

**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

JUN 05 2008

**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 I, J 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 I, J Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☒ We are continuing to process your request.
- ☒ See Comments.

**PART I.A -- FEES**

AMOUNT \*

\$

\* See comments  
for details

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

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

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

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

The incoming request is in ADAMS at ML090230123.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

DONNA SEALING

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

2009-0070

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

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 J	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)</u></b>
1.	Undated	Key Messages for Oyster Creek (1 page) <b>Note: There is a section that is outside of the scope of the request.</b>
2.	09/09/2008	E-mail from J. Richmond of USNRC to D. Pelton of USNRC, regarding Oyster Creek LR Outage Commitments Inspection (6 pages)
3.	11/23/2008	E-mail from J. Richmond of USNRC to D. Pelton of USNRC, regarding OC ACRS & ASLB Transcript (3 pages)
4.	01/11/2009	E-mail from T. O'Hara of USNRC to J. Richmond of USNRC, regarding Inspection Input – Oyster Creek 71003 (11 pages)
5.	01/12/2009	E-mail from J. Richmond of USNRC to R. Conte of USNRC, regarding Original OC Proj Plan (3 pages)
6.	01/12/2009	E-mail from M. Modes of USNRC to J. Richmond of USNRC, regarding Feeder on Fatigue (3 pages)
7.	01/19/2009	E-mail from J. Richmond of USNRC to various, regarding OC 2008-07 Rev 14 (27 pages)
8.	01/21/2009	E-mail from D. Bearde of USNRC to J. Richmond of USNRC, regarding OC PDF (27 pages)
9.	01/22/2009	E-mail from C. O'Daniell of USNRC to various, regarding EDO Daily Notes – Region I Input for 1/23/09 (3 pages)
10.	01/22/2009	E-mail from J. Richmond of USNRC to various, regarding EDO Daily Note for OC 2008-07 (2 pages)
11.	09/10/2008	E-mail from J. Richmond of USNRC to T. O'Hara and M. Modes, regarding OC Drywell UT Review from Last Outage (2 pages)
12.	01/21/2009	E-mail from J. Richmond of USNRC to N. McNamara of USNRC, regarding OC LRI 2008-07 Comm Plan Final (2 pages)
	Undated	Communications Plan and Notification Sequence Preliminary Results of Licensee Renewal Commitment Inspection for Oyster Creek Drywell Containment Shell (9 pages)
13.	01/21/2009	E-mail from J. Richmond of USNRC to N. McNamara of USNRC, regarding OC LRI 2008-07 Comm Plan Final (2 pages)

Undated      Communications Plan and Notification Sequence Preliminary Results of  
Licensee Renewal Commitment Inspection for Oyster Creek Drywell  
Containment Shell (8 pages)

14.    11/06/2008    E-mail from R. Green of USNRC to various, regarding Board Notification  
Oyster Creek (8 pages)
15.    01/13/2009    E-mail from D. Pelton of USNRC to R. Conte, J. Richmond and M. Modes  
of USNRC, regarding Drawings in OC 71003 (2 pages)
16.    10/24/2008    E-mail from J. Richmond to M. Modes, T. O'Hara and G. Meyer of  
USNRC, regarding OC License Renewal Insp. Entrance Meeting Notes (4  
pages)

