Cheryl Miskey

From:	Richard Conte , RI
Sent:	Monday, December 29, 2008 3:58 PM
To:	Nancy McNamara; David Pelton; Mary Baty; Karl Farrar
Cc:	Marsha Gamberoni; Brian Holian; Edward Williamson; Michael Modes; John Richmond; Lisa Regner; Neil Sheehan
Subject:	UPDATED INFORMAITON FOR DISCUSSION ON GAP ISSUE TUESDAY DE.C 30 100PM
Attachments:	OC LRI 2008-07_Exit Notes_rev-10A.doc; NJ&NRC_PerfectTogetherRev.1.doc

Ex. 2 High

Ignor the update I send for the appointment stuff - I didn't know what I was doing - addressees and Marsha have indicated they will be able to attend.

Conf. bridge no. is:

Conference Call Logistics (1-888-790-1159):
Total of 6 bridge lines with the pass-code [(b)(2)High]# - [help to get on: 301-415-7025].
Allotted time is 100 to 230pm

See the attached two files. First file is a little long but I will be prepared to summarize the results of each section.

I am headed to a decision that:

- No BN is needed,

- decision makers have all info they need and

- if they need clarification they will use due process, and

- NJ should be permitted to comment on anything in the public domain commensurate with MOU

- We are prepared to help them understand what is unique to inspection exit notes.

J/24

Received: from R1CLSTR01.nrc.gov ([148.184.99.7]) by R1MS01.nrc.gov
([148.184.99.10]) with mapi; Mon, 29 Dec 2008 15:57:37 -0500
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: Richard Conte <Richard.Conte@nrc.gov>
To: Nancy McNamara <Nancy.McNamara@nrc.gov>, David Pelton
<David.Pelton@nrc.gov>, Mary Baty <Mary.Baty@nrc.gov>, Karl Farrar
<Karl.Farrar@nrc.gov>
CC: Marsha Gamberoni <Marsha.Gamberoni@nrc.gov>, Brian Holian
<Brian.Holian@nrc.gov>, Edward Williamson <Edward.Williamson@nrc.gov>,
Michael Modes <Michael.Modes@nrc.gov>, John Richmond
<John.Richmond@nrc.gov>,
Lisa Regner <Lisa.Regner@nrc.gov>, Neil Sheehan <Neil.Sheehan@nrc.gov>
Date: Mon, 29 Dec 2008 15:57:36 -0500
Subject: UPDATED INFORMAITON FOR DISCUSSION ON GAP ISSUE TUESDAY DE.C 30
100PM
Thread-Topic: UPDATED INFORMAITON FOR DISCUSSION ON GAP ISSUE TUESDAY
DE.C
30 100PM
Thread-Index: Aclp+BPjeHrG116bQqKXjyw31B8rQA==
Message-ID:
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X-MS-Exchange-Organization-SCL: -1
X-MS-TNEF-Correlator:
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MIME-Version: 1.0

Oyster Creek
License Renewal Commitments Inspection
Exit Meeting - Dec 23, 2008 at 9 am

Essentially reported information in the public domain (ENs and LERs)

Information in public domain for which a question or issue can be raised or it wasn't exactly stated that way but the issue remains the same as being in the public domain

Originally in yellow per inspector notes in rev. 10 – this file is 10A

Introductions
- NRC Region 1
- NRC HQ
- NRC Residents
- AmerGen
- NJ DEP (Observers)

Excellent Overall Cooperation
from everybody
>>> use of the Certrec Internet Database was quite helpful

Special Thanks
- Pete Tamburro (LR Program Owner)
- Chris Hawkins (NDE Level-III)
- Cal Taylor & Jhansi Kandasamy

Inspection Schedule Slippage
- LR outage schedule slipped due to unexpected issues
  - Some NDE UTs re-scheduled, due to unanticipated physical interference issues

Bay 11 Coating Blisters
Bay 3 Moisture Barrier Seal Problem
Cavity Leakage and Water Intrusion into 4 Bays

- As a result, our inspection ran into a 2nd on-site week and a 3rd in-office week

Documentation
Team Report 45 days after the Exit Meeting (early Feb)

Review of Regulatory Framework
[Darrell Roberts]

Existing Part 50 -- Current Licensing Basis
Pending Part 54 Decision on License Renewal and License Obligations

