

RA-09-052

July 7, 2009

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555 - 0001

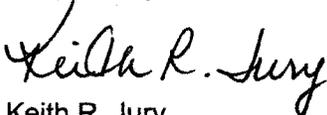
Oyster Creek Nuclear Generating Station
Renewed Facility Operating License No. DPR-16
NRC Docket No. 50-219

Reference: Root Cause Report 00907846-08 - "Tritium Identified in Emergency
Service Water (ESW) Vault"

Exelon Generation Company, LLC considers the referenced Root Cause Report to be
proprietary. Please see attached affidavit pertaining to this matter.

If you have any further questions or require additional information, please contact us.

Respectfully,



Keith R. Jury
Vice President, Licensing and Regulatory Affairs
Exelon Generation Company, LLC

Attachment: Exelon Generation Company, LLC Affidavit

cc: Regional Administrator - NRC Region I
NRC Senior Resident Inspector - Oyster Creek
NRC Project Manager, NRR - Oyster Creek
NRC Regional Counsel - Region I

ATTACHMENT

Exelon Generation Company, LLC

**Oyster Creek Nuclear Generating Station
Docket No. 50-219**

**Root Cause Report 00907846-08
“Tritium Identified in Emergency Service Water (ESW) Vault”**

Affidavit

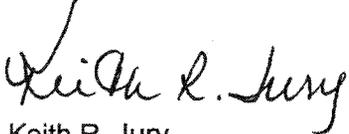
AFFIDAVIT

I, Keith R. Jury, Vice President of Licensing and Regulatory Affairs, do hereby affirm and state:

1. I am the Vice President of Licensing and Regulatory Affairs for Exelon Generation Company, LLC (EGC) and authorized to execute this affidavit on behalf of the Oyster Creek Nuclear Generating Station (OCNGS). I am further authorized to review information submitted to the Nuclear Regulatory Commission (NRC) and apply to the NRC for the withholding of information from disclosure.
2. The information sought to be withheld is the following document in its entirety: OCNGS Root Cause Report (RCR) titled, "Tritium Identified in Emergency Service Water (ESW) Vault," designated with the unique identifier 00907846-08.
3. In making this application for withholding of proprietary information of which it is the owner, EGC relies on provisions of NRC regulation 10 CFR 2.390(a)(4). The information for which exemption from disclosure is sought is confidential commercial information.
4. The proprietary information provided by OCNGS should be held in confidence by the NRC pursuant to the policy reflected in 10 CFR 2.390(a)(4) because:
 - a. The information sought to be withheld in the OCNGS root cause report (see paragraph 2 above) is and has been held in confidence internally by EGC.
 - b. The information is of a type that is customarily held in confidence by EGC and the principle for the confidentiality is for the continued ability of EGC to be frank, candid, and self-critical in evaluations of station issues so that effective corrective actions can be implemented to prevent recurrence. This is the foundation of our Corrective Action Program (CAP). To preserve the ability to be frank and self-critical with commentary and opinions that form the basis for improving performance, personnel must be confident that statements and analyses are not taken out of context by an organization without regulatory accountability for honest assessment of factual information. Making a root cause document publicly available is inappropriate, as it may serve to undermine the high level of thoroughness, candor, and self-critical nature of the document, because the document would be subject to scrutiny that is not held to a regulatory standard of accountability.
 - c. The information was submitted to the NRC voluntarily and in confidence.

- d. The information sought to be withheld, to the best of my knowledge and belief, is not available in public sources and no public disclosure has been made.
5. Approval of proprietary treatment of a CAP document can be made by the Vice President of Licensing and Regulatory Affairs, the person most likely to be familiar with the value and sensitivity of the corrective action processes and its relation to EGC's and OCNCS' ability to remain frank and self-critical in future investigations.
6. Accordingly, EGC requests that the designated document be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4).

I declare under penalty of perjury that the foregoing affidavit and statements therein are true and correct to the best of my knowledge, information, and belief.



Keith R. Jury
Vice President, Licensing and Regulatory Affairs
Exelon Generation Company, LLC

Date: July 7, 2009