**APPENDIX J  
RECORDS BEING WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	10/29/2008	E-mail from R. Conte of USNRC to various, regarding Alignment on Oyster Creek LR Commitments inspection comm. Strategy (3 pages) / Exemption 5 <b>Note: There is a section that is outside of the scope</b>
2.	10/29/2008	E-mail from J. Richmond of USNRC to various, regarding Alignment on Oyster Creek LR Commitments inspection comm strategy (3 pages) / Exemption 5
3.	10/29/2008	E-mail from M. McLaughlin of USNRC to various, regarding Alignment on Oyster Creek LR Commitments inspection comm. Strategy (3 pages) / Exemption 5 and 6
4.	10/29/2008	E-mail from K. Farrar of USNRC to D. Roberts of USNRC, regarding Alignment on Oyster Creek LR Commitments inspection comm strategy (3 pages) / Exemption 5
5.	10/29/2008	E-mail from D. Roberts of USNRC to J. Richmond and M. McLaughlin of USNRC, regarding Alignment of Oyster Creek LR Commitments inspection comm strategy (4 pages) / Exemption 5 and 6
6.	11/03/2008	E-mail from J. Richmond of USNRC to R. Conte of USNRC, regarding Region I Daily Staff Notes 11-03-08 EB1 on OC rev 1 (2 pages) / Exemption 6
	Undated	Daily Staff Notes, Region I (1 page)
7.	11/03/2008	E-mail from T. O'Hara of USNRC to various, regarding Oyster Creek Drywell Shell Coating Issue (3 pages) / Exemption 5
8.	11/07/2008	E-mail from J. Richmond of USNRC to D. Roberts and R. Conte of USNRC, regarding Oyster Creek Drywell Shell Coating Issue (5 pages) / Exemption 5
9.	11/07/2008	E-mail from J. Richmond of USNRC to T. O'Hara of USNRC, regarding Oyster Creek Drywell Shell Coating Issue (6 pages) / Exemption 5
10.	11/07/2008	E-mail from J. Richmond of USNRC to various, regarding Docket No. 50-219 – AmerGen Energy Company LLC (3 pages) / Exemption 5
11.	11/15/2008	E-mail from J. Richmond of USNRC to E. Miller of USNRC, regarding OC Regional Administrator Brief Post Meeting (5 pages) / Exemption 5 and 6 <b>Note: there is a section that is outside of the scope</b>
12.	11/17/2008	E-mail from N. Sheehan of USNRC to J. Richmond of USNRC, regarding

- Draft OC Preliminary Notification rev 3 (3 pages) / Exemption 5
13. 11/20/2008 E-mail from J. Richmond of USNRC to various, regarding OC Update Call on Stripple Coating & sand Bed Drain Commitments (1 page) / Exemption 2 (High)
  14. 12/02/2008 E-mail from D. Roberts of USNRC to M. Gamberoni of USNRC, regarding OC Response to GL 87-05 (3 pages) / Exemption 5
  15. 12/03/2008 E-mail from R. Conte of USNRC to M. Modes of USNRC, regarding OC Exit Meeting Next Steps /Exemption 5 (2 pages)
  - 12/02/2008 Oyster Creek Commitment Inspection Per IP 71003 – App. C MC 2515, Infrequent Procedures Status and Next Steps (4 pages) / Exemption 5
  16. 12/10/2008 E-mail from R. Conte of USNRC to various, regarding OC Exit Meeting Next Steps (16 pages total, 15 pages released)
  - Undated Oyster Creek Commitment Inspection Per IP 71003 – App. C MC 2515, Infrequent Procedures Status and Next Steps / Exemption 5
  17. 12/11/2008 E-mail from J. Richmond of USNRC to R. Conte of USNRC, regarding OC LRI 2008-07-Exit Notes rev 6 (2 pages)
  - Undated Oyster Creek License Renewal Commitments Inspection Exit Meeting (5 pages) / Exemption 5
  18. 12/19/2008 E-mail from R. Conte of USNRC to J. Richmond of USNRC, regarding Work-at-home 12-19-08 (3 pages) / Exemption 5 and 6 **Note: There is a section that is outside of the scope**
  19. 12/19/2008 E-mail from R. Conte of USNRC to D. Roberts and J. Richmond of USNRC, regarding Draft Briefing and Talking Points for Monday at 1000 on Oyster Creek (2 pages)
  - Undated Brief for ORA Oyster Creek Commitment Inspection Results and Related Issues (3 pages)
  - Undated Oyster Creek Commitment Inspection Per IP 71003 – App. C MC 2515, Infrequent Procedures Lessons Learned and Key Questions Developed (3 pages) / Exemption 5
  20. 12/19/2008 E-mail from R. Conte of USNRC to J. Richmond of USNRC, regarding Brief for ORA 12-22-2008 (2 pages)
  - Undated Brief for ORA Oyster Creek Commitment Inspection Results and Related Issues (7 pages) / Exemption 5
  21. 12/22/2008 E-mail from R. Conte of USNRC to D. Roberts of USNRC, regarding RA Brief (3 pages) / Exemption 5
  22. 12/23/2008 E-mail from J. Richmond of USNRC to various, regarding Exit Notes for