Exec Summary of Inspection Results

- Observed actions to evaluate primary containment structural integrity
- Observed selected activities described in SER Appendix A, Commitments for LR

- Because the application for a Renewed License remains under Commission review for final decision -- With respect to proposed SER commitments:
  - No assessment of implementation or effectiveness will be documented
  - Factual Based Observations of activities will be documented

- Inspection observations were considered, in light of:
  - Part 50 existing requirements (e.g., CLB)
  - Pending Part 54 commitments
  - Programmatic performance under on-going implementation of Part 50 requirements

- The conclusions of PNO-1-08-012 remain unchanged

- Reviewed 2 change packages for proposed activities described in SER App-A
  - A summary of the change will be documented
  - The Exelon commitment management program is an existing CLB program. The implementation of this existing program provided adequate administrative controls.

Unresolved Item

- An Unresolved Item (URI) will be opened to evaluate whether existing current licensing basis commitments were adequately performed and, if necessary, assess the safety significance for any related performance deficiency.

- The issues for follow-up include the strippable coating de-lamination, reactor cavity trough drain monitoring, and sand bed drain monitoring.

- The commitment tracking, implementation, and work control processes will be reviewed, based on corrective actions resulting from AmerGen's review of deficiencies and operating experience, as a Part 50 activity.

Key Inspection Observations

Six Key observations will be Documented

For the Six Key Observations:

- Regarding AmerGen's activities to perform proposed LR commitments, the NRC will review AmerGen's operating experience review and corrective actions, as appropriate, as part of the scheduled March 2009 IP 71003 Inspection.

(1) A strippable coating will be applied to the reactor cavity liner to prevent water intrusion into the gap between the drywell shield wall and the drywell shell during periods when the reactor cavity is flooded.
(Proposed SER App A Item 2.7 ASME Section XI Subsection IWE Part (2.)

Strippable Coating De-lamination

- From Oct 29 to Nov 6, the strippable coating limited leakage into the cavity trough drains to 1 gpm
- On Nov 6, the observed leakage rate in the cavity trough drain took a step change rise to 10 gpm
- Water puddles were subsequently identified in the sand bed bays
- AmerGen identified several likely or contributing causes
  - A portable water filtration unit was improperly placed in the reactor cavity, which resulted in flow discharged directly on the strippable coating
  - An oil spill into the cavity may have affected the coating integrity
  - No post installation inspection of the coating had been performed
- AmerGen stated follow-up UTs will re-evaluate the drywell shell next outage

(2) Reactor cavity seal leakage through drains and the drywell sand bed region drains will be monitored for leakage. Periodically
(Proposed SER App A Item 2.7 ASME Section XI Subsection IWE Part (2.)

Cavity Trough Drain Line Found Isolated

- On Oct 27, the drain line was isolated to install a tygon hose to allow drain flow to be monitored
- On Oct 28, the reactor cavity was filled
- Drain line flow was monitored frequently during cavity flood-up, and daily thereafter
- On Oct 29, a boroscope examination identified the drain line isolation valve had been left closed
- When the drain line isolation valve was opened, about 3 gallons of water drained out, then the drain flow subsided to about an 1/8 inch stream (< 1 gpm)

Drain Flow Monitoring Plan

- AmerGen stated a calculation determined cavity trough drain flow of less than 60 gpm would not result in trough overflow into the gap between the drywell shield wall and the drywell shell
- AmerGen had a pre-approved Action Plan for monitoring cavity & sand bed drains
- Per the Action Plan --
  - If drain flow > 5 gpm, then monitor every 8 hours
  - If drain flow > 12 gpm, then monitor sand bed poly bottles every 4 hours
  - If drain flow > 12 gpm and water found in sand bed poly bottles, then enter & inspect sand beds

[redacted]

- On Nov 6, [redacted]
- [redacted]
- Increased monitoring of trough drain to 2-hr and sand bed poly bottles to 4-hr (not req'd by Action Plan)
- On Nov 8, workers inside sand bed bay 11 identified dripping water
- Subsequently, [redacted]
- [redacted]
- Sand bed bays were originally scheduled to have been closed by Nov 2
- On Nov 15, after cavity was drained, water was found in sand bed bay 11 poly bottle

[redacted]

Sand Bed Drain Poly Bottles Not Connected

- Sand bed drains were remotely monitored by checking poly bottles, attached via tygon tubing to funnels hanging below the drain lines
- The drains were not directly observed
- After the reactor cavity was drained, 2 of the 5 tygon tubes were found disconnected, laying on the floor
- Sand Bed Bay 11 drain poly bottle was empty during each daily check until Nov 15 (cavity was drained on Nov 12), when it was found full (> 4 gallons). Bay 11 was entered, visually inspected, and found dry.

