

PETER SHUMLIN
Governor



State of Vermont
OFFICE OF THE GOVERNOR

June 18, 2014

David Deen
Connecticut River Watershed Council
P.O. Box 206
Saxtons River, VT 05154

Re: Your public records act request

Dear David,

I write in response to your public records act request addressed to the Governor and dated June 13, 2014. Attached please find records in response to your request from the Governor's Office. To the extent you seek records from outside our office, you may wish to contact the relevant agencies or departments directly.

Regarding your request for records related to the expired or pending NPDES permit for the Vermont Yankee facility, additional potentially responsive records include weekly reports submitted by the Secretary of Natural Resources to the Governor and reviewed by the Governor's senior staff. These records are exempt from disclosure as executive privileged communications pursuant to 1 V.S.A. § 317(c)(1) and (c)(4).

Potentially responsive records also include communications between and among Secretary Markowitz, General Counsel Jon Groveman, the Governor's Chief of Staff Liz Miller, myself, Commissioner Recchia and General Counsel Geoff Commons, Commissioner Chen, General Counsel David Englander, and Radiological and Toxicological Sciences Program Chief William Irwin, Commissioner Peterson and Assistant Attorney General Molly Bachman, Director of Emergency Management Joe Flynn and Planning Section Chief Erica Bornemann, Chief of the Environmental Protection Division at the Attorney General's Office Scot Kline, Assistant Attorney General Kyle Landis-Marinello, and attorneys from WilmerHale acting as counsel for the State of Vermont. These records are exempt from disclosure as attorney client

communications pursuant to 1 V.S.A. § 317(c)(3) and (c)(4), and certain of these records are also exempt under the attorney work product doctrine pursuant to 1 V.S.A. § 317(c)(4).

Additional responsive communications involve some or all of the above-listed people plus Michael Twomney, Vice President of External Affairs for Entergy and counsel for Entergy. These communications were made in the course of negotiating the MOU filed in PSB Docket Number 7862 as well as settlement documents filed and related to federal litigation involving the State and Entergy, and are exempt from disclosure pursuant to 1 V.S.A. § 317(c)(15) and as settlement communications pursuant to 1 V.S.A. § 317(c)(1).

Regarding your request for records related to the creation, implementation, or interpretation of the MOU filed March 28, 2014, in Docket Number 7862 before the Public Service Board, additional potentially responsive records include communications among some or all of the above-listed people and are exempt from disclosure pursuant to the above-cited provisions. In addition, potentially responsive records include the press release available at: <http://governor.vermont.gov/newsroom-yankee-agreement-with-state>.

Regarding your request for records related to funds to be provided for decommissioning or to the State for economic development or for any other purpose outlined in the MOU filed in Docket Number 7862, please see the attached records, including a chart I provided to the House Ways and Means Committee, the Senate Finance Committee, and the Joint Fiscal Office in January 2014, and emails of Liz Miller. Additional potentially responsive records include communications involving some or all of the above-listed people and are exempt pursuant to the above-cited provisions. Further potentially responsive records include weekly reports from the Secretary of Commerce and Community Development to the Governor and reviewed by the Governor's senior staff, as well as communications between the Secretary and the Governor's Chief of Staff. These records are exempt from disclosure as executive privileged communications pursuant to 1 V.S.A. § 317(c)(1) and (c)(4).

If you feel any records have been withheld in error, you may appeal to the Chief of Staff.

I hope that the above information is helpful to you. Please feel free to contact me with any questions.

Sincerely,

/s/ Sarah London

Sarah London
Counsel to the Governor