- OC License Renewal Exit Meeting Telecom (2 pages) / Exemption 2 (High)
- Undated Oyster Creek License Renewal Commitments Inspection Exit Meeting (6 pages)
23. 12/23/2008 E-mail from R. Conte of USNRC to D. Roberts of USNRC, regarding NJ & NRC Perfect Together (5 pages) / Exemption 5
24. 12/29/2008 E-mail from R. Conte of USNRC to various, regarding Updated Information for Discussion of GAP Issue Tuesday Dec. 30 100pm (20 pages total, 16 pages released) / Exemption 2 (High)
- Undated Oyster Creek License Renewal Commitments Inspection Exit Meeting
- Undated Issue from Stat of New Jersey on NRC Exit / Meeting Information / Notes / Exemption 5
25. 12/30/2008 E-mail from R. Conte of USNRC to various, regarding Results of Conference Discussion on OC – NJ Gap Issue Tuesday Dec 30 100pm (15 pages total, 11 pages released)
- Undated Issue from State of New Jersey on NRC Exit / Meeting Information / Notes / Exemption 5
26. 01/07/2009 E-mail from M. Modes of USNRC to K. Farrar of USNRC, regarding Oyster Creek (2 pages) / Exemption 5
27. 01/08/2009 E-mail from R. Conte of USNRC to D. Roberts of USNRC, regarding Staff Meeting to Brainstorm OC 71003 Lessons Learned (3 pages) / Exemption 5 **Note: there is a section that is outside of the scope**
28. 01/08/2009 E-mail from M. Modes of USNRC to J. Richmond of USNRC, regarding Fully Vetted OC Cover Letter and Inspections Scope (4 pages) / Exemption 5
29. 01/09/2009 E-mail from R. Conte of USNRC to various, regarding Conf at 1000 am Friday on NJ Concerns with handwritten notes (3 pages total / 1 page released) / Exemption 5
30. 01/09/2009 E-mail from R. Conte of USNRC to various, regarding Conf at 1000 am Friday on NJ Concerns (4 pages total / 2 pages released) / Exemption 5
31. 01/11/2009 E-mail from R. Conte of USNRC to R. Conte of USNRC, regarding OC 2008-07 LRI\_rev 2a (9 pages) / Exemption 5
32. 01/12/2009 E-mail from J. Richmond of USNRC to R. Conte of USNRC, regarding Input to OC for 2008-07 (5 pages) / Exemption 5
33. 01/12/2009 E-mail from R. Conte of USNRC to M. Modes, J. Richmond and D. Tift of USNRC, regarding Cover Letter (7 pages) / Exemption 5

34. 01/13/2009 E-mail from M. Modes of USNRC to R. Conte and J. Richmond of USNRC, regarding Draft Unresolved Item (3 pages) / Exemption 5
35. 01/13/2009 E-mail from J. Richmond of USNRC to R. Conte and M. Modes of USNRC, regarding Draft Unresolved Item (3 pages total / 2 pages released) / Exemption 5
36. 01/14/2009 E-mail from N. Sheehan of USNRC to D. Tifft of USNRC, regarding Advance copy of IC commitments inspection report and project plan (3 pages) / Exemption 5
37. 01/09/2009 E-mail from J. Richmond of USNRC to D. Tifft of USNRC, regarding OC Draft IR for In-Process review (28 pages) / Exemption 5
38. 01/11/2009 E-mail from J. Richmond of USNRC to M. Modes of USNRC, regarding OC 2008-07 LRI rev 5 (30 pages) / Exemption 5
39. 01/11/2009 E-mail from J. Richmond of USNRC to R. Conte of USNRC, regarding OC 2008-07 LRI rev 5 (31 pages) / Exemption 5
40. 01/13/2009 E-mail from J. Richmond of USNRC to M. McNamara and R. Barkley of USNRC, regarding OC 2008-07 LRI Rev 7 (30 pages) / Exemption 5
41. 01/13/2009 E-mail from J. Richmond of USNRC to M. Modes of USNRC, regarding OC LT 2008-07 (31 pages) / Exemption 5
42. 01/14/2009 E-mail from M. Modes of USNRC to J. Richmond of USNRC, regarding OC 2008-07 LRI rev 7 edited by M2 (28 pages) / Exemption 5
43. 01/14/2009 E-mail from J. Richmond of USNRC to R. Conte of USNRC, regarding OC 2008-07 LRI rev 8 (28 pages) / Exemption 5
44. 01/14/2009 E-mail from J. Richmond of USNRC to D. Tifft of USNRC, regarding OC 2008-07 LRI rev 8 (37 pages) / Exemption 5
45. 01/15/2009 E-mail from D. Tifft of USNRC to J. Richmond of USNRC, regarding OC 2008-07 LRI rev 9 (29 pages) / Exemption 5
46. 01/15/2009 E-mail from D. Tifft of USNRC to J. Richmond of USNRC, regarding Advance copy of OC commitments inspection report and project plan (31 pages) / Exemption 5
47. 01/15/2009 E-mail from J. Richmond of USNRC to D. Tifft of USNRC, regarding OC 2008-07 LRI rev 9a (31 pages) / Exemption 5
48. 01/15/2009 E-mail from R. Barkley of USNRC to various, regarding OC LRI-2008-07 Final Comm Plan (9 pages) / Exemption 6
49. 01/16/2009 E-mail from R. Barkley of USNRC to J. Richmond of USNRC, regarding Advance copy of OC commitments inspection report and project plan (3 pages) / Exemption 5 and 6

