldn't find at your local hardware store. Rather, they are made of a stainless-steel alloy capable of withstanding decades' worth of neutron bombardment, as well as extraordinarily high temperatures and pressure.

Measuring about 2 inches in length and 5/8ths of an inch in diameter, the bolts hold in place a series of vertical metal plates. Known as baffle plates, they help direct water up through the nuclear fuel assemblies, where it is heated and subsequently used for power production.

The baffle plates are attached to eight levels of horizontal plates called baffle-former plates, which are in turn connected to the reactor core barrel.

As far back as the late 1980s, cracking was identified in baffle-former bolts — the bolts securing the baffle plates to the baffle-former plates — in pressurized-water reactors (PWRs) in France. (Both Indian Point Units 2 and 3 are PWRs.) The degradation is caused by what is known as irradiation-assisted stress corrosion cracking.

In response, the U.S. nuclear industry began checking on these bolts in a small number of domestic PWRs on a sample basis.

The NRC staff also made use of a communications tool called an Information Notice to advise U.S. plant owners of what had been observed in Europe. A March 1998 notice let U.S. plant owners know that the baffle-former bolt cracking reported in foreign PWRs had occurred at the juncture of the bolt head and the shank, a location not accessible for visual examination.

Several U.S. plants subsequently evaluated their baffle-former bolts and in some cases replaced a sizable number.

Jumping ahead, the Electric Power Research Institute developed a standard industry program for the aging management of PWR reactor vessel internals and submitted it to the NRC in January 2009. The NRC staff approved the approach in an agency safety evaluation issued in December 2011 and then published in January 2012 as MRP-227-A. (MRP is short for Materials Reliability Program.)

Under this new standard, U.S. PWRs were to conduct an initial ultrasonic examination of all of their baffle-former bolts when the plant had between 25 and 35 effective full power years of service.

This is exactly what was being done at Indian Point Unit 2 during the current outage. It was adhering to the standards of MRP-227-A. In the course of this review, it was determined that 227 of 832 baffle-former bolts at the plant were degraded, which means any indication of cracking. What's more, two bolt heads were missing.

The number of degraded baffle-former bolts was the largest seen to date at a U.S. reactor.

Entergy, Indian Point's owner, is in the process of analyzing the condition and replacing the degraded bolts. It will also assess any implications for Indian Point Unit 3, though that reactor is believed to be less susceptible to the condition for several reasons, including fewer operational cycles.

As for the NRC, we will independently review the company's analysis and bolt-replacement plans to ensure safety. The results of those reviews will be documented in an upcoming inspection report for the plant.

We have already had a metallurgical specialist on-site reviewing the company's evaluations of the bolts and have agency experts reviewing the matter.

More information will be forthcoming on the issue. However, it's important to note that the NRC staff will ensure the condition is fully understood and addressed prior to the plant returning to service. The NRC staff will also consider all available information in evaluating if changes are needed to the current inspection programs for these bolts across the industry.

Dear FOIA Requester:

The FOIA Improvement Act of 2016, which was enacted on June 30, 2016, made several changes to the Freedom of Information Act (FOIA). Federal agencies must revise their FOIA regulations to reflect those changes by December 27, 2016. In addition to revising our regulations, we intend to update the Form 464, which we use to respond to FOIA requests.

In the interim, please see the comment box in Part I.C of the attached Form 464. The comment box includes information related to the recent changes to FOIA that is applicable to your FOIA request, including an updated time period for filing an administrative appeal with the NRC.

Sincerely yours,

*Stephanie Blaney /S/*

Stephanie Blaney  
FOIA Officer