



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

2010-0039

8

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Maria Webb

DATE

MAY 28 2010

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 N, O 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 N, O 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 *

\$ 2558.39

* 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 ML093140450.

*The final cost of chargeable processing fees is \$13,774.03 (3 hours of Senior Executive Service search at \$90.53/hr and 1.5 hours of Senior Executive Service review at \$90.53/hr; 85.5 hours of Professional search at \$56.36/hr and 138.5 hours of Professional review at \$56.36/hr; 371/4 pages reproduced at \$0.20 per page. We received your advanced payment of \$11,215.64 on December 17, 2009, for the estimated cost of processing your request. The amount in Part I.A--FEES is for the balance due.

**DENYING OFFICIALS (continued on Part II.B):

John F. Cordes, Acting Associate General Counsel for Licensing and Regulation. RECORDS DENIED: Appendix O, Items 2-6, 23, 25; Appendix P, Items 1-81, 86, 88, 89, 92, 96, 97, 114-123. APPELLATE OFFICIAL: SECY.

Charles L. Miller, Director, Office of Federal and State Materials and Environmental Management Programs. RECORDS DENIED: Appendix O, Items 1,7-11,13-17,19-21,24,25; Appendix P, Items 82-88,90,91,93-95,97-113. APPELLATE OFFICIAL: EDO

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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

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MAY 28 2010

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
O, P

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	Director, Region 1	Appendix O, Items 12,18,22	<input checked="" type="checkbox"/>		
Roy P. Zimmerman	Director, Office of Enforcement	Appendix O, Item 24	<input checked="" type="checkbox"/>		
**continued on Part I.C					

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 N
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	Undated	Draft Press Release –NRC News. (3 pages)
2.	10/02/06	E-mail from J. Schlueter, OPA to A. McCraw, FSME, et al; Subject: Fwd: Letter to the Editor. (5 pages)
3.	07/23/07	E-mail from J. Tobin, FSME to D. Sollenberger, FSME; Subject: Shieldalloy Decommissioning Proposal. (3 pages)
4.	09/24/07	Email from A. McCraw, FSME to D. Janda, Region 1; Subject: Re: Fwd: NJ's Draft Application. (3 pages)
5.	10/19/07	E-mail from D. Janda, Region 1 to D. Sollenberger, FSME; Subject: Comments on NJ Draft Application. (3 pages)
6.	10/22/07	E-mail from J. Tobin, FSME to S. Gabriel, Region 1; Subject: Re: New Jersey Regulations. (3 pages)
7.	10/23/07	E-mail from S. Gabriel, Region 1 to D. Sollenberger, FSME, et al; Subject: Re: New Jersey Regulations. (3 pages)
8.	10/26/07	E-mail from G. Purdy, NSIR to D. Sollenberger, FSME; Subject: NJ Review.doc. (3 pages)
9.	12/17/07	E-mail from J. Tobin, FSME to D. Janda, FSME; Subject: Re: Concurrence on Paul Baldauf Letter. (2 pages)
10.	02/05/08	E-mail from B. Brown, OCFO to D. Sollenberger, FSME; Subject: Fwd: Re: Small Entities (New Jersey). (6 pages)
11.	02/13/08	E-mail from D. White, FSME to D. Janda, FSME; Subject: Re: Charlie Miller's Visit to NJ. (1 page)
12.	07/18/08	E-mail from D. White, FSME to K. Schneider, FSME, et al; Subject: RE: 20080717 SMC-NJDEP Letter. (10 pages)
13.	07/18/08	E-mail from D. Sollenberger, FSME to D. Janda, Region 1 Subject: RE: NJ Agreement. (1 page)
14.	09/12/08	E-mail from D. Janda, Region 1 to D. Sollenberger, FSME; Subject: RE: Shield Alloy Public Meeting. (2 pages)
15.	09/23/08	E-mail from D. Janda, Region 1 to J. Hayes, FSME; Subject: NJ Agreement State Q&A. (4 pages)
16.	10/08/08	E-mail from D. Janda, Region 1 to D. Sollenberger, FSME, et al; Subject: RE: Question from Pat Gardner. (1 page)

