



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

2007-0313

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Daniel F. Hurley

DATE

OCT - 5 2007

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 **A** 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 **B** 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 **B, C** 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-2007-0313 is located in ADAMS at ML072400488.

Records with an ML accession number are available in the NRC's Public Electronic Reading Room at www.nrc.gov/reading-rm/adams/html. For assistance in obtaining any records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or email at pdr@nrc.gov.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

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

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
C

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 2.390(d)(1).
 - 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 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	R1 Regional Administrator	Appendix 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 A
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	07/10/2006	ML061990425	2006-07-10- Entergy's Motion to Strike Portions of New England Coalition's Reply (19 pages)
2.	07/19/2006	ML061990431	2006/07/10-Entergy's Motion to Strike Portions of Department of Public Service's Reply(16 pages)
3.	07/20/2006	ML062010489	2006/07/20-NRC Staff Answer to Entergy's Motion to Strike Portions of Department of Public Service's Reply (8 pages)
4.	07/20/2006	ML062020280	2006/07/20-NRC Staff Answer to Entergy Motion to Strike Portions of New England Coalition's Intervention Reply (8 pages)
5.	07/20/2006	ML062050184	2006/07/20-New England Coalition, Inc.'s Opposition to Entergy's Motion to Strike Portions of New England Coalition's Reply (24 pages)
6.	07/20/2006	ML062080167	2006/07/20-Vermont Department of Public Service Reply to Entergy's Motion to Strike Portions of Department of Public Service Reply (18 pages)
7.	07/21/2006	ML062140437	2006/07/21-NEC's Reply to NRC Staff Answer to Entergy's Motion to Strike (8 pages)
8.	05/29/2007	ML071500024	2007/05/29-Vermont Yankee - NRC Staff Motion to Strike NEC Response to NRC Staff's Summary Disposition Answer (6 pages)
9.	06/08/2007	ML071650204	2007/06/08-Entergy's Response in Support of NRC Staff's Motion to Strike NEC's Response to NRC Staff's Summary Disposition Answer (7 pages)
10.	06/08/2007	ML071650205	2007/06/08-New England Coalition, Inc.'s (NEC) Opposition to NRC Staff Motion to Strike NEC Response to NRC Staff's Summary Disposition Answer (3 pages)
11.	07/25/2007	ML072130244	2007/07/25-New England Coalition, Inc.'s (NEC) Motion to File Supplemental

Re: FOIA/PA-2007-0313

Authority in Support of NEC Opposition to
NRC Staff Motion to Strike NEC Response
to NRC Staff's Summary Disposition
Answer (21 pages)

**APPENDIX B
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	12/07/2005	Memorandum from S. Collins of USNRC to Region I Staff, regarding Region I Instructions 1080.2, Revision 6 "NRC Preparations for Pending Licensee Strike" (9 pages)
2.	07/11/2007 10:54am	E-mail from B. Siemel of USNRC to D. Pelton and N. Sieller of USNRC, regarding VY contract (3 pages)
3.	07/18/2007 9:06am	E-mail from N. Sieller of USNRC to R. Powell of USNRC, regarding draft daily (2 pages)
4.	07/18/2007 9:41am	E-mail from N. Sieller of USNRC to K. Heater of USNRC, regarding Draft Daily Note for 7/18 (2 pages)
5.	07/19/2007	Region I Daily Staff Notes 07-19-07 (1 page)
6.	07/30/2007 9:50am	E-mail from R. Powell of USNRC to various, regarding VY strike preps (4 pages)
7.	07/30/2007 11:18am	E-mail from J. Benjamin of USNRC to R. Powell of USNRC, regarding VY Strike Update (2 pages)
8.	08/07/2007 9:42am	E-mail from R. Bellamy of USNRC to R. Powell and A. Rosebrook of USNRC, regarding VY strike watch bill (2 pages)
9.	08/07/2007 10:07am	E-mail from A. Rosebrook of USNRC to R. Powell of USNRC, regarding NY strike watch bill (2 pages)
10.	08/07/2007 10:44am	E-mail from R. Powell of USNRC to B. Siemel and J. Benjamin of USNRC, regarding watchbill (2 pages)
11.	08/08/2007 9:02am	E-mail from R. Powell of USNRC to J. Benjamin of USNRC, regarding Strike Update (1 page)
12.	08/08/2007 9:12am	E-mail from R. Powell of USNRC to various, regarding VY strike update (1 page)
13.	08/10/2007 1:48pm	E-mail from G. Newman of USNRC to J. Kulp of USNRC, regarding pilgrim plans (2 pages)
14.	08/14/2007 8:56am	E-mail from G. Newman of USNRC to B. Siemel of USNRC, regarding Strike Preps (2 pages, with sections outside of scope)
15.	08/16/2007 1:33pm	E-mail from D. Lew of USNRC to N. Sheehan and R. Powell of USNRC, regarding Media questions re: potential VY strike (1 page)
16.	08/16/2007 3:16pm	E-mail from K. Toukatly of USNRC to various, regarding

