

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

2015-0297

1

RESPONSE
TYPE ☐ INTERIM ☒ FINAL

REQUESTER

Ian Mandel

DATE

JUL 30 2015

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.
- ☒ ☐ GROUP B Agency records subject to the request that are identified in the specified group are already available in public ADAMS or on microfiche in the NRC Public Document Room.
- ☒ ☐ GROUP A Agency records subject to the request that are contained in the specified group are being made available in public ADAMS.
- ☒ ☐ GROUP A 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. ☒ 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

- ☐ We did not locate any agency records responsive to your request. *Note:* Congress allowed agencies to treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). See 5 U.S.C. 552(c). This is a standard notification that we give to all requesters; it should not be taken as an indication that any of these excluded records do, or do not, exist.
- ☒ We have withheld certain information in the records from disclosure 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 this determination 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 on your request.
- ☒ You may appeal this final determination within 30 calendar days of the date of this response, by writing to the FOIA Officer, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001. Please be sure to mark your letter/envelope or email that it is a "FOIA Appeal."

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

The incoming request will be available in ADAMS as ML#15154B175. Records with an ML Accession Number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by email to PDR.Resource@nrc.gov.

Parts of the documents are withheld as being non-responsive because the request asked for the "received" emails and letters.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Roger D. Andoh

2015-0297

DATE

07/30/2015

**RESPONSE TO FREEDOM OF INFORMATION
ACT (FOIA) / PRIVACY ACT (PA) REQUEST****PART II.A -- APPLICABLE EXEMPTIONS**

GROUP

A

Records subject to the request that are contained in the specified group 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 practices 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 4702(b), 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 wrong doing or a violation of NRC requirements from investigators).
- ☐ (C) Disclosure could 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)
non-responsive

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
Eugene Dacus	Director, Congressional Affairs	Group A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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."

Group B

FOIA/PA NO: 2015-0297

RECORDS ALREADY PUBLICLY AVAILABLE

Document Title G20070895/LTR-07-0829/EDATS: SECY-2007-0579 - Ltr. Sen. Hillary Rodham Clinton re: Failure of Entergy to Install an Adequate New Emergency Siren System; and the Coming Move to Dry Cask Storage of Spent Fuel at Indian Point
Accession Number ML073600533
Document Date 12/21/07 12:00AM

Document Title G20010562 - Joshua Albert Ltr re: Plutonium-239/Beryllium Source at Manhattan College
Accession Number ML013480097
Document Date 11/19/01 12:00AM

Document Title LTR-01-0548 - Rep. Nita M. Lowey, Rep. Benjamin A. Gillman, Rep. Sue W. Kelly, Sen. Hillary Rodham Clinton, Sen. Charles H. Schumer and County Executive Andrew Spano Ltr Requesting Classified Briefing on the Security Measures at Indian Point
Accession Number ML012960175
Document Date 10/18/01 12:00AM

Document Title G20010542/LTR-01-0635 - Senator Jim Jeffords, Senator Harry Reid, Senator Hillary R. Clinton and Senator Jon Corzine Ltr re Questions from the 10/11/01 Briefing on Security of the Nation's Commercial Nuclear Facilities
Accession Number ML013330200
Document Date 11/20/01 12:00AM

Document Title G20020234/LTR-02-0278 - Sen. Hilary Clinton Ltr re Concerns of the Fox News Report Flying over the Indian Point Nuclear Plant
Accession Number ML021120093
Document Date 4/18/02 12:00AM

Document Title G20020292/LTR-02-0356 - Senators Hilary Clinton & Nita M. Lowey Ltr re: Possible Terrorist Attack on Nuclear Power Plant on 07/04/2002 - Request Status of Security Measures Taken at Nuclear Power Plants
Accession Number ML021400529
Document Date 5/15/02 12:00AM