17. 01/13/09 E-mail from T. Taylor, FSME to D. Sollenberger, FSME; Subject: FW: Will Proposed New Jersey Budget Cuts Affect the Planned Agreement? (1 page)
18. 01/21/09 E-mail from D. Janda, Region 1 to T. Taylor, FSME, et al; Subject: FW: Comments on New Jersey Agreement Request. (3 pages)
19. 01/28/09 E-mail from D. Janda, Region 1 to D. Sollenberger, FSME, et al; Subject: FW: 12232008 – RE 12102008 meeting with SMC on NJ becoming Agreement State.pdf. (5 pages)
20. 03/02/09 E-mail from T. Taylor, FSME to D. Sollenberger, FSME; Subject: FW: Question for You. (3 pages)
21. 03/03/09 E-mail from D. Sollenberger, FSME to D. McIntyre, OPA; Subject: RE: Joyzee. (2 pages)
22. 03/03/09 E-mail from D. Sollenberger, FSME to T. Taylor, FSME; Subject: RE: Joyzee. (2 pages)
23. 03/24/09 Note from T. Taylor, FSME to Those on Attached Routing Slip (NRC); Subject: SECY Paper for New Jersey Agreement Application - request for approval to publish for public comment. (53 pages)
24. 04/02/09 E-mail from T. Taylor, FSME to D. Sollenberger, FSME; Subject: RE: SECY Paper for New Jersey Agreement Application. (1 page)
25. 04/03/09 E-mail from T. Taylor, FSME to D. Sollenberger, FSME, et al; Subject: FE; SECY Paper for New Jersey Application. (1 page)
26. 05/05/09 E-mail from T. Taylor, FSME to A. Powell, OCA; Subject: RE: Congressional Letters for NJ Agreement. (2 pages)
27. 05/18/09 E-mail from A. Rivera, FSME to T. Taylor, FSME, et al; Subject: FW: Draft SRM – SECY-09-0065 – Proposed Agreement Between the State of New Jersey and the Commission Pursuant to Section 274. (2 pages)
28. 07/29/09 E-mail form T. Taylor, FSME to D. Sollenberger, FSME; Subject: FW: New Jersey Agreement Application. (1 page)
29. 08/17/09 E-mail from D. White, FSME to T. Taylor, FSME, et al; Subject: RE: Periodic Follow up. (1 page)
30. 09/15/09 E-mail from D. White, FSME to D. Sollenberger, FSME, et al; Subject: FW: Another One. (1 page)
31. 07/08/09 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME; Subject: Westlaw Document 11 06 13.rtf. (60 pages)
32. 07/08/09 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME; Subject: Westlaw Document 15 08-48.doc. (3 pages)
33. 10/15/08 E-mail from J. Hayes, FSME to C. Carson, OCAA; Subject: RE: Shieldalloy. (1 page)

34. 08/31/09 E-mail from S. Baggett, EDO to D. White, FSME; Subject: RE: NJ Agreement. (1 page)
35. 04/20/09 E-mail from A. Rivera, FSME to T. Taylor, FSME; Subject: Re: New Jersey Agreement. (1 page)
36. 04/20/09 E-mail from A. Rivera, FSME to T. Taylor, FSME; Subject: RE: New Jersey Agreement. (4 pages)
37. 05/04/09 E-mail from A. Rivera, FSME to D. White, FSME, et al; Subject: NJ Agreement. (1 page)
38. Undated FSME Daily Note, re: NJ Agreement. (1 page)
39. Undated FSME Daily Note, re: NJ Agreement. (1 page)
40. 07/24/09 E-mail from D. Janda, Region 1 to T. Taylor, FSME; Subject: Editorial Comments on Staff Assessment of NJ Program, w/Handwritten Notes. (21 pages)
41. 02/26/09 E-mail from D. Janda, Region 1 to T. Taylor, FSME; Subject: Janda Section of Draft Staff Assessment. (2 pages)
42. 04/06/09 E-mail from T. Taylor, FSME to D. Janda, Region1; Subject: RE: Question for you Donna. (2 pages)
43. 05/27/09 E-mail from D. Janda, Region 1 to T. Taylor, FSME; Subject: RE: Language for Region 1 Letter to NJ Licensees re:NARM. (4 pages)
44. 07/07/09 E-mail from T. Taylor, FSME to D. Sollenberger, FSME; Subject: FW: Information for SECY on NJ. (2 pages)
45. 07/24/09 E-mail from D. Janda, Region 1 to T. Taylor and D. Sollenberger, FSME; Subject: Region 1 Comments on NJ Agreement SECY Package. (2 pages)
46. 07/24/09 E-mail from D. Janda, Region 1 to T. Taylor and D. Sollenberger, FSME; Subject: Editorial Comments on Draft NJ SECY and Staff Analysis of Public Comment. (1 page)
47. 07/24/09 E-mail from D. Janda, Region 1 to T. Taylor and D. Sollenbeger, FSME; Subject: Edits of Staff Assessment of NJ Program. (1 page)
48. 07/24/09 E-mail from D. Janda, Region 1 to T. Taylor and D. Sollenberger, FSME; Subject: Region 1 Comments on NJ Agreement SECY Package. (2 pages)
49. 07/28/09 E-mail from D. Janda, Region 1 to T. Taylor, FSME; Subject: RE: SECY Paper and Staff Analysis of Public Comments. (1 page)
50. 02/26/08 E-mail from J. Kottan, Region 1 to D. Sollenberger, FSME; Subject: Fwd: Shieldalloy Status Briefing Rev 3.doc. (3 pages)
51. 09/21/06 E-mail from M. McLaughlin, Region 1 to K. Kalman, FSME, et al; Subject: Re: Fwd: Shieldalloy. (1 page)