[redacted]

- Directly observed conditions of the drywell shell epoxy coating in selected sand bed bays
- NRC reviewed VT-1 examination records for each sand bed bay, and directly inspected 7 bays
- Observed AmerGen's activities to evaluate the epoxy coating

Sand Bed Bay 11 Blisters

- Observed activities to evaluate and repair blisters found in Bay 11
    - 1 small 1/4 inch broken [redacted]
    - [redacted] unbroken blisters were identified by the NRC, during initial investigation
    - All 4 blisters were within a 1-2 inches square area, and all were evaluated and fixed
- For extent of condition, 4 bays re-inspected by different NDE level-II
    - -- AmerGen reported that [redacted]
- AmerGen estimated corrosion of ~ 3 mils had occurred over about a 16 year period

Sand Bed Bay 9 Coating Deficiency

- AmerGen identified and fixed a area approximately 8" x 8" that appeared to NOT have had all 3 layers of the epoxy coating applied.

[redacted] or the Bay 9 Coating Deficiency

[redacted]

- CR 844815 stated the Bay 9 coating deficiency was most probably an original 1992 installation issue

[redacted] these 2 [redacted]

(5) The external drywell shell moisture barrier seal between the shell and the sand bed floor will be inspected when the epoxy coating is inspected.
Proposed SER/App A Item 2.7 ASME Section XI Subsection IWE - Part (12)

- Directly observed conditions of the drywell shell moisture barrier in selected sand bed bays
- NRC reviewed VT-1 examination records for each sand bed bay, and directly inspected 7 bays
- Observed AmerGen's activities to evaluate the moisture barrier
- AmerGen identified deficiencies in 7 of the 10 sand bed bays, including
  - Surface cracks
  - Partial separation of the seal from the shell or the floor
- AmerGen determined the moisture barrier function was not impaired, because no cracks or separation fully penetrated the seal. All deficiencies were repaired.

Sand Bed Bay 3 Seal Crack and Rust Stain

- Observed activities to evaluate and repair the moisture barrier seal in Bay 3
- Identified rust staining on the surface below the identified crack
- When the seal was excavated, corrosion of the drywell shell surface was identified
- Seal crack and surface rust were repaired
- Laboratory analysis determined there was inadequate epoxy cure, an original 1992 installation issue

2006 Inspection Did Not Identify Any Seal Cracks

- During 2006 seal inspections, no deficiencies were identified

(6) Drywell In-service Inspection - Ultrasonic Thickness Measurements
Proposed SER/App A Item 2.7 ASME Section XI Subsection IWE

- Observed AmerGen perform drywell shell UT thickness measurements
- Observed AmerGen evaluate the UT data (2000 separate UT readings)
- NRC reviewed all UT examination records and AmerGen's Technical Evaluations of the UT data
  - AmerGen determined that all of the UT data satisfied acceptance criteria based on current licensing basis design requirements for the thickness of the steel plate
  - AmerGen did not identify any visible adverse conditions affecting the drywell shell structural integrity
- AmerGen did not identify any on-going corrosion or corrosion trend, based on the UT examinations
- AmerGen did not identify any statistically significant deviations from 2006 UT data values

As a Reminder -- For these Six Key Observations

- Regarding AmerGen's activities to perform proposed LR commitments, the NRC will review AmerGen's operating experience review and corrective actions, as appropriate, as part of the scheduled March 2009 IP 71003 Inspection.

No Noteworthy Observations

Protective Coating Monitoring and Maintenance Program
- D/W Interior Service Level I Coating

Electrical Cables and Connections
- Drywell Cable Inspections

Inaccessible Medium Voltage Cables
- Cable Test - as part of the Doble Test on Auxiliary Transformer (bank 4)

Buried Piping
- ESW Pipe Replacement and Tie-in

Structures Monitoring Program
- Intake tunnel and expansion joints

One-Time Inspection Program
- Isolation Condenser Inspection and UT below the water line

Periodic Inspection Program
- Condensate System expansion joint inspection
- Fire barrier inspection inside a switchgear

Metal Fatigue Program
- No changes to the high cumulative usage factor components list

Looking Forward -- Next Steps -- Closing Comments

[Rich Conte]

ANY QUESTIONS for US

ISSUE FROM STATE OF NEW JERSEY
ON NRC EXIT/MEETING INFORMATION/NOTES

Purpose: To communicate on options and decision related to State of New Jersey concern on gap information (from 71003 inspection at Oyster Creek in October 2008).