ADAMS Documents as of 07/29/2015 02:22:59 PM

Document Title	G20020697/LTR-02-0793 - Sen. Hillary Clinton Ltr re: Expresses Concern Over Adequacy of Guard Force at Nuclear Power Plants in & Near New York
Accession Number	ML023500155
Document Date	12/10/02 12:00AM
Document Title	G20020707/LTR-02-0802 - Senator Hillary Rodham Clinton Ltr Re: Request That Security at Indian Point Reactors be Tested so That Any Potential Security Gaps May be Identified & Addressed
Accession Number	ML023530035
Document Date	12/13/02 12:00AM
Document Title	G20030034/LTR-03-0035 - Sen. Hillary Rodham Clinton Ltr re: Request Commission Review Draft Report by Witt Associates Regarding Emergency Preparedness for Areas of New York State Around Indian Point & Millstone Nuclear Power Plants
Accession Number	ML030280032
Document Date	1/22/03 12:00AM
Document Title	10/15/2001 Letter from Senator Clinton to Chairman Meserve regarding briefing on the security of nuclear power plants in New York State.
Accession Number	ML031040518
Document Date	10/15/01 12:00AM
Document Title	10/18/2001 Letter from Representatives Lowey, Gilman, Kelly, Senators Clinton, Schumer, and County Executive Spano.
Accession Number	ML031040520
Document Date	10/18/01 12:00AM
Document Title	11/19/2001 Letter from Joshua Albert, Senator Clinton's office, to Patrick Madden, NRR, regarding plutonium-239/beryllium sources at Manhattan College.
Accession Number	ML031040523
Document Date	11/19/01 12:00AM
Document Title	LTR-03-0271 - Sen. Hillary Rodham Clinton Ltr. re: Express Concern with Federal Emergency Management Administration's (FEMA) Delay in Decision Regarding Effectiveness of Emergency Response Plans for Indian Point Nuclear Power Plant
Accession Number	ML031290144
Document Date	5/2/03 12:00AM
Document Title	G20030557/LTR-03-0602 - Sen. Hillary R. Clinton Ltr re Review of the 2.206 Petition Submitted by the Union of Concerned Scientists and Riverkeeper, Inc.
Accession Number	ML032650992
Document Date	9/9/03 12:00AM
Document Title	G20040043/LTR-04-0032 - Sen. Hillary Rodham Clinton Ltr re: Special Inspection Report Regarding Indian Point & Dirty Bomb Prevention Act
Accession Number	ML040280512
Document Date	1/22/04 12:00AM
Document Title	G20040501/LTR-04-0474 - Sen. Hillary R. Clinton Ltr re Emergency Responders in Westchester County, New York
Accession Number	ML042100219
Document Date	7/13/04 12:00AM
Document Title	G20040666 - Sen. Hillary Rodham Clinton Ltr re: Request Update in Regard to Several Concerns About the Indian Point Energy Center.
Accession Number	ML042790325
Document Date	9/29/04 12:00AM
Document Title	LTR-05-0298 - Ltr. Senator Hillary Rodham Clinton re: Request Meeting with the Commission to Discuss Nuclear Plant Security.
Accession Number	ML051790356
Document Date	5/26/05 12:00AM
Document Title	G20050461/LTR-05-0298 - Senator Hillary Rodham Clinton Ltr re: Security and Emergency Preparedness at Indian Point
Accession Number	ML051800418
Document Date	5/26/05 12:00AM