52. 07/24/09 E-mail from D. Janda, Region 1 to T. Taylor and D. Sollenberger, FSME; Subject: Editorial Comments on Draft NJ SECY and Staff Analysis of Public Comments, w/Handwritten Notes. (27 pages)
53. 01/31/08 E-mail from P. Gardner, State of New Jersey to S. Crutchfield, OCFO; Subject: Re: Questions about NRC Fees. (2 pages)
54. 02/04/08 E-mail from P. Gardner, State of New Jersey to B. Brown, OCFO; Subject: Re: Small Entities (New Jersey). (1 page)
55. 09/28/06 E-mail from R. Virgílio, FSME to E. Brønner, OPA, et al; Subject: Fwd: Shieldalloy. (3 pages)
56. 12/27/06 E-mail from R. Virgilio, FSME to A. McCraw, FSME; Subject: Fwd: SMC – legal file. (3 pages)
57. 07/29/08 E-mail from P. Gardner, State of New Jersey to D. Janda, Region 1; Subject: RE: PA Transition Plan. (1 page)
58. 03/09/09 E-mail from S. Gabriel, Region 1 to D. Janda, Region 1, et al; Subject: RE: Response to NRC Comments. (1 page)
59. 03/11/09 E-mail from T. Taylor, FSME to P. Gardner, State of New Jersey; Subject: RE: Transition Period. (2 pages)
60. 04/29/09 E-mail from D. Janda, Region 1 to T. Taylor, FSME, et al; Subject: FW: Financial Assistance Documents. (2 pages)
61. 04/02/09 E-mail from D. White, FSME to N. McNamara, Region 1; Subject: RE: NJ DEP furloughs. (1 page)
62. 04/02/09 E-mail from T. Taylor, FSME to D. Sollenberger, FSME; Subject: FW: New Jersey Agreement Follow-up from VA Agreement SRM. (1 page)

**APPENDIX O
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	12/04/07	E-mail from J. Tobin, FSME to A. McCraw, FSME, et al; Subject: Thurs NJ Lawyer Call. (3 pages) / EX 5
2.	12/18/07	E-mail from J. Olmstead, OGC to D. Sollenberger, FSME; Subject: Re: Fwd: Can you pass this question along to NRC staff as written? No conference please. (1 page) / EX 5
3.	11/06/08	E-mail from D. White, FSME to T. Taylor, FSME, et al; Subject: FW: Re: Shieldalloy Attorney Wanting to comment on NJ Agreement State Package. (1 page) / EX 5
4.	01/06/09	E-mail from T. Taylor, FSME to J. Olmstead, OGC; Subject: RE: Response to SRM-SECY-08-154 (Proposed Virginia Agreement). (2 pages) / EX 5
5.	01/09/09	E-mail from D. White, FSME to J. Olmstead, OGC; Subject: RE: Re: Response to FSME's Questions Regarding VA SSRM. (1 page) / EX 5
6.	01/22/09	E-mail from D. Sollenberger, FSME to J. Olmstead, OGC; Subject: RE: Re: NJ License Conditions Attached. (3 pages) / EX 5
7.	03/09/09	E-mail from T. Taylor, FSME to D. Janda, FSME, et al; Subject: FE: Response to NRC Comments. (75 pages total, 61 pages released) / EX 4
8.	04/27/09	E-mail from T. Taylor, FSME to P. Gardner, State of NJ; Subject: RE: Information Need in Letter. (2 pages) / EX 5
9.	05/27/09	E-mail from D. White, FSME to T. Taylor, FSME. Et al; Subject: Fw: Federal Register Notice. (2 pages) / EX 6
10.	06/09/09	E-mail from J. Hayes, FSME to J. Goodman, State of NJ; Subject: RE: SMC. (1 page) / EX 5
11.	09/16/09	E-mail from D. White, FSME to T. Taylor, FSME; Subject: RE: Update re: Attorneys for SMC. (2 pages) / EX 5
12.	02/27/08	E-mail from D. Sollenberger, FSME to J. Kottan, Region 1; Subject: Briefing Bullets for CM.wpd. (4 pages total, 1 page released) / Portions Outside of Scope
13.	04/20/09	E-mail from T. Taylor, FSME to A. Rivera, FSME; Subject: RE: New Jersey Agreement. (2 pages) / EX 5, 6
14.	04/28/09	E-mail from D. Janda, Region 1 to T. Taylor, FSME, et al; Subject: RE:

NARM Waiver Expiration Information Rev 1 April 24 2009.doc. (1 page) /
EX 5

15. 04/30/09 E-mail from T. Taylor, FSME to A. Rivera and D. White, FSME; Subject: RE: New Jersey Agreement. (1 page) / **Portion Outside of Scope, EX 6**
16. 06/04/09 E-mail from T. Taylor, FSME to J. Kottan, Region 1; Subject: RE: NJ Proposed Agreement. 1 page) / **EX 5**
17. 06/30/09 E-mail from T. Taylor, FSME to A. Rivera, FSME; Subject: RE: NJ Agreement Public Comments. (1 page) / **EX 5**
18. 07/01/09 E-mail from T. Taylor, FSME to D. Sollenberger, FSME; Subject: FW: Regional Licenses involved in the transfer of Regulatory Authority to the State of New Jersey. (5 pages) / **EX 4**
19. 08/03/09 E-mail from D. Janda, Region 1 to T. Taylor, FSME; Subject: RE: Status of Public Comment Analysis. (2 pages) / **EX 5**
20. Undated Daily Notes for October 31, 2008, re: NJ Agreement State. (1 page) / **Portion Outside of Scope**
21. 03/05/08 E-mail from D. Janda, Region 1 to P. Gardner, State of New Jersey, et al; Subject: Re:Fwd: NJ Place of Use Licenses. (7 pages) / **EX 4**
22. 03/19/09 E-mail from D. Janda, Region1 to T. Jackson, Region 1, et al; Subject: FW: NRC Region 1 Inspections for Apr-June 2009. (2 pages) / **EX 4**
23. 03/24/09 E-mail Notification to J. Olmstead, OGC, from D. White, FSME; Subject: FW: New Jersey Agreement and NARM Waiver. (1 page) / **EX 5**
24. 06/25/09 E-mail from D. White, FSME to S. Woods, OE, et al; Subject: RE: Need Assistance by 11:45 Today Please. (1 page) / **EX 5**
25. 04/30/09 E-mail from T. Taylor, FSME to J. Olmstead, OGC; Subject: RE: NARM Waiver stuff. (4 pages total, 2 pages released) / **EX 5, 6**

APPENDIX P
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Draft Enclosure 2 – Staff Analysis of Public Comments (13 pages) EX. 5
2.	Undated	Draft State of New Jersey – Section 4.1.1. Legal Elements (1 page) EX. 5
3.	Undated	Draft (4 pages) – EX. 5
4.	Undated	Draft State Agreements (1 page) – EX. 5
5.	Undated	Note to S. Burns, GC from J. Olmstead, OGC regarding Draft Proposed New Jersey 274 Agreement – Summary of Public Comments (4 pages) - EX. 5
6.	Undated	Note to B. Jones, OGC from J. Olmstead regarding Draft Commission's Ability to Stay State Agreements (2 pages) – EX. 5
7.	08/13/97	Final Recommendations on Policy Statement & Implementating Procedures for Agreement States and Comments on MD 5.8 (1 page) – EX.5
8.	02/28/00	Memorandum to J. Gray, OGC from J. Lieberman, OGC regarding Treatment of Radioactive Material Released for Unrestricted Use Under the License Termination Rule (7 pages) - EX. 5
9.	10/18/07	E-mail from J. Olmstead, OGC to D. Sollenberger, FSME, et al. regarding State of New Jersey w/attachment of Draft Legal Elements Section (2 pages) - EX. 5
10.	03/31/08	E-mail from J. Olmstead, OGC to H. Benowitz, OGC regarding Agreement State/NRC appeal question (2 pages) EX. 5
11.	03/31/08	E-mail from J. Olmstead, OGC to H. Benowitz, OGC regarding Response: OGC to FSME narratives (2 pages) – EX. 5
12.	06/18/08	E-mail from C. Marco, OGC to M. Clark, OGC regarding NRC-New Jersey Jurisdictional Issues (1 page) – EX. 5
13.	09/17/08	E-mail from J. Olmstead, OGC to B. Jones, OGC regarding Jay Silverberg letter on NJ regs (1 page) – EX. 5