Success: Understanding of intricacies of PROS and CONS for four cases of early release of gap information before the inspection report is issued and agreement on decision/action to address the concern.

Agenda:

1. Statement of Problem
2. Background
3. Gap Information
4. AMP Program Adequacy vs. Implementation
5. Analysis on Actions to Address Concern:
    a. Required Board Notification
    b. Board Notification for information purposes
    c. Exit Notes to Public Domain in ADAMS
    d. Inspection Report to be Issued mid January
    e. Stay the Course – issue report Jan. 31 about a week earlier than due – offer help to NJ on what is in the public domain
6. Viable Options Considered
7. Recommendation
8. Decision

Statement of the Problem

A representative of the State of New Jersey indicated on December 23, 2008 after the exit meeting with Amergen on the 71003 inspections the following concerns:

1. State raised concern that there was more information (gap information) conveyed in the exit (related to all of the observations made during the outage) than what had been conveyed in either our PN or board notification (BN) (or the licensee's) back in November. Dr. Lipoti was concerned that these are "relevant and material" to the current licensing proceedings and that parties have a right to know.

2. Further, the State of New Jersey would like to comment on those matters formally, but they apparently are restricted from doing so because of the memorandum of understanding between New Jersey and the NRC staff.

Background

On December 2, 2008, the NRC staff met in a teleconference to do a dry-run of the exit meeting for December 3. It had already been pre-arranged that Region I 71003 Team Leader and DRS Management would debrief with representatives of the State of New Jersey early on the day of December 3 in order to respond to any questions they may have related to the exit information and notes. The exit meeting with Amergen was scheduled to later in the day on December 3. After the dryrun on December 2, 2008, the Deputy Director of DRS determined that the staff needed to do a further review related to the performance issues and on how the information was to be characterized with or without an assessment of adequacy or effectiveness and this had to be completed before we were ready to discuss the matter with the state or Amergen. A perception perhaps developed at this time, in light of the false startup for the debrief and exit meeting times for the December 3rd, that the matter was more significant, perhaps safety significant, and the agency was struggling with the information.

Consensus building occurred between December 3 and December 19, 2008, and the exit notes were substantially revised to reflect the results of the consensus building. The new insight that occurred was that the staff was restricted from relying on the Final License Renewal SER proposed conditions and commitments due to the final licensing action not occurring. This meant that performance deficiencies or statements about the adequacy or effectiveness of implementation could not be addressed in the report but there was no objection to documenting factual based observations in the exit notes and report. Performance issues related to Part 50 activities (in distinction to Part 54 activities as reflected in the staff Final SER on License Renewal) could be addressed. For the exit, the Deputy Director of DRS took on the role of explaining that regulatory framework at the beginning of the exit meeting. Unfortunately, with all of the information that needed to be processed, the inspector did not have enough information to assess or document performance deficiencies with respect to Part 50 activities (requirements or standards); therefore, an unresolved item was developed and communicated.

Dr. Jill Lipoti of the State of New Jersey and selected members of her staff observed after the exit meeting in a separate call on or about 1000am on December 23, that the staff had information different than what was out in the public domain (two Amergen board notifications, one NRC staff board notification, and PNO 08-12, dated November 18, 2008). In her view this information was important enough that it should be reported to the Commission, the parties to the hearing, and the public and that the State can't comment on these issues publicly because

of the memorandum of understanding. She felt that the information was important because it was relevant to the adequacy of the Aging Management Program for the Drywell (specifically UT and VT frequency currently 4 years vs. potential need for 2 years) and the implementation problems surrounding the commitments is important information for decision makers – Amergen can't seem to get the monitoring of the polybottles right both in 2006 and 2008. She felt that this agreement information coupled with the staff's announced tentative report issuance date on or about February 6-7, 2008 put the state in an awkward position, like a "gag order."

