



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

2004-0369

6

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Peter Alexander

DATE

NOV 16 2005

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 J,K,L 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 J,K,L 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 *

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- 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.

* See comments for details

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 FOIA/PA-2004-0369 request is located in ADAMS at ML042710288.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols
Russell A. Nichols

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

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
J, K, L

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.
- 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 2.790(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- 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
James E. Dyer	Director, Office of Nuclear Reactor Regulation	Appendix J, Appendix L/18, L/28-30	✓		
Samuel J. Collins	Regional Administrator, RI	Appendix K	✓		
Eliot B. Brenner	Director, Office of Public Affairs	Appendix L		✓	

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 J
RECORDS WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	2/4/04	E-Mail from Shuaibi to Raghaven, Phone Interview (5 pages) (4 pages released) Ex. 5
2.	3/22/04	E-Mail from Skay to Howe, draft Communication Plan and Qs and As (18 pages) (3 pages released) Ex. 5
3.	4/16/04	E-Mail from Skay to Anderson, Vermont Yankee Communication Team Meeting (1 page) Ex. 2
4.	4/21/04	E-Mail from Jasinski to Burnell, Latest VY Problems (1 page) Ex. 2, 6
5.	4/22/04	E-Mail from Pelton to Anderson, Q on fuel pin issue (1 page) Ex. 5
6.	4/22/04	E-Mail from Sheehan to Outlaw, VY Fuel Pin Questions (3 pages) (2 pages released) Ex. 5
7.	4/23/04	E-Mail from Jasinski to McIntyre, Qs and As on fuel pin issue (4 pages) (2 pages released) Ex. 5
8.	4/29/04	E-Mail from Howe to Anderson, Quick Comm Team meeting Today 2 pm (1 page) Ex. 2
9.	5/3/04	E-Mail from Skay to Howe, VY Comm Team meeting today (2 pages) (1 page released) Ex. 2
10.	5/4/04	E-Mail from Skay to Howe, revised PSB letter rollout plan (9 pages) (3 pages released) Ex. 5
11.	5/4/04	E-Mail from Skay to Anderson, Rollout plan - NRR comments (9 pages) (3 pages released) Ex. 5
12.	5/5/04	E-Mail from Skay to Howe, Comm Team meeting minutes (5 pages) (3 pages released) Ex. 5
13.	5/6/04	E-Mail FROM Ennis to SieneI, SFP Review - News Coverage (4 pages) Ex. 5
14.	5/7/04	E-Mail from Skay to Howe, Comm Team Meeting, May 10 (10 pages) (3 pages released) Ex. 2, 5

15. 5/11/04 E-Mail from Skay to Howe, Comm Team meeting minutes, 5/10/04 (5 pages) (3 pages released) Ex. 5
16. 5/14/04 E-Mail from Sheehan to Jackson, Qs and As on fuel pin issue (5 pages) (3 pages released) Ex. 5
17. 5/17/04 E-Mail from Skay to Howe, VY Comm Team meeting, Monday May 17 (2 pages) (1 page released) Ex. 2, 5
18. 5/24/04 E-Mail from Skay to Howe, VY Comm Team meeting (2 pages) (1 page released) Ex, 2, 5
19. 5/18/04 E-Mail from Skay to Howe, Comm Team Meeting Summary, May 17 (5 pages) (3 pages released) Ex. 5
20. 5/26/04 E-Mail from Skay to Howe, Rollout Plan for Issuance of Jeffords/Markey letters (10 pages) (3 pages released) Ex. 5
21. 5/26/04 E-Mail from Skay to Howe, VY Comm Team meeting minutes - 5/25 (5 pages) (3 pages released) Ex. 5
22. 6/1/04 E-Mail from Skay to Howe, VY Comm Team meeting Tuesday 3:00 (3 pages) Ex. 2
23. 6/1/04 E-Mail from Skay to Howe, VY Comm Team meeting minutes (5 pages) (3 pages released) Ex. 5
24. 6/16/04 E-Mail from Sheron to Howe, Articles on Vermont Yankee (3 pages) Ex. 5
25. 6/21/04 E-Mail from Virgilio to Anderson, VY Comm Team meeting today (3 pages) Ex. 2
26. 6/22/04 E-Mail from Skay to Howe, Agenda for VY Comm team meeting (2 pages) (1 page released) Ex. 2, 5
27. 6/22/04 E-Mail from Skay to Howe, Key points and Qs and As for PSB brief (8 pages) (3 pages released) Ex. 5
28. 6/22/04 E-Mail from Ennis to Howe, draft press release for comment (5 pages) (3 pages released) Ex. 5
29. 6/23/04 E-Mail from Howe to Anderson, Reminder Vermont PSB Dry Run (1 page) Ex. 2
30. Undated Draft proposed D-Note (1 page) Ex. 5, attaching 6/29/04 letter to Sherman from Ennis (ML040800004 PUBLIC)
31. 7/14/04 E-Mail from Skay to Howe, VY Comm team meeting agenda (4 pages) (3 pages released) Ex. 5