14. 10/30/08 E-mail from J. Olmstead, OGC to B. Jones, OGC regarding Commissioner Lyons comment on VA agreement (1 page) – **EX. 5**
15. 11/05/08 E-mail from J. Olmstead, OGC to J. Gray, OGC regarding Shieldalloy lawyers desire legal meeting regarding NJ Agreement State package (2 pages) - **EX. 5**
16. 11/06/08 E-mail from J. Olmstead, OGC to J. Gray, OGC regarding Shieldalloy attorney wanting to comment on NJ agreement state package (1 page) - **EX. 5**
17. 12/05/08 E-mail from M. Clark, OGC to C. Marco, et al. regarding NRC Staff's Tenth Status Report w/attached draft report (6 pages) - **EX. 5**
18. 12/19/08 Draft Note to J. Olmstead, OGC from S. Croston, OGC regarding Differences between Section 274C of the Atomic Energy Act, 10 CFR 150.15(A)(6), and Article IV of the Standard Section 274B Agreement with States w/attorney comments (4 pages) – **EX.5**
19. 01/09/09 E-mail from J. Olmstead, OGC to S. Croston, OGC regarding Response to FSME's questions regarding VA SRM (2 pages) - **EX. 5**
20. 02/17/09 E-mail from J. Olmstead to K. Lora, OGC et al. regarding Letter to NJ Governor (1 page) - **EX. 5**
21. 03/23/09 E-mail from J. Olmstead to D. White regarding Accepted: FW: New Jersey Agreement and NARM Waiver (1 page) - **EX. 5**
22. 04/20/09 E-mail from J. Olmstead, OGC to B. Jones, OGC regarding Re: Shieldalloy attorney wanting to comment on NJ agreement state package (2 pages) - **EX. 5**
23. 06/03/09 E-mail from M. Clark, OGC to John Hayes, FSME et al. regarding Shieldalloy Status Report w/ draft attachment (6 pages) - **EX. 5**
24. 06/05/09 E-mail from M. Clark, OGC to J. Hayes, FSME regarding SMC w/draft attachment (7 pages) - **EX. 5**
25. 06/11/09 Attorney comments on Shieldalloy's Memorandum – Shieldalloy Comments on New Jersey's Application to Become an Agreement State (13 pages) - **EX. 5**
26. 06/18/09 E-mail from M. Clark, OGC to J. Olmstead, OGC regarding Agreement State presentation (1 page) - **EX. 5**
27. 06/26/09 Questions on Decommissioning plan for Shieldalloy (SMC) – (3 pages) - **EX. 5**

28. 06/29/09 E-mail from J. Gray, OGC to J. Olmstead, OGC, et al. regarding Shieldalloy comments on NJ Agreement State (1 page) - **EX. 5**
29. 07/09/09 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME, et al. regarding JWO comments SMC comment resolution section July 2 2009 (Orendi Markup) (2) w/draft attachment (12 pages) - **EX. 5**
30. 07/10/09 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME, et al. regarding JWO comments SMC comment resolution section July10-9-30 w/attachment (14 pages) - **EX. 5**
31. 07/10/09 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME, et al. regarding JWO comments SMC comment resolution section July10-noon w/attachment (24 pages) - **EX. 5**
32. 07/10/09 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME, et al. regarding JWO comments SMC comment resolution section July10-1pm w/attachment (14 pages) - **EX. 5**
33. 07/13/09 E-mail from J. Olmstead, OGC to T. Taylor, FSME regarding Joans Last Draft July 13 2009-SMC Cmt Resolution w/attachment (10 pages) - **EX. 5**
34. 07/13/09 E-mail from J. Olmstead, OGC to T. Taylor, FSME regarding JWO comments on Torre working copy July 13 SMC Cmt Resolution w/attachment (10 pages) - **EX. 5**
35. 07/14/09 E-mail from J. Olmstead, OGC from T. Taylor, FSME regarding July 14 Noon Working Copy – JWO Cmts SMC Cmt Resolution w/attachment (10 pages) - **EX. 5**
36. 07/14/09 E-mail from J. Olmstead, OGC to T. Taylor, FSME regarding 7-14 Noon JWO Edits Enclosure Public Comment Analysis NJ Agreement w/attachment (14 pages) - **EX. 5**
37. 07/16/09 Hand written comments on Draft Enclosure 2 – Staff Analysis of Public Comments (13 pages) - **EX. 5**
38. 07/27/09 E-mail from J. Olmstead, OGC to T. Taylor, FSME regarding JWO Comments Pub Com 7-27 w/draft attachment (15 pages) - **EX. 5**
39. 07/28/09 E-mail from J. Olmstead, OGC to B. Jones, OGC regarding JWO Com 7-28 Enclosure Public Comment Analysis NJ Agreement w/draft attachment (14 pages) - **EX. 5**
40. 07/28/09 E-mail from J. Olmstead, OGC to T. Taylor, FSME regarding JWO Com 7-28 Enclosure Public Comment Analysis NJ Agreement w/draft attachment (14 pages) - **EX. 5**

