

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

2017-0292

1

RESPONSE
TYPE

INTERIM



FINAL

REQUESTER:

Samuel Miranda

DATE:

8/21/2017

DESCRIPTION OF REQUESTED RECORDS:

All records relating to Exelon's appeals dated December 8, 2015 (ML15342A112) and June 22, 2016 (ML16154A254) of the NRC staff's backfit order of October 9, 2015 (ML14225A871) that was directed to the Braidwood Station, Units 1 and 2

PART I. -- INFORMATION RELEASED

You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>

- ☒ Agency records subject to the request are already available on the Public NRC Website, in Public ADAMS or on microfiche in the NRC Public Document Room.
- ☒ 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.
- ☐ You will receive a refund for the amount listed.
- ☒ Fees waived.

NO FEES

- ☐ Minimum fee threshold not met.
- ☐ Due to our delayed response, you will not be charged fees.

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

- ☐ We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters: it should not be taken to mean that any excluded records do, or do not, exist.
- ☒ We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- ☒ Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.

You may appeal this final determination within 90 calendar days of the date of this response by sending a letter or e-mail to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at <https://ogis.archives.gov/about-ogis/contact-information.htm>

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

Signature - Freedom of Information Act Officer or Designee

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PART II.A -- APPLICABLE EXEMPTIONS

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- ☐ Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by the 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. 4702(b), which prohibits the disclosure of contractor proposals, 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 confidential commercial or financial information that is being withheld for the reason(s) indicated.
- ☐ 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 is considered to be another type of confidential business (proprietary) information.
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☐ Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
- ☐ Deliberative process privilege.
- ☐ Attorney work product privilege.
- ☐ Attorney-client privilege.
- ☒ Exemption 6: The withheld information from a personnel, medical, or similar file, 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 open enforcement proceeding.
- ☐ (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names 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

PART II.B -- DENYING OFFICIALS

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			EDO	SECY
Stephanie Blaney	FOIA Officer	identifying information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

Appeals must be made in writing within 90 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

FOIA-2017-0292 Publicly Available Documents**Page 1 of 3**

Accession Number	ML003772455
Document Title	Response to Request for Additional Information Regarding the License Amendment Request to Permit Upgraded Power Operations at Byron and Braidwood Stations
Availability	Publicly Available
Estimated Page Count	222
Accession Number	ML010330145
Document Title	Response to Request for Additional Information Regarding the License Amendment Request to Permit Updated Power Operations at Byron and Braidwood Stations.
Availability	Publicly Available
Estimated Page Count	42
Accession Number	ML011420274
Document Title	Byron, Units 1 & 2 & Braidwood, Units 1 & 2 - Issuance of Amendments Re: Increase in Reactor Power, (MA9428, MA9429, MA9426 & MA9427).
Availability	Publicly Available
Estimated Page Count	125
Accession Number	ML033040016
Document Title	Byron 1 & 2, Braidwood 1 & 2, Revision to the Safety Evaluation Supporting the License Amendments Approving an Increase in Reactor Power for Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2 (TAC NOS. MA9428, MA9228, MA9429 and MA9427)
Availability	Publicly Available
Estimated Page Count	
Accession Number	ML040300843
Document Title	Braidwood Station, Units 1 and 2, Byron Station, Units 1 and 2, Request for Additional Information Regarding License Amendment Request to Revise Pressurizer Safety Valves Lift Settings.
Availability	Publicly Available
Estimated Page Count	12
Accession Number	ML042250531
Document Title	Byron Station, Units 1 & 2 and Braidwood Station, Units 1&2, License Amendments 138, 139, 131, and 131 regarding Pressurizer Safety Valve Setpoints.
Availability	Publicly Available
Estimated Page Count	
Accession Number	ML050320117
Document Title	Seabrook, License NPF-86 - Supplemental Response to Request for Additional Information Regarding License Amendment Request 04-03. Application for Stretch Power Uprate.
Availability	Publicly Available
Estimated Page Count	15
Accession Number	ML051400209
Document Title	NUREG-0737, "Clarification of TMI Action Plan Requirements."
Availability	Publicly Available
Estimated Page Count	258
Accession Number	ML051860338
Document Title	IR 05000423-05-012, on 04/20/2005 - 05/18/2005, Millstone Power Station; Unit 3; Special Inspection for April 17, 2005 event; Event Follow up.
Availability	Publicly Available
Estimated Page Count	51
Accession Number	ML051890212
Document Title	NRC Regulatory Issue Summary 2005-029: Anticipated Transients Developing Into More Serious Events
Availability	Publicly Available
Estimated Page Count	6
Accession Number	ML102560009
Document Title	NUREG-0737, Supp No. 1, "Clarification of TMI Action Plan Requirements."
Availability	Publicly Available
Estimated Page Count	51