ADAMS Documents as of 07/29/2015 02:22:59 PM

Document Title	LTR-05-0518 - Letter from Senator Hillary Rodham Clinton re: Issues of concern related to the Indian Point Nuclear Power Plant
Accession Number	ML053000562
Document Date	10/25/05 12:00AM
Document Title	G20060590/LTR-06-0315 - Senator Hillary Rodham Clinton and Edward Markey Ltr. re Concerns Commission's May 25, 2006 Action on "Decision Item: SECY-06-0080 National Source Tracking of Sealed Sources"
Accession Number	ML061740020
Document Date	6/22/06 12:00AM
Document Title	LTR-03-0187 - Ltr. Sen. Harry Reid re Concerns Developing Legislation to Better Secure Nuclear Facilities Against the Threat of Terrorism.
Accession Number	ML030910400
Document Date	3/28/03 12:00AM
Document Title	LTR-01-0548 - Rep. Nita M. Lowey, Rep. Benjamin A. Gillman, Rep. Sue W. Kelly, Sen. Hillary Rodham Clinton, Sen. Charles H. Schumer and County Executive Andrew Spano Ltr Requesting Classified Briefing on the Security Measures at Indian Point
Accession Number	ML012960175
Document Date	10/18/01 12:00AM
Document Title	G20010542/LTR-01-0635 - Senator Jim Jeffords, Senator Harry Reid, Senator Hillary R. Clinton and Senator Jon Corzine Ltr re Questions from the 10/11/01 Briefing on Security of the Nation's Commercial Nuclear Facilities
Accession Number	ML013380256
Document Date	12/17/01 12:00AM
Document Title	G20020234 - LTR-02-0278-Sen. Hilliary Rodham Clinton re Concerns of the Fox News Reporters Flying over the Indian Point Nuclear Plant
Accession Number	ML021090593
Document Date	4/26/02 12:00AM
Document Title	G20020697/LTR-02-0793 and G20020707/LTR-02-0802 - ltr. Sen. Hillary Rodham Clinton ltr re. Adequacy of Guard Forces at Nuclear Power Plants in and Near New York.
Accession Number	ML023510201
Document Date	1/29/03 12:00AM
Document Title	10/15/2001 Letter from Senator Clinton to Chairman Meserve regarding briefing on the security of nuclear power plants in New York State.
Accession Number	ML031040518
Document Date	10/15/01 12:00AM
Document Title	10/18/2001 Letter from Representatives Lowey, Gilman, Kelly, Senators Clinton, Schumer, and County Executive Spano.
Accession Number	ML031040520
Document Date	10/18/01 12:00AM
Document Title	LTR-03-0271 - Sen. Hillary Rodham Clinton Ltr. re: Express Concern with Federal Emergency Management Administration's (FEMA) Delay in Decision Regarding Effectiveness of Emergency Response Plans for Indian Point Nuclear Power Plant
Accession Number	ML031290144
Document Date	5/2/03 12:00AM
Document Title	LTR-03-0307 - Sen. Hillary Rodham Clinton Ltr. re: Express Concern with Federal Emergency Management Administration's (FEMA) Delay in Decision Regarding Effectiveness of Emergency Response Plans for Indian Point Nuclear Power Plant.
Accession Number	ML031360119
Document Date	5/3/03 12:00AM
Document Title	G20030557/LTR-03-0602 - The Honorable Hillary Rodman Clinton Ltr. re the Review of the Petition Filed by the Union of Concerned Scientists and Riverkeeper, Inc. on September 8, 2003.
Accession Number	ML032940695
Document Date	11/19/03 12:00AM

ADAMS Documents as of 07/29/2015 02:22:59 PM

Document Title G20040003/LTR-04-0002 - Sen. Hillary Rodham Clinton Ltr. re: Increased Security at Indian Point.
Accession Number ML040070354
Document Date 12/30/03 12:00AM

Document Title LTR-05-0298 - Ltr. Senator Hillary Rodham Clinton re: Request Meeting with the Commission to Discuss Nuclear Plant Security.
Accession Number ML051790356
Document Date 5/26/05 12:00AM

Document Title LTR-05-0518 - Letter from Senator Hillary Rodham Clinton re: Issues of concern related to the Indian Point Nuclear Power Plant
Accession Number ML053000562
Document Date 10/25/05 12:00AM

Document Title 2006/06/22-Letter fm. Sen. Hillary Rodham Clinton and Rep. Edward Markey requesting for an extension of the comment period for PR-20 and 32 regarding National Source Tracking of Sealed Sources.
Accession Number ML061780052
Document Date 6/22/06 12:00AM

Document Title LTR-07-0371 - Ltr fm Congress (Hilliary R. Clinton and Nita M. Lowey) re: request that funds related to Entergy's non-compliance with Commission order be distributed to Indian Point counties tasked with maintaining radiological emergency preparedness
Accession Number ML071620166
Document Date 5/16/07 12:00AM

Document Title G20070895/LTR-07-0829/EDATS: SECY-2007-0579 - Ltr. Sen. Hillary Rodham Clinton re: Failure of Entergy to Install an Adequate New Emergency Siren System; and the Coming Move to Dry Cask Storage of Spent Fuel at Indian Point
Accession Number ML073600533
Document Date 12/21/07 12:00AM

Document Title G20080138/LTR-08-0106/EDATS: SECY-2008-0108 - Ltr fm Senators Bernard Sanders and Hillary Rodham Clinton re NRC/DOE Workshop on 2/19-21/08 re Tech. Issues and Res. Topics for Potential Extended Op. of Nuc. Topics for Potential Extended Oper. of NP Plans.
Accession Number ML080600094
Document Date 2/27/08 12:00AM