41. 07/28/09 E-mail from J. Olmstead, OGC to T. Taylor, FSME regarding JWO Com 7-28 2 July 11 2009 2nd SECY paper for final agreement w/draft attachment (9 pages) - **EX. 5**
42. 07/28/09 E-mail from J. Olmstead, OGC to T. Taylor, FSME regarding JWO Com 7-28 Enclosure Public Comment Analysis NJ Agreement w/draft attachment (14 pages) - **EX. 5**
43. 07/28/09 E-mail from J. Olmstead, OGC to T. Taylor, FSME regarding JWO Com 7-28 Enclosure Public Comment Analysis NJ Agreement w/draft attachment (14 pages) - **EX. 5**
44. 07/29/09 E-mail from J. Olmstead, OGC to B. Jones, OGC regarding Shieldalloy Comments Summary 7-29 w/draft attachment (5 pages) - **EX. 5**
45. 07/29/09 E-mail from J. Olmstead to J. Gray, OGC regarding Shieldalloy Comments Summary 7-29 w/draft attachment (5 pages) - **EX. 5**
46. 07/30/09 E-mail from Joseph Gray, OGC to Bradley Jones, OGC regarding Couple of Things (4 pages) - **EX. 5**
47. 07/31/09 E-mail from J. Olmstead, OGC to Bradley Jones, OGC regarding Rev 4 July 30 2009 73JWO 7-31-0 pm Enclosure Public Comment Analysis NJ Agreement w/draft attachment (16 pages) - **EX. 5**
48. 08/06/09 E-mail from M. Clark, OGC to J. Hayes, FSME, et al. regarding NRC Staff's Fourteenth Status Report w/draft attachment (5 pages) - **EX. 5**
49. 09/30/09 E-mail from C. Marco, OGC to M. Clark, OGC regarding Shieldalloy question (1 page) - **EX.5**
50. 10/09/09 E-mail from J. Cordes, OGC to S. Burns, OGC, et al. regarding Shieldalloy, FW: Consultation pursuant to 10 CFR 2.323(b) (3 pages) - **Ex. 5, 6.**
51. 10/09/09 E-mail from J. Gray, OGC to J. Cordes, OGC et al. regarding Shieldalloy, FW: Consultation pursuant to 10 CFR 2.323(b) (2 pages) - **EX. 5, 6**
52. 10/10/09 E-mail from M. Clark, OGC to C. Marco, OGC regarding Shieldalloy, FW: Consultation pursuant to 10 CFR 2.323(b) (4 pages) - **EX. 5, 6**
53. 10/13/09 E-mail from C. Marco, OGC to M. Itzkowitz, OGC regarding Shieldalloy, FW: Consultation pursuant to 10 CFR 2.323(b) (5 pages) - **EX. 5, 6**

54. 10/13/09 E-mail from B. Jones, OGC to K. Roach, OGC, et al. regarding Shieldalloy, FW: Consultation pursuant to 10 CFR 2.323(b) (6 pages) - **EX. 5, 6**
55. 10/13/09 E-mail from C. Marco, OGC to M. Clark, OGC regarding Shieldalloy, FW: Consultation pursuant to 10 CFR 2.323(b) (2 pages) - **EX. 5, 6**
56. 10/14/09 E-mail from J. Olmstead, OGC to T. Campbell, OGC, et al. regarding RE: Material at Shieldalloy? (1 page) **EX. 5**
57. 10/14/09 E-mail from J. Olmstead, OGC to K. Roach, OGC, et al. regarding RE: Material at Shieldalloy? (1 page) **EX. 5**
58. 10/16/09 E-mail from C. Marco, OGC to M. Clark, OGC regarding FW: Staying an Agreement State Agreement (2 pages) - **EX. 5**
59. 10/20/09 E-mail from C. Marco, OGC to B. Klukan, OGC regarding FW: Staying an Agreement State Agreement (2 pages) - **EX. 5**
60. 10/20/09 E-mail from C. Marco, OGC to B. Klukan, OGC regarding FW: Shieldalloy pleading (1 page) - **EX. 5**
61. 10/22/09 E-mail from C. Marco, OGC to M. Itzkowitz, OGC regarding Shieldalloy Response w/draft attachment (8 pages) - **EX. 5**
62. 10/22/09 E-mail from T. Campbell, OGC to M. Clark, OGC regarding Shieldalloy Response October 22 w/draft attachment (9 pages) - **EX. 5**
63. 10/22/09 E-mail from J. Olmstead, OGC to M. Clark, OGC regarding Shieldalloy Response October 22jwoedits w/draft attachment (9 pages) - **EX. 5**
64. 10/22/09 E-mail from J. Olmstead, OGC to M. Clark, OGC regarding Shieldalloy Response October 22jwoedits w/draft attachment (9 pages) - **EX. 5**
65. 10/22/09 E-mail from T. Campbell, OGC to M. Clark, OGC regarding RE: Shieldalloy Response October 22 (1 page) - **EX. 5**
66. 10/22/09 E-mail from M. Clark, OGC to B. Jones, OGC, et al. regarding Please review 'Shieldalloy Response October 22 (revised)' w/draft attachment (9 pages) - **EX. 5**
67. 10/23/09 E-mail from J. Olmstead, OGC to M. Clark, OGC regarding Shieldalloy Response October 22 (revised)jwoedits w/draft attachment (9 pages) - **EX. 5**