50. 01/09/2009 E-mail from J. Richmond of USNRC to R. Conte of USNRC, regarding Action Item for OC IR (3 pages) / Exemption 5
51. 01/15/2009 E-mail from J. Richmond of USNRC to N. McNamara of USNRC, regarding OC 2008-07 rev 9a (29 pages) / Exemption 5
52. 01/16/2009 E-mail from J. Richmond of USNRC to J. Schoppy of USNRC, regarding OC 2008-07 LRI Rev 11 (2 pages)
- Undated Draft of Letter from D. Roberts of USNRC to C. Pardee of Exelon Generation Company, LLC, regarding Oyster Creek Generating Station – NRC License Renewal Follow-up Inspection Report 05000219/2008007, Revision 11 (30 pages) / Exemption 5
53. 01/16/2009 E-mail from J. Richmond of USNRC to various, regarding Revised OC Report 2008-07 (rev 12) (6 pages) / Exemption 5
54. 01/17/2009 E-mail from R. Conte to R. Barkley and D. Roberts of USNRC, regarding OC LRI 2008-07 Final Comm Plan RV-1 (2 pages)
- Undated Communications Plan and Notification Sequence Issuance of the License Renewal Commitment Inspection for Oyster Creek Drywell Containment Shell (7 pages) / Exemption 5 and 6
55. 01/19/2009 E-mail from R. Conte of USNRC to D. Roberts and J. Richmond of USNRC, regarding Game Plan to Issue OF Report 2008-07 (4 pages total / 2 pages released) / Exemption 5
56. 01/20/2009 E-mail from D. Roberts of USNRC to R. Conte of USNRC, regarding OC Report and comm. Plan (1 page) / Exemption 5 and 6
57. 01/20/2009 E-mail from R. Barkley of USRNC to R. Conte and D. Roberts of USNRC, regarding OC LRI 2008-07 Final Comm Plan RV-2 (3 pages) / Exemption 5 and 6
- Undated Communications Plan and Notification Sequence Preliminary Results of Licensee Renewal Commitment Inspection for Oyster Creek Drywell Containment Shell (7 pages)
58. 01/20/2009 E-mail from R. Barkley of USRNC to R. Conte and R. Barkley of USNRC, regarding OC LRI 2008-07 Final Comm Plan RV-3 (2 pages) / Exemption 6
- Undated Communications Plan and Notification Sequence Preliminary Results of Licensee Renewal Commitment Inspection for Oyster Creek Drywell Containment Shell (7 pages)
59. 01/21/2009 E-mail from D. Tiff of USNRC to J. Richmond and R. Barkley of USNRC, regarding Additional Q&A (3 pages) / Exemption 5 and 6
60. 01/21/2009 E-mail from R. Barkley of USRNC to D. Decker of USNRC, regarding OC LRI 2008-07 Comm Plan Final (2 pages) / Exemption 6

Undated      Communications Plan and Notification Sequence Preliminary Results of  
Licensee Renewal Commitment Inspection for Oyster Creek Drywell  
Containment Shell (8 pages)

61.      01/14/2009      E-mail from N. Sheehan of USNRC to D. Tifft of USNRC, regarding  
Advance copy of OC commitments inspection report and project plan (3  
pages) / Exemption 5