- Vermont Yankee Strike Contingency Plan (3 pages)
17. 08/17/2007 7:28am E-mail from B. Norris of USNRC to R. Powell of USNRC, regarding daily (3 pages)
 18. 08/19/2007 6:42am E-mail from G. Johnson of USNRC to B. Norris of USNRC, regarding VY Strike Watchbill (3 pages)
 19. 08/22/2007 10:24am E-mail from B. Norris of USNRC to J. Benjamin of USNRC, regarding VY Daily notes (2 pages, with sections outside of scope)
 20. 08/22/2007 10:50am E-mail from B. Norris of USNRC to K. Heater of USNRC, regarding Daily notes (3 pages, with sections outside of scope)
 21. 08/22/2007 11:09am E-mail from B. Norris of USNRC to K. Heater of USNRC, regarding revised daily (3 pages, with sections outside of scope)
 22. 08/22/2007 12:06pm E-mail from B. Norris of USNRC to K. Heater of USNRC, regarding revision (3 pages)
 23. 08/23/2007 6:41am E-mail from R. Powell of USNRC to M. Gray of USNRC, regarding Garret Newman (2 pages)
 24. 08/23/2007 6:42am E-mail from R. Powell of USNRC to B. Norris, B. Siemel and J. Benjamin of USNRC, regarding NY 72 hour notice given (2 pages)
 25. 08/23/2007 7:00am E-mail from B. Norris of USNRC to R. Powell of USNRC, regarding proposed watchbill (4 pages)
 26. 0/23/2007 8:40am E-mail from B. Norris of USNRC to R. Powell of USNRC, regarding watch bill (2 pages)
 27. 08/23/2007 8:43am E-mail from B. Norris of USNRC to R. Powell of USNRC, regarding watchbill (4 pages)
 28. 08/23/2007 9:01am E-mail from B. Norris of USNRC to various, regarding Draft PN (5 pages)
 29. 08/23/2007 10:31am E-mail from N. Sieller of USNRC to J. Kulp of USNRC, regarding Karl Diedrick leaving for Region IV (2 pages, with sections outside of scope)
 30. 08/23/2007 11:45am E-mail from B. Norris of USNRC to M. Sykes of USNRC, regarding VY Pending Strike Coverage (6 pages)
 31. 08/23/2007 11:56am E-mail from G. Johnson of USNRC to B. Norris of USNRC, regarding VY Pending Strike Coverage (2 pages)
 32. 08/23/2007 2:21pm E-mail from J. Benjamin of USNRC to various, regarding Strike coverage (2 pages, with sections outside of scope)
 33. 08/23/2007 2:51pm E-mail from B. Norris of USNRC to various, regarding VY Pending Strike Coverage - REVISED (4 pages)