32. 7/15/04 E-Mail from Skay to Howe, summary of July 14 VY Comm Team meeting (5 pages) (3 pages released) Ex. 5
33. 7/20/04 E-Mail from Skay to Howe, draft Comm Plan for VY engineering inspection (9 pages) (3 pages released) Ex. 5
34. 7/20/04 E-Mail from Skay to Howe, VY Comm Team minutes 7/20/04 (5 pages) (3 pages released) Ex. 5
35. 7/26/04 E-Mail from Skay to Howe, Vermont Yankee Communication Team meeting (14 pages) (3 pages released) Ex. 5
36. 7/27/04 E-Mail from Skay to Howe, Communication Plan for Vermont Yankee engineering inspection (9 pages) (3 pages released) Ex. 5
37. 7/30/04 E-Mail from Skay to Doerflein, VY eng. Inspection (2 pages) Ex. 5
38. 8/3/04 E-Mail from Skay to Howe, VY Comm Team (5 pages) (3 pages released) Ex. 5
39. 8/4/04 E-Mail from Lanning to Wiggins, VY Comm Team (5 pages) (3 pages released) Ex. 5
40. 8/6/04 E-Mail from Doerflein to Bower, Communication Plan for Vermont Yankee engineering inspection (10 pages) (4 pages released) Ex. 5
41. 8/9/04 E-Mail from Ennis to Huffert, Communication Plan for Vermont Yankee engineering inspection (10 pages) (4 pages released) Ex. 5
42. 8/16/04 E-Mail from Virgilio to Howe, VY Comm Team meeting (3 pages) Ex. 2
43. 8/16/04 E-Mail from Skay to Howe, VY Comm Team meeting (1 page) Ex. 2
44. 8/17/04 E-Mail from Jasinski to Brenner, Command Perf. 8/18 (1 page) Ex. 5
45. 8/18/04 E-Mail from Jasinski to Brenner, Command Perf. 8/18 (1 page) Ex. 5
46. 9/28/04 E-Mail from Jacobson to Howe, Communication Plan for VY EPU schedule change (6 pages) (1 page released) Ex. 5
47. 9/3/04 E-Mail from Ennis to Sheehan, questions about VY (3 pages) (2 pages released) Ex. 5, attorney-client
48. 9/7/04 E-Mail from Skay to Howe, Vermont Yankee Communications Team Meeting today (3 pages) Ex. 2
49. 9/8/04 E-Mail from Skay to Howe, VY Comm Team meeting minutes (3 pages) (1 page released) Ex. 5

50. 9/14/04 E-Mail from Wiggins to Screnci, Information Only - August 2004 NRR/OD & ET Significant Topics Current and Emergent Issues (25 pages) (11 pages and portions of 2 pages are outside scope and therefore not provided) (14 pages released) Ex. 5
51. 9/16/04 E-Mail from Doerflein to Smith, Communication Plan for Vermont Yankee Engineering inspection (8 pages) (3 pages released) Ex. 5
52. 9/17/04 E-Mail from Howe to Anderson, VY Comm Team meeting 9/21 (3 pages) Ex. 2
53. 9/20/04 E-Mail from Howe to Anderson, Meeting/Call Postponed Re: VY Comm Team meeting 9/21 (3 pages) Ex. 2
54. 9/21/04 E-Mail from Howe to Anderson, VY Comm Team meeting new location (1 Page) Ex. 2
55. 9/21/04 E-Mail from Howe to Anderson, VY Comm Team meeting rescheduled to 9-22 (1 page) Ex. 2
56. 9/22/04 E-Mail from Skay to Howe, VY controlled correspondence status (14 pages) (3 pages released) Ex. 5
57. 9/24/04 E-Mail from Skay to Howe, Draft Comm Plan for VY EPU Schedule (2 pages) Ex. 5
58. 9/24/04 E-Mail from Skay to Howe, VY Comm Team meeting minutes 9-22-04 (3 pages) (1 page released) Ex. 2, 5