68. 10/23/09 E-mail from J. Olmstead, OGC to M. Clark, OGC regarding Shieldalloy Response October 22jwoedits (1 page)
- EX. 5
69. 10/23/09 E-mail from J. Olmstead, OGC to M. Clark, OGC regarding Shieldalloy Response October 22jwoedits (1 page)
- EX. 5
70. 10/23/09 E-mail from T. Campbell, OGC to M. Clark, OGC regarding RE: Please review 'Shieldalloy Response October 22 (revised)' (1 page) - EX. 5
71. 10/23/09 E-mail from M. Clark, OGC to J. Olmstead, OGC, et al. regarding RE: Shieldalloy Response October 22 (revised)jwoedits w/draft attachment (9 pages) - EX. 5
72. 10/23/09 E-mail from M. Clark, OGC to T. Campbell, OGC regarding RE: Shieldalloy Response October 22 (revised)jwoedits w/draft attachment (11 pages) - EX. 5
73. 10/23/09 E-mail from J. Olmstead, OGC to M. Clark, OGC, et al. regarding RE: Shieldalloy Response October 22 (revised)jwoedits (1 page)
- EX. 5
74. 10/23/09 E-mail from M. Clark, OGC to T. Campbell, OGC regarding RE: Shieldalloy Response October 22 (revised)jwoedits w/draft attachment (11 pages) - EX. 5
75. 10/23/09 E-mail from T. Campbell, OGC to M. Clark, OGC regarding RE: Shieldalloy Response October 22 (revised)jwoedits (2 pages) - EX. 5
76. 10/23/09 E-mail from J. Olmstead, OGC to M. Clark, OGC regarding Shieldalloy Response October 23jwoedits w/draft attachment (11 pages) EX. 5
77. 10/23/09 E-mail from M. Clark, OGC to J. Olmstead, OGC regarding RE: Shieldalloy Response October 23jwoedits w/draft attachment (10 pages) - EX. 5
78. 10/23/09 E-mail from J. Olmstead, OGC to M. Clark, OGC regarding NRC Staff's Response to Shieldalloy's Motion for a Stay w/draft attachment (10 pages) - EX. 5
79. 10/23/09 E-mail from M. Clark, OGC to J. Olmstead, OGC regarding NRC Staff's Response to Shieldalloy's Motion for a Stay (1 page) - EX. 5
80. 10/26/09 E-mail from B. Jones, OGC to M. Clark, OGC, et al. regarding Re: Please review 'Shieldalloy Response October 22 (revised)' (1 page) - EX. 5

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
81.	06/12/08	E-mail from M. Clark, USNRC to P. Swain, USNRC; Subject: Shieldalloy – Applicable Regulatory Requirements (EIS). (2 pages) / EX 5
82.	07/30/09	E-mail from T. Taylor, USNRC to J. Olmstead, USNRC; Subject: Information from Dennis – re: Joel's change. (1 page) / EX 5
83.	01/25/08	E-mail form J. Hayes, USNRC to T. Johnson, USNRC, et al; Subject: FWD: SMC & Leasing. (2 pages, 2 pictures) / EX 7C
84.	02/26/08	E-mail from J. Hayes, USNRC to M. Clark, USNRC, et al; Subject: FWD: SMC Tenant. (1 page) / EX 7C
85.	09/16/08	E-mail from J. Hayes, USNRC to A. Fetter, USNRC, et al; Subject: Sheildalloy Q&A (3 pages) / EX 5
86.	09/23/08	E-mail from J. Hayes, USNRC to M. Clark, USNRC; Subject: RE: NJ Agreement State slide. 2 pages) / EX 5
87.	09/24/08	E-mail from J. Peckenpaugh, USNRC to J. Hayes, USNRC, et al; Subject: RE: NJ Agreement Q A 09152008 draft. (4 pages) / EX 5
88.	01/06/09	E-mail from J. Olmstead, USNRC to T. Taylor, USNRC; Subject: RE: Response to SRM-SECY-08-154 (Proposed Virginia Agreement). (2 pages) / EX 5
89.	Undated	Comments w/Mark-ups re: JWO comments SMC comment resolution section July 2 2009 (Orendi Markup)(2).doc. (11 pages) / EX 5
90.	04/27/09	E-mail from T. Taylor, USNRC to J. Olmstead, USNRC; Subject: Info on NARM Waiver – Background for Commissioner TAs. (4 pages) / EX 5
91.	04/28/09	E-mail from T. Taylor, USNRC to J. Olmstead, USNRC, et al; Subject: NARM Waiver Expiration Information, Rev 1, April 24, 2009. (4 pages) / EX 5
92.	03/09/09	E-mail from J. Olmstead, OGC to T. Taylor, FSME; Subject: Staff Assessment OGC com Q19.doc. (2 pages) / EX 5
93.	06/17/09	E-mail from J. Hayes, USNRC to D. Schmidt, USNRC; Subject: Shieldalloy Travel. (1 page) / EX 5
94.	07/07/09	E-mail from J. Hayes, USNRC to D. Gillen and D. Schmidt, USNRC; Subject: RE: Shieldalloy Status Report. (2 pages) / EX 5