Re: FOIA/PA-2007-0313

34. 08/23/2007 EDO Daily Note - Region I input for 08-23-07 (1 page)
35. 08/24/2007 6:26am E-mail from G. Johnson of USNRC to B. Norris of USNRC, regarding VY Pending Strike Coverage - Revised (2 pages)
36. 08/24/2007 10:14am E-mail from J. Benjamin of USNRC to various, regarding Badging (2 pages)
37. 08/24/2007 10:53am E-mail from L. Smith of Entergy to B. Siemel of USNRC, regarding Union Negotiations (1 page)
38. 08/24/2007 12:00pm E-mail from G. Cowan of USNRC to G. Newman of USNRC, regarding R7N 2500 (2 pages)
39. 08/24/2007 12:37ma E-mail from J. Benjamin of USNRC to various, regarding Hours and Samples if strike watchbill is implemented (2 pages)
40. 08/24/2007 12:43pm E-mail from J. Dwyer of USNRC to B. Norris of USNRC, regarding Vermont Yankee Potential Strike Calls (2 pages)
41. 08/24/2007 1:39pm E-mail from B. Norris of USNRC to various, regarding Strike Contingency Plan for VY (3 pages)
42. 08/27/2007 9:14am E-mail from B. Norris of USNRC to K. Heater and K. Toukatly of USNRC, regarding Daily for VY (3 pages)
43. 08/27/2007 10:20am E-mail from B. Norris of USNRC to K. Toukatly of USNRC, regarding daily revised (3 pages)
44. 08/27/2007 10:50am E-mail from B. Norris of USNRC to R. Powell of USNRC, regarding tentative watchbill (3 pages)
45. 08/27/2007 11:28am E-mail from B. Norris of USNCR to various, regarding VY Strike Watchbill - Revised (4 pages)
46. 08/27/2007 12:07pm E-mail from B. Siemel of USNRC to R. Powell of USNRC, regarding VY Strike Watchbill - Revised (2 pages, with sections outside of scope)
47. 08/27/2007 3:20pm E-mail from N. Sheehan of USNRC to R. Audette of Reformer, regarding New England Coalition 2.206 Request (9 pages)
48. 08/27/2007 5:21pm E-mail from B. Norris of USNRC to R. Powell of USNRC, regarding draft talking points (4 pages)
49. 08/27/2007 6:26pm E-mail from G. Wilson to B. Siemel of USNRC, regarding Vermont Yankee IBEW Local 300 Workers Ratify New Contract (1 page)
50. 08/27/2007 *News article Strike averted at VY by Bob Audette of the Brattleboro Reformer (1 page)
51. 08/27/2007 *News article Tentative deal in hand, union workers at Vermont Yankee vote by Dave Gram of Associated Press

(1 page)

- 52. 08/28/2007 *New article Yankee union ratifies contract by Susan Smallheer of Rutland Herald (2 page)
- 53. 08/28/2007 *News article Union members accept VY contract by Bob Audette of the Brattleboro Reformer (1 page)
- 54. 08/28/2007 11:29am E-mail from G. Newman of USNRC to G. Cowan of USNRC, regarding R7N 2500 (2 pages, section outside of scope)

**APPENDIX C
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Region I morning meeting handwritten notes regarding various Region I power plants (7 pages, with sections outside the scope) / Exemption 7A
2.	08/16/2007 9:56am	E-mail from K. Toukatly of USNRC to various, regarding Bridge call: Today (August 16) 12:15 pm - 1:30 pm (3 pages) / Exemption 2
3.	08/23/2007 2:58pm	E-mail from M. McLaughlin of USNRC to U. Vanags of USNRC, regarding Please add to distribution list for VY (3 pages) / Exemption 6
4.	08/24/2007 11:25am	E-mail from G. Johnson of USNRC to T. Fish of USNRC, regarding VY strike (2 pages) / Exemption 5 and 7A
5.	08/24/2007 1:27pm	E-mail from J. Benjamin of USNRC to G. Newman of USNRC, regarding Badging (2 pages) / Exemption 6
6.	08/24/2007 1:39pm	E-mail from B. Norris of USNRC to various, regarding Strike Contingency Plan for VY (15 pages) / Exemption 6
7.	08/25/2007 1:58pm	E-mail from M. McLaughlin of USNRC to various, regarding Tentative contract agreement at Vermont Yankee (2 pages) / Exemption 6
8.	08/25/2007 2:07pm	E-mail from M. McLaughlin of USNRC to various, regarding Vermont Yankee Potential Strike Calls (3 pages) / Exemption 6
9.	08/27/2007 1:07pm	E-mail from B. Norris of USNRC to N. Sieller of USNRC, regarding VY Strike Watchbill - Revised (3 pages) / Exemption 6
10.	08/27/2007 2:49pm	E-mail from S. Collins of USNRC to J. Dyer and W. Kane of USNRC, regarding Other News - re: VY and Pending Labor Action/Safety Concerns (1 page) / Exemption 7A
11.	08/28/2007 6:46am	E-mail from M. McLaughlin of USNRC to J. Giarrusso, kdoutt@nhoem.state.nh.us and mnawoj@nhoem.state.nh.us , regarding Vermont Yankee union workers ratified contract (2 pages) / Exemption 6
12.	08/28/2007 6:50am	E-mail from M. McLaughlin of USNRC to R. Powell of USNRC, regarding FYI - Vermont notification re: union contract approval (2 pages) / Exemption 6