**APPENDIX K
RECORDS WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	3/16/04	E-Mail from Screnci to Farrar, Vermont PSB Order on VY EPU with attachments (134 pages) Ex. 5
2.	3/16/04	E-Mail from Miller to Hayden, UCS basis for Independent Safety Assessment at Vermont Yankee (2 pages) Ex. 5 attaching 3/12/04 e-mail from Lochbaum (1 page), 3/12/04 Letter to Miller from Lochbaum (4 pages) (ML052790463 PUBLIC)
3.	3/17/04	E-Mail from Florek to McMurtray, VY Strategy Meeting on 3/18 (3 pages) Ex. 2
4.	4/1/04	E-Mail from Vito to Walker, Concerned Citizen re: VY Power Uprate (3 pages) Ex. 6
5.	4/1/04	E-Mail from Vito to Mohrwinkel, Vermont Yankee Uprate (5 pages) Ex. 6
6.	4/7/04	E-Mail from Pelton to Sheehan, Media Calls re: VY allegation (2 pages) Ex. 7C
7.	4/16/04	E-Mail from Pelton to Anderson, Draft Information Supporting VY Steam Dryer PN (1 page) Ex. 5
8.	4/16/04	E-Mail from Pelton to Anderson, VY Steam Dryer PN Information (1 page) Ex. 5
9.	4/21/04	E-Mail from Jasinski to Sheehan, Bridge for VY Fuel Pin Segments Call (3 pages) Ex. 2
10.	4/22/04	E-Mail from Florek to Howe, Paragraph (3 pages) Ex. 5
11.	Undated	Talking Points for NRC Response to Leah/Jeffords Letter and Vermont Yankee PSB Request Relating to Vermont Yankee Power Uprate Application (1 page) Ex. 5 attaching 3/29/04 letter to Leahy and Jeffords (9 pages) (ML040690004 PUBLIC)
12.	4/30/04	E-Mail from Vito to Screnci, Phone call of concern received 75:15 pm 4/29/04 (4 pages) Ex. 6
13.	5/21/04	E-Mail from Screnci to Brenner, Some VY Q&A (4 pages) (1 page released) Ex 5

14. 7/7/04 E-Mail from Brenner to Screnci, tomorrow's news (1 page) Ex. 5
15. 7/22/04 E-Mail from Ennis to Sheehan, VY steam dryer meeting (2 pages) Ex. 6
16. 7/29/04 E-Mail from Brenner to Sheehan, Conf. Call on Vermont Yankee design issues (1 page) Ex. 5
17. 8/10/04 E-Mail from Anderson to Blough, VY Governor Letter (3 pages) Ex. 5
18. 8/11/04 E-Mail from Arner to Holian, Draft Response to VT Gov (2 pages) Ex. 5
19. 8/11/04 E-Mail from Florek to Holian, Draft Response to VT Gov (4 pages) (3 pages released) Ex. 5
20. 8/11/04 E-Mail from Holian to Anderson, VY Governor Letter (4 pages) Ex. 5
21. 8/11/04 E-Mail from Holian to Blough, VY Governor Letter (4 pages) Ex. 5
22. 8/17/04 E-Mail from Siemel to Anderson, VY Strike com plan (3 pages) (1 page released) Ex. 5
23. 8/31/04 E-Mail from Lanning to divmgr, VY Engineering Team Briefing (3 pages) Ex. 5
24. 9/2/04 E-Mail from Jacobson to Blough, Briefing Notes for VY Engineering Inspection (5 pages) (3 pages released) Ex. 5
25. 9/13/04 E-Mail from Pelton to Sheehan, AP questions on VY LER (2 pages) Ex. 5

