



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

2009-0070

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

RICHARD WEBSTER

DATE

APR 17 2009

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
Requested records are available through another public distribution program. See Comments section.
APPENDICES Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
APPENDICES C, D Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852-2738.
APPENDICES C, D Agency records subject to the request are enclosed.
Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
We are continuing to process your request.
See Comments.

PART I.A -- FEES

AMOUNT * \$

- You will be billed by NRC for the amount listed.
None. Minimum fee threshold not met.
You will receive a refund for the amount listed.
Fees waived.

* See comments for details

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

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

The incoming request is in ADAMS at ML090230123.

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

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

DONNA SEALING

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
D, E

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
 - Low 2 Internal matters of a relatively trivial nature.
 - High 2 Disclosure would risk circumvention of a legal requirement.
- Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
 - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
 - 41 U.S.C., Section 253b, subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
 - The information is considered to be confidential business (proprietary) information.
 - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
 - Disclosure will harm an identifiable private or governmental interest.
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
 - Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
 - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
 - Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
 - (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
 - (C) Disclosure would constitute an unwarranted invasion of personal privacy.
 - (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
 - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
 - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
SAMUEL J. COLLINS	REGIONAL ADMINISTRATOR, REGION 1	APPENDIX F, and G	✓		

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

**APPENDIX C
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)</u>
1.	08/19/2008	E-mail from C. Taylor of Exelon Corp. to J. Richmond of USNRC (2 pages).
	Undated	FASA Self-Assessment Report, Cross-Functional Area, Oyster Creek Nuclear Generation Station, Self-Assessment Title: Oyster Creek License Renewal Commitment Implementation 2008 FASA, LS-AA-126-1001, Rev 5 (35 pages)
2.	10/30/2008	Recurring Task Work Order, number R2095857; W/O Desc. Leakage Monitoring Torus, Sandbeds & Rx Drain (12 pages).
3.	Undated	AR 00557180 Report, Aff Fac: Oyster Creek, Subject" Commitments made for GL 87-05 are not in the RA Database (11 pages)
4.	11/10/2008	E-mail from S. Dupont of Exelon Corp. to J. Richmond of USNRC, regarding Current Open Status Report (2 pages)
	Undated	OYCK – Quarterly Integrated Inspection NRC Requests Report (4 pages)
5.	11/14/2008	Recurring Task Work Order, number R2117387; W/O Desc. Inspect the Drywell Trenches – LRA Commitment (28 pages)
6.	Undated	1R22 LRA Work Orders Program Owners Work Load (8 pages)
7.	Undated	1R22 LRA WOs (99) (5 pages)
8.	Undated	License Renewal Review Board (4 pages)
9.	Undated	License Renewal Review Board (3 pages)
10.	Undated	1R22 LRA WOs (101) (5 pages)
11.	Undated	LFV Summary Schedule Management Summary, Oyster Creek 1R22 (1 page)
12.	Undated	LRA Layout License Renewal Activities, Oyster Creek 1R22 (19 pages)

13. Undated 1R22 Related License Tasks (17 pages)
14. Undated LfV Opening Layout License Renewal Activities, Oyster Creek 1R22 (16 pages)
15. Undated IR 0553792-02, Drywell Structural Integrity Basis from 1R21 Inspections (29 pages)
16. Undated AR number 00348545; Oyster Creek, subject" Monitoring of Leakage for Concerns of Drywell Corrosion (21 pages)
17. 05/07/2008 1R22 Related License Tasks (13 pages)
18. 05/07/2008 E-mail from J. Richmond of USNRC to P. Tamburro of Exelon Corp., regarding 1R22 Outage Matrix (17 pages)
19. 06/26/2008 LfV Opening Layout, License Renewal Activities. (16 pages)
20. 07/01/2008 E-mail from P. Tamburro of Exelon Corp. to J. Richmond of USNRC, regarding Oyster Creek License Renewal Preliminary Schedule – October Refueling Outage (18 pages)
21. 08/18/2008 E-mail from P. Tamburro of Exelon Corp. to J. Richmond of USNRC, regarding IS-328227-004, Rev 014, 20070516, Functional Requirements fo.pdf (43 pages)
22. 08/18/2008 E-mail from P. Tamburro of Exelon Corp. to J. Richmond of USNRC, regarding Oyster Creek 1R22 License Renewal Work Scope (19 pages)
23. 08/18/2008 E-mail from P. Tamburro of Exelon Corp. to J. Richmond of USNRC, regarding Oyster Creek Schedule (21 pages)
24. 08/27/2008 E-mail from P. Tamburro of Exelon Corp. to J. Richmond of USNRC, regarding Oyster Creek 1R22 Milestone Schedule (3 pages)
25. 08/29/2008 E-mail from P. Tamburro of Exelon Corp. to J. Richmond of USNRC, regarding Oyster Creek 1R22 Scope (7 pages)
26. 08/18/2008 1R22 Related License Tasks, with handwritten notes (17 pages)
27. 09/23/2008 LRA Layout License Renewal Activities (19 pages)
28. 08/07/2008 LRC Layout License Renewal Activities (19 pages)
29. 10/03/2008 E-mail from C. Taylor of Exelon to J. Richmond of USNRC, regarding NRC Requests (15 pages)