95. 07/08/09 Note from T. Tayoor, USNRC to J. Ilmstead, USNRC; Regarding New Jersey. (1 page) / **EX 5**
96. 08/05/09 E-mail from T. Taylor, USNRC to M. Clark, USNRC; Subject: RE: Shieldalloy, ML# for comments on New Jersey's Agreement State Application. (5 pages) / **EX 5**
97. 09/04/09 E-mail from M. Clark, USNRC to J. Hayes, USNRC; Subject: RE: Question for You. (2 pages) / **EX 5**
98. Undated Draft Outline of letter from NJ to NRC re: Interim time between Naturally-Occurring of Accelerator-Produced Radioactive Material (NARM) waiver expiration and effective date of the Agreement. (1 page) / **EX 5**
99. Undated Draft Enclosure 2 to SECY-09-0114 with track changes, Rev 4. (14 pages) / **EX 5**
100. 03/06/09 BER 3.01 Attachment Cover. (1 page) / **EX 4**
101. 03/06/09 BER 3.01 Attachment, "Checklist for Determining When Significant Licensing Action has Taken Place That May Require and Additional Onsite Inspection. (2 pages) / **EX 4**
102. 03/06/09 NJ response to NRC's question on NJ application. (11 pages) / **EX 2 High**
103. 03/12/09 E-mail from T. Taylor, FSME to D. Sollenberger, FSME; Subject: FW: re:Resolution of Comment 4 of SRM SECY. (2 pages) / **EX 5**
104. 03/16/09 E-mail from T. Taylor, FSME to J. Olmstead, OGC; Subject: We Found the Reference. No More Research Needed. (1 page) / **EX 5**
105. 04/27/09 E-mail from T. Taylor, FSME to to J. Olmstead, OGC; Subject: NARM Waiver Information. (1 page) / **EX 5**
106. 07/09/09 E-mail from D. Sollenberger, FSME to J. Olmstead, OGC; Subject: New Jersey –Possible wording to address Kerr-McGee comment. (1 page) / **EX 5**
107. 07/14/09 E-mail from T. Taylor, FSME to J. Olmstead, OGC; Subject: Enclosure Public Comment Analysis NJ Agreement.doc. (14 pages) / **EX 5**
108. 07/30/09 E-mail from T. Taylor, FSME to J. Olmstead, OGC; Subject: Information from Dennis-re: Joel's Change. (1 page) / **EX 5**
109. 08/03/29 E-mail from T. Taylor, FSME to B. Jones and A. Pessin OGC; Subject: NJ Agreement Public Comment Analysis. (27 pages) / **EX 5**
110. Undated FSME Request to OGC. (1 page) / **EX 5**
111. 10/30/07 E-mail from J. Goodman, State of NJ to D. Sollenberger and J. Tobin, FSME; Subject: Commission on Radiation Protection. (1 page) / **EX 5**

112. 12/17/07 E-mail from D. Sollenberger, FSME to J. Olmstead, OGC; Subject: Fwd: Can you pass this question along to the NRC staff as written? No conference please. (3 pages) / **EX 5**
113. 01/16/09 E-mail from D. Sollenberger, FSME to J. Olmstead, OGC; Subject: FW: LLRW –additional material. (2 pages) / **EX 5**
114. 01/21/09 E-mail from J. Olmstead, OGC to T. Taylor and D. Sollenberger, FSME; Subject: Re: NJ Application Review. (1 page) / **EX 5**
115. 07/31/09 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME, et al; Subject: rev 4 July 30 2009 73jwo 7-31-opm enclosure public comments analysis NJ agreement.doc. (16 pages) / **EX 5**
116. 10/18/07 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME, et al; Subject: State of New Jersey. (2 pages) / **EX 5**
117. 01/08/09 E-mail from J. Olmstead, OGC to D. White, FSME; Subject: Re: Response to FSME's Questions Regarding VA SRM. (1 page) / **EX 5**
118. 03/09/09 E-mail from J. Olmstead, OGC to T. Taylor, FSME; Subject: StaffAssessmentOGCcomQ19.doc. (2 pages) / **EX 5**
119. 07/09/09 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME, et al; Subject: JWO comments SMC comment resolution section July 2 2009 (Orendi Markup)(2).doc. (12 pages) / **EX 5**
120. 07/10/09 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME, et al; Subject: JW Comments SMC Comment Resolution Section July 109-30.doc. (12 pages) / **EX 5**
121. 07/10/09 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME, et al; Subject: JW Comments SMC Comment Resolution Section July 10-noon.doc. (13 pages) / **EX 5**
122. 07/10/09 E-mail from J. Olmstead, OGC to D. Sollenberger, FSME, et al; Subject: JW Comments SMC Comment Resolution Section July 10-1 pm.doc. (15 pages) / **EX 5**
123. 07/28/09 E-mail from J. Olmstead, OGC to T. Taylor, FSME; Subject: jwocom-7-28- enclosure public comment analysis NJ agreement.doc. (14 pages) / **EX 5**