**APPENDIX L
RECORDS WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	3/24/04	E-Mail from Sheehan to Gagner, VY mtg. Press release (2 pages) Ex. 5
2.	3/30/04	E-Mail from Ennis to Burnell, Talking points to address media coverage of Leah/Jefford letter (2 pages) Ex. 5
3.	4/22/04	E-Mail from Howe to Burnell, Vermont Yankee op-ed piece w/NRR tech staffs revisions (4 pages) (2 pages released) Ex. 5
4.	9/22/04	E-Mail from Grobe to Brenner, Tomorrow's News Tonight (1 page) Ex. 4 and 5
5.	4/8/04	E-Mail from Sheehan to Screnci, Merrifield briefing on VY (2 pages) Ex. 5
6.	9/22/04	E-Mail from Brenner to Wiggins, Tomorrow's News Tonight (2 pages) Ex. 4, 5
7.	4/26/04	E-Mail from Sheehan to Burnell, VY as a 'maple sugar' house (2 pages) Ex. 5
8.	4/30/04	E-Mail from Ennis to McIntyre, Public comment on VY uprate (2 pages) Ex. 6
9.	5/4/04	E-Mail from Brenner to Sheehan, a message from eliot (2 pages) Ex. 5
10.	5/6/04	E-Mail from Brenner to Hayden, Tomorrow's News Today (1 page) Ex. 4, 5
11.	5/6/04	E-Mail from McIntyre to Brenner, Coalition responds to NRC's order for independent engineering (4 pages) Ex. 5
12.	6/15/04	E-Mail from Sheehan to Brenner, Media interaction (1 page) Ex. 4, 5
13.	6/22/04	E-Mail from Brenner to Burnell, here tis (2 pages) (1 page released) Ex. 5
14.	6/24/04	E-Mail from Burnell to Ruland, revision to press release (3 pages) (1 page released) Ex. 5
15.	6/25/04	E-Mail from Virgilio to Brenner, Vermont press release (1 page) Ex. 5

16. 6/25/04 E-Mail from Howe to Brenner, Vermont press release (1 page) Ex. 5
17. 6/25/04 E-Mail from Howe to Brenner, Monday's goodies (1 page) Ex. 5
18. 9/1/04 E-Mail from Brenner to Sheron, Tomorrow's News Tonight (2 pages) Ex. 4, 5
19. 7/26/04 E-Mail from Brenner to Sheehan, Media Interactions (1 page) Ex. 4, 5
20. 7/26/04 E-Mail from Brenner to Sheehan, Media Interactions (1 page) Ex. 4, 5
21. 7/28/04 E-Mail from Brenner to PA Staff, Tomorrow's News Tonight (7 pages) Ex. 4, 5
22. 7/29/04 E-Mail from Brenner to Kane, Tomorrow's News Tonight (1 page) Ex. 4, 5
23. 7/29/04 E-Mail from Brenner to Weaver, Tomorrow's News Tonight (1 page) Ex. 4, 5
24. 9/28/04 E-Mail from Hayden to Burnell, Communication Plan for VY EPU schedule change (1 page) Ex. 5
25. 7/29/04 E-Mail from Brenner to Sheehan, Conf. Call on Vermont Yankee design issues (1 page) Ex. 5
26. 7/30/04 E-Mail from Brenner to Kane, Tomorrow's News Tonight (1 page) Ex. 4, 5
27. 7/30/04 E-Mail from Brenner to PA Staff, Tomorrow's News Tonight (3 pages) Ex. 4, 5
28. 8/2/04 E-Mail from Sheehan to Howe, press release re: Vy engineering inspection (3 pages) Ex. 5
29. 8/2/04 E-Mail from Jacobson to Burnell, press release re: VY engineering inspection (1 page) Ex. 5
30. 8/2/04 E-Mail from Ennis to Burnell, press release re: VY engineering inspection (2 pages) Ex. 5
31. 8/4/04 E-Mail from Brenner to Burnell, Tomorrow's News Tonight (3 pages) Ex. 4, 5
32. 8/9/04 E-Mail from Brenner to PA Staff, Tomorrow's News Tonight (2 pages) Ex. 4, 5
33. 8/18/04 E-Mail from McIntyre, NRC links on VY (1 page) Ex. 6
34. 8/26/04 E-Mail from Brenner to PA Staff, Tomorrow's News Tonight (3 pages) Ex. 4, 5

35. 8/27/04 E-Mail from Brenner to PA Staff (1 page) Ex. 5
36. 9/1/04 E-Mail from Brenner to Collins, Tomorrow's News Tonight (2 pages) Ex. 4, 5
37. 9/20/04 E-Mail from Brenner to PA Staff, Tomorrow's News Tonight (2 page) Ex. 4, 5
38. 9/21/04 E-Mail from Rosano to Brenner, Tomorrow's News Tonight (2 pages) Ex. 4, 5
39. 9/21/04 E-Mail from Brenner to Bolling, Tomorrow's News Tonight (3 pages) (1 page released) Ex. 4, 5
40. 8/30/04 E-Mail from McIntyre, NRC info on Vermont Yankee (1 page) Ex. 6