On December 23-24, Mr. Roberts addressed the concerns on an immediate bases (after consultation with OGC) by the following: 1) we stand by our decision to include the information we did based on our judgment; 2) we will review any additional options and decide whether further communications are warranted from a public confidence standpoint.

EB1 was assigned an action for developing a plan to address item 2 above. The ORA was briefed on developments up to December 24.

Gap Information

Dr. Lipotti did not provide specific information related to the gap information. The region I inspection staff acknowledges that the information is more detailed but, preliminarily, it appears to be minor or not substantially new from what is already reported in three documents that are in the public domain (Amergen BN of Nov. 7, Amergen BN of Nov. 17, NRC Staff BN of Nov. 6, and PN)-2008-012). An additional review was conducted in light of New Jersey's concern.

Issues were tabulated based on the most detailed document as a reference point – The Amergen BN of Nov. 17. In relation to the issue the other two documents are discussed including the exit notes of December 23. Residual information of the exit notes is summarized.

1. For the issues documented in Amergen BN of Nov. 17 Amergen stated that they may be relevant and material to the pending appeal and that the AMP for the drywell shell in the sand bed region remains adequate and the new information does not raise a significant safety issue and that the information provides no basis to reconsider the boards earlier rejection of a contention challenging the adequacy of the AMP.

2. For the issue documented in NRC BN of Nov. 6, NRC staff stated that the information provided as an issue is considered to be of very low safety significance and the BN was considered prudent due to interest in the drywell.

3. For the issues discussed in PNO-1-08-012, NRC staff noted UT measurements of the drywell met acceptance criteria IAW CLB, no identified significant conditions affecting drywell structural integrity, that inspection and identification of conditions in Bay 11 and Bay 3 were acceptable, and that Amergen provided an adequate basis to conclude the drywell primary containment will remain operable during the period until the next scheduled examination, in the 2012 refueling outage. The PNO went on to say that the activities to monitor and mitigate water leakage from the reactor refueling cavity onto the external surface of the drywell shell and into the sandbed region are still under evaluation.

4. Issue No. 1 of Amergen BN of 11/17: Cause of Sand bed Bay 11 Blistered Area

    a. Considerable detail is given on the chemical makeup of the affected blisters area along with the 6" rust stain found - most likely cause being due to a very small

deposits of soluble salts that remained on the steel surface of the drywell (moisture occurred due to osmosis through coating) – not safety significant due to estimated corrosion rate of 3.4 mils
   b. This expands on the detail provided by Amergen in their BN of Nov. 6.
   c. NRC BN of Nov. 6 did not have this level of detail since it wasn't known at the time of issuance.
   d. NRC PNO-1-08-012 did not go into the details of cause and said NRC staff will review AmerGen's apparent cause evaluation after it is completed.

5. Issue No. 2 of Amergen BN of 11/17: Damaged Moisture Seal in Sand Bed Bay 3

   a. Considerable detail is given on finding a wet "gooey" material after the cracked seal was removed for repairs – laboratory analysis found that the material is consistent with an uncured epoxy coating which could have been caused by mis-mixing (i.e., mixing two components in the wrong ratio) or incomplete mixing at the time of application in 1992 – the uncured caulk was evaluated as not having an adverse impact on the integrity of the drywell by AmerGen because the presence of impurities is too low a concentration.
   b. This expands on the detail provided by AmerGen in their BN of Nov. 6.
   c. NRC BN of Nov. 6 did not have this information in it.
   d. NRC PNO-1-08-012 did not go into the details of cause and said they were repaired.

6. Issue No. 3 of AmerGen BN of 11/17: Chips in the Epoxy Coating System in Sand Bed bays 3, 5, and 7.

   a. AmerGen report that they were about the size of a dime most likely due to mechanical damage during inspection and repairs.
   b. Not in the AmerGen BN of Nov. 6 (most likely not known at the time).
   c. NRC BN of Nov. 6 did not have this information in it.
   d. NRC PNO-1-08-012 did not have this information in it.

7. Issue No. 4 of AmerGen BN of 11/17: Water in the Sand Bed Bays 11, 13, 15, and 17.
   a. Cause due to de-lamination of the strippable coating applied to the reactor cavity – gives some additional detail on the leakage not being noted and then water found in bays about 2 days after the de-lamination was reported – in the conclusions section the de-lamination is described as "unexpected" and that they will be investigate the cause.
   b. Not in the AmerGen BN of Nov. 6 (most likely not known at the time).
   c. NRC BN of Nov. 6 did not have this information in it.
   d. NRC PNO-1-08-012 does go into some detail on this describing leak rate as initially < 1 gpm and going to 4-6 gpm in the cavity trough and the water spilling into the gap area leading to the sand bed region – puddles were noted in the bays but bay Nos. were not given.