30. 10/03/2008 E-mail from C. Taylor of Exelon to J. Richmond of USNRC, regarding B.1.24 WBS.xls (9 pages)
31. 10/03/2008 E-mail from C. Taylor of Exelon to J. Richmond of USNRC, regarding Delivery Notification (5 pages)
32. 10/08/2009 E-mail from M. Ferdas of USNRC to various, regarding Supervisory Brief: 1R22 License Renewal Inspection and Work (4 pages)
33. 10/15/2008 E-mail from C. Taylor of Exelon Corp. to J. Richmond of USNRC, regarding A.5 commitment table for OC – latest rev (50 pages)
34. 11/18/2008 E-mail from J. Kulp of USNRC to various, regarding Findings in the Sandbed Region During 1R22 (3 pages)
35. 05/07/2008 E-mail from J. Richmond of USNRC to T. O'Hara and P. Kaufman, regarding Oyster Creek Outage ISI and License Renewal Insp (2 pages) **Note: A portion is outside of the scope**
36. 09/09/2008 E-mail from J. Richmond of USNRC to J. White and T. O'Hara of USNRC, regarding October-November Schedules (3 pages) **Note: Portions are outside of the scope**
37. 10/03/2008 E-mail from R. Conte of USNRC to J. Richmond and K. Gallagher of USNRC, regarding Project Manage OC and BV, regarding OC Sandbed access (3 pages) **Note: Portions are outside of the scope**
38. 10/23/2008 E-mail from J. Richmond of USNRC to R. Conte of USNRC, regarding Project Manage OC (4 pages) **Note: Portions are outside of the scope**
39. 10/25/2008 E-mail from J. Richmond of USNRC to J. Kulp of USNRC, regarding OC Trenches found DRY, Re: OC Shutdown and containment entry (2 pages) **Note: Portions are outside of the scope**
40. 11/12/2008 E-mail from S. Collins of USNRC to M. Dapas and D. Roberts of USNRC, regarding Oyster Creek – Bruce Briefing (3 pages) **Note: A portion is outside of the scope**
41. 11/19/2008 E-mail from M. McLaughlin of USNRC to various, regarding NJDEP Org Chart (4 pages total, 3 pages released) **Note: A portion is outside of the scope**

42. 12/24/2008 E-mail from D. Roberts of USNRC to M. Gamberoni of USNRC, regarding Turnover items (2 pages) **Note: Portions are outside of the scope**
43. 01/11/2009 E-mail from J. Richmond of USRNC to R. Conte of USNRC, regarding OC 2008-07 LRI rev 5 (2 pages)
44. 01/12/2009 E-mail from D. Tift of USNRC to D. Bearde and M. Gamberoni of USNRC, regarding Advance copy of OC commitments inspection report and project plan (3 pages)
45. 01/12/2009 E-mail from D. Tift of USNRC to D. Pelton and M. Baty of USNRC, regarding Recent version of OC 71003 inspection report (2 pages)
46. 01/12/2009 E-mail from D. Tift of USNRC to R. Barkley of USNRC, regarding OC PN Board Notification (2 pages)
47. 01/13/2009 E-mail from R. Conte of USNRC to various, regarding Current version of project plan (2 pages) **Note: A portion is outside of the scope**
48. 01/12/2009 E-mail from R. Conte of USNRC to C. Crisden, M. Gamberoni and D. Roberts, regarding QPR Input from EB 1 – OC and BV License Renewal Inspections (2 pages) **Note: Portions are outside of the scope**
49. 11/18/2008 E-mail from M. Gamberoni of USNRC to D. Tift, J. Richmond and D. Roberts of USNRC, regarding Implementation of Comm Plan for Oyster Creek PNO (3 pages) **Note: Portions are outside of the scope**
50. 11/18/2008 E-mail from M. Gamberoni to D. Tift, J. Richmond and D. Roberts, Regarding Implementation of Comm Plan for Oyster Creek PNO. (3 pages) **Note: Portions are outside of the scope**
51. 11/18/2008 E-mail from J. Richmond to R. Conte, Regarding Implementation of Comm Plan for Oyster Creek PNO. (2 pages) **Note: Portions are outside of the scope**
52. 01/21/2009 E-mail from D. Bearde to J. Richmond, Regarding double check of OC 2008-07 LRI final (2 pages)
53. 07/13/1987 Letter from W. Russell, USNRC Regional Administrator to R. Dewling, Commissioner, Department of Environmental Protection, regarding surveillance of Nuclear Power Plants operating in New Jersey (2 pages)

APPENDIX D
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Evaluation documenting assessment of Oyster Creek's response to the condition document in IR 00842333 (7 pages) / Exemption 6

**APPENDIX E
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	AmerGen; reactor CXavity and Equipment Pit Leak Mitigation and Decontamination, RP-OC-6006, Rev O, with handwritten notes (26 pages) / Exemption 4
2.	Undated	AmerGen; Oyster Creek Generating Station Procedure Number 205.94.0, Title RPV Floodup Using Core Spray (21 pages) / Exemption 4
3.	05/16/2007	Specification for Oyster Creek, Specification IS-328227-0, with handwritten notes (43 pages) / Exemption 4