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February 9, 2017

*Via Electronic Mail Only*

Ms. Meena K. Khanna, Chief  
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Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation  
11555 Rockville Pike  
Rockville, Maryland 20852  
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Re: ROLE OF THIRD PARTIES IN ACCESS AUTHORIZATION AND FITNESS-FOR-DUTY DETERMINATIONS

Dear Ms. Khanna:

I am in receipt of your February 7, 2017 correspondence that Daniel Doyle emailed to me on February 8, 2017. In your letter you state that you have an obligation to make our January 31, 2017 correspondence publicly available. We do not agree that it should be made public or that you have an obligation to do so. Our correspondence contains sensitive private information supplementing what was discussed at the agreed to private meeting with the staff. During the private meeting, we understood that we could submit this letter which, in part, discusses in more detail what was discussed at the private meeting and, in part, provides additional information of the same private nature as that which justified the December 12, 2016 private meeting,<sup>1</sup> without it becoming public. We have not obtained permission from the individuals whose private information is being revealed to make this information public.

Before mailing our January 31, 2017 letter, we consulted with Mr. Doyle as to how we should transmit that letter to the NRC to ensure that it remained private. By email, he informed us that we “should remove or redact any personal information<sup>2</sup> that is not necessary for the purposes of making a policy decision in this rulemaking activity.” We believe that the names of the individual employees involved and their personal situations and cases are “necessary for the purposes of making a policy decision in this rulemaking activity.” Their names and situations

<sup>1</sup> The January 31, 2017 letter contains SUNSI information and other information of a personal nature where such disclosure would constitute unwarranted invasion of privacy and, thus, should not be disclosed to the public.

<sup>2</sup> As examples, he cited social security numbers and addresses, none of which did we include in our letter.

Ms. Meena K. Khanna

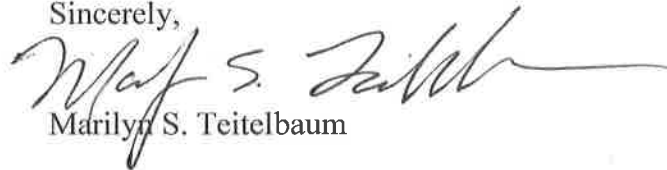
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are referred to and cross referenced throughout our letter and to redact this very private information would render the letter largely useless for the policy making purpose for which we have submitted it.<sup>3</sup>

I hope I have adequately responded to the issues you raise in your February 7, 2017 letter. If you have any questions, please contact me. Thank you.

Sincerely,



Marilyn S. Teitelbaum

MST:sp

cc: Daniel Doyle (electronically only)  
Dean Apple, IBEW Local 15 (electronically only)  
Bill Phillips, IBEW Local 15 (electronically only)  
David Sergenti, IBEW Local 15 (electronically only)  
Tom Hinspeter, IBEW Local 15 (electronically only)

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<sup>3</sup> Quite frankly, I am a little surprised by the NRC position with respect to making this information public in light of the fact we have been unable to obtain private communications between the NEI and the NRC supposedly relevant to this rule making. Indeed, I had to utilize a FOIA request just to obtain the list the NEI emailed to the NRC of various cases/situations it deemed relevant to the rulemaking even though that list did not contain any private information but apparently played some role in the rule making effort in the first place. I am concerned that the NRC may be applying a double standard to communications from the NEI and/or Licensees to it versus union communications relevant to this rule-making.