What is not in the public domain from the exit notes or about which we would be concerned if NJ were to address in a public letter before the report is out? That which is not color coded in Rev. 10A of the exit notes (a separate file). In summary the gap information from the exit notes is:

1. Issue No. 1 of Amergen BN of 11/17: Cause of Sand bed Bay 11 Blistered Area
   a. Size of blisters in terms of inches of diameter
   b. NDE Level of review

c. Bay 9 coating problems and fact that 2006 VT inspection did not identify these coating problems.

2. Issue No. 2 of Amergen BN of 11/17: Damaged Moisture Seal in Sand Bed Bay 3
   a. Surface cracks in this bay floor or 6 other sand bed bays
   b. 2006 VT not identifying seal cracks between the floor and drywell in any of the sand bed bays

3. Issue No. 3 of AmerGen BN of 11/17: Chips in the Epoxy Coating System in Sand Bed bays 3, 5, and 7.
   a. Nothing in exit notes – found in AmerGen BN

4. Issue No. 4 of AmerGen BN of 11/17: Water in the Sand Bed Bays 11, 13, 15, and 17.
   a. AmerGen's characterization of cause of strippable coating de-lamination.
   b. Increase monitoring frequency

5. Others:
   a. Part 50 vs. Part 54 infrastucture information and the need for an unresolved item with respect to monitoring drain activity along with the effectivenss of the strippable coating.
   b. All details on cavity trough drain line found isolated or poly bottles being disconnected - the issue of water getting into the gap area where it is not wanted is well known in the public domain.
   c. Details of drain flow monitoring plan and design flow for water to not spill into gap - the issue of water getting into the gap area where it is not wanted is well known in the public domain.

Based on all of the information noted above, the Aging Management Program (AMP) for the drywell as embodied in Commitment No. 27 of the Staff's final SER remains adequate. The lead-in for Commitment No 27 states that the drywell and torus will be monitored in accordance with ASME Code section XI, Subsection IWE with various additional enhancements. There are 21 subsections of enhancements listed, three of which had noted implementation issues. As best we know currently, the commitment tracking process was used in order to implement commitments in the AMP such as producing work instructions to apply the strippable coating and monitor the noted cavity trough and sand bed drains.

[(b)(5)]

5.42

Aging Management Program Adequacy vs. Implementation

The GALL lists ten key criteria for an AMP. They are listed here for convenience: 1) Scope of Program; 2) Preventive Actions; 3) Parameters monitored; 4) Detection of Aging Effects; 5) Monitoring and Trending; 6) Acceptance Criteria; 7) Corrective Actions; 8) Confirmation Process; 9) Administrative Controls; and, 10) Operating Experience. Applicants, as an alternative, can produce another methodologies acceptable to staff; but, as far as we know, all, including Amergen for Oyster Creek, adopted the ten criteria. The appropriate elements for this discussion related to implementation are No. 4 on Detection of Aging Effects and No. 7 on Corrective Actions. For element No. 4 the goal is the detection of aging effects before there is a loss of any structure or component function and for element No. 7, the goal is corrective action that include root cause determination and prevention of recurrence.

For the Drywell AMP implementation issues, we are currently restricted from doing an assessment of adequacy or effectiveness publicly but there is no reason to NOT do it internally as a part of this decision making process – the concern from the state of New Jersey. How does the staff normally look at implementation issues associated with programs deemed to be adequate in structure? One could argue that the program is only as good as its implementation, therefore the implementation issues are relevant and material.

[

(b)(5)

]

Ex. 5

[

(b)(5)

]

EX. 5

Analysis on Potential Actions to Address Concern:

In addressing the gap issue the following situations would need to be addressed in releasing the information as contained in the exit notes:

[

(b)(5)

]

EX. 5

Pages 17 through 19 redacted for the following reasons:

(b)(5)

(b)(5)

Ex. 5

Viable Options:

In a conference call for December 29, 2008, EB 1 BC lead a discussion of the pros and cons of each of the four areas above.

Ex. 5

Recommendations:

(b)(5)

Decision/Final Action:

TBD.