Accession Number	ML14052A431
Document Title	Non-Concurrence: SRXB Input for Byron and Braidwood MUR Safety Evaluation.
Availability	Publicly Available
Estimated Page Count	70
Accession Number	ML14225A871
Document Title	Byron Station, Units 1 and 2 and Braidwood Station, Units 1 and 2 -Imposition of Facility-Specific Backfit Regarding A Condition II Event That Could Generate A More Serious Event (TAC NOS. MF3206, MF3208, and MF3209).
Availability	Publicly Available
Estimated Page Count	68
Accession Number	ML15014A469
Document Title	NRC Regulatory Issue Summary 2005-29, Revision 1, Anticipated Transients that could Develop Into More Serious Events.
Availability	Publicly Available
Estimated Page Count	10
Accession Number	ML15342A112
Document Title	Braidwood, Units 1 & 2 and Byron, Units 1 & 2, Appeal of Imposition of Backfit Regarding Compliance with 10 CFR Section 50.34(b) GDC 15, GDC 21, GDC 29, and Licensing Basis.
Availability	Publicly Available
Estimated Page Count	10
Accession Number	ML15355A081
Document Title	Backfit Review Panel Charter Regarding December 8, 2015, Exelon Appeal of Imposed Backfit Affecting Braidwood and Byron Stations.
Availability	Publicly Available
Estimated Page Count	3
Accession Number	ML16062A422
Document Title	Exelon Meeting Slides for March 7, 2016 Public Meeting to Discuss Backfit Appeal.
Availability	Publicly Available
Estimated Page Count	14
Accession Number	ML16095A204
Document Title	U.S. Nuclear Regulatory Commission Response to Backfit Appeal - Braidwood Station, Units 1 and 2, and Byron Station, Units 1 and 2
Availability	Publicly Available
Estimated Page Count	9
Accession Number	ML16133A575
Document Title	06/09/16 Tasking Related to Implementation of Agency Backfitting Guidance.
Availability	Publicly Available
Estimated Page Count	5
Accession Number	ML16154A254
Document Title	Braidwood, Units 1 and 2 and Byron, Units 1 and 2 - Appeal of Imposition of Backfit Regarding Compliance with 10 CFR Section 50.34 (b), General Design Criteria (GDC) 15, GDC 21, GDC 29, and Licensing Basis.
Availability	Publicly Available
Estimated Page Count	16
Accession Number	ML16173A311
Document Title	Charter for Backfit Appeal Review Panel Associated With Byron and Braidwood Compliance with 10 CFR 50.34(B), GDC 15, GDC 21, GDC 29, and the Licensing Basis.
Availability	Publicly Available
Estimated Page Count	2
Accession Number	ML16208A008
Document Title	OEDO-16-00463 - 6-16-16 Ltr frm A. Pietrangelo re: Nuclear Energy Institute Comments in Support of Exelon Generation Company Second-Level Backfit Appeal.
Availability	Publicly Available
Estimated Page Count	13

Accession Number	ML16214A199
Document Title	An Assessment of Core Damage Frequency for Byron/Braidwood Backfit Appeal Review.
Availability	Publicly Available
Estimated Page Count	48

Accession Number	ML16236A202
Document Title	Backfit Appeal Review Panel Findings Associated with Byron and Braidwood Compliance.
Availability	Publicly Available
Estimated Page Count	5

Accession Number	ML16236A208
Document Title	Report of Backfit Appeal Review Panel.
Availability	Publicly Available
Estimated Page Count	61

Accession Number	ML16243A067
Document Title	09/15/16 Letter to Exelon from Victor McCree.
Availability	Publicly Available
Estimated Page Count	3

Accession Number	ML16246A150
Document Title	09/15/16 NEI Comments in Support of Exelon Generation Company Second Level Appeal (To: Anthony Pietrangelo, From: Victor McCree).
Availability	Publicly Available
Estimated Page Count	3

Accession Number	ML16246A247
Document Title	Appeal of Backfit Imposed in Braidwood and Byron Stations (To: William Dean, From: Victor McCree).
Availability	Publicly Available
Estimated Page Count	9

Accession Number	ML16274A473
Document Title	OEDO-16-00665 - NRC Non-Cited Violations Related to Susceptibility of Baffle Bolt Degradation.
Availability	Publicly Available
Estimated Page Count	5

Accession Number	ML16334A188
Document Title	OEDO-16-00649 - Response to Request for a Plan to Assess the Treatment of the Underlying Technical Issue in Nuclear Safety Advisory Letter-93-013 and the Positions in Regulatory Information Summary 2005-29 and Proposed Revision 1.
Availability	Publicly Available
Estimated Page Count	4