

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

2005-0203

1

RESPONSE
TYPE☐

FINAL

☒

PARTIAL

REQUESTER

Maria D. Webb

DATE

SEP - 8 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 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, 2120 L Street, NW, Washington, DC.
- ☒ **APPENDICES 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.

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None. Minimum fee threshold not met.

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You will receive a refund for the amount listed.

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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 ADAMS Accession number for the incoming request is ML051030207.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Russell A. Nichols

Gigi Ramonling, Acting

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|---|------------------------------------|-----------|--------------|
| NRC FORM 464 Part II (6-1998) | U.S. NUCLEAR REGULATORY COMMISSION | FOIA/PA | DATE |
| RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST | | 2005-0203 | SEP - 8 2005 |

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 2.790(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 |
| Jack Strosnider | Director, NMSS | Appendix C | ✓ | | |
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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 AVAILABLE IN THE PDR

| <u>NO</u> | <u>DATE</u> | <u>ACCESSION NO.</u> | <u>DESCRIPTION (PAGE COUNT)</u> |
|-----------|-------------|----------------------|---|
| 1. | 02/08/2005 | ML050390077 | IR 05000213-04-002, Connecticut Yankee Atomic Power Company, East Hampton, Connecticut Site and Notice of Violation. (24 pages) |
| 2. | 09/20/2004 | ML042650317 | IR 05000213-04-001, on 02/07/04 to 06/08/04, Connecticut Yankee Atomic Power Company. (26 page) |

APPENDIX B
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

| <u>NO.</u> | <u>DATE</u> | <u>ACCESSION NUMBER</u> | <u>DESCRIPTION/(PAGE COUNT)</u> |
|------------|-------------|-----------------------------|---|
| 1. | 09/01/2004 | ML042600422 | License-Application for Certificate for Compliance / (2) |
| 2. | 09/01/2004 | ML050270458 | Haddam Neck Plant (HNP) Licensing Actions (1) |
| 3. | 09/02/2004 | ML042540079 | HNP Response to Order for Implementation of Additional Security Measures Associated with Access Authorization for the Independent Spent Fuel Storage Installation (ISFSI) / (2) |
| 4. | 09/02/2004 | ML042540105 | Response to Order for Implementation of Additional Security Measures Associated with Access Authorization / (2) |
| 5. | 09/09/2004 | ML042390481 | Biweekly Notice Memoranda / (4) |
| 6. | 09/14/2004 | ML042710267 | License-Application for Dry Cask ISFSI / (2) |
| 7. | 09/14/2004 | ML042670470 | Final Report Confirmatory Survey of the Administration Building at Connecticut Yankee (CY) / (1) |
| 8. | 09/15/2004 | ML042710355 | HNP License Termination Plan (LTP), Revision 2 / (2) |
| 9. | 09/16/2004 | ML042800489 | Decommissioning Plan / (119) |
| 10. | 09/20/2004 | ML042650317 | Inspection Report / (26) |
| 11. | 09/22/2004 | ML042740414 | License-Application for Dry Cask ISFSI / (2) |
| 12. | 09/28/2004 | ML042790338 | Registration of Spent Fuel Dry Cask / (2) |
| 13. | 09/28/2004 | ML042720525 | NRC Preliminary Notification of Event/Occurrence / (3) |
| 14. | 09/30/2004 | ML042860389 | License-Application for Dry Cask ISFSI / (2) |
| 15. | 09/30/2004 | ML042370402 | Notice of Publication in Federal Register of Finding of No Significant Impact / (6) |

| <u>NO.</u> | <u>DATE</u> | <u>ACCESSION NUMBER</u> | <u>DESCRIPTION/(PAGE COUNT)</u> |
|------------|-------------|-----------------------------|---|
| 16. | 10/04/2004 | ML042880501 | Notice of Receipt of Plant Procedure LTP / (3) |
| 17. | 10/05/2004 | ML042950412 | Environmental Monitoring Report / (462) |
| 18. | 10/05/2004 | ML042950404 | Environmental Monitoring Report / (530) |
| 19. | 10/05/2004 | ML042950395 | Drawing, Environmental Monitoring Report / (17) |
| 20. | 10/05/2004 | ML042950389 | Drawing, Environmental Monitoring Report / (25) |
| 21. | 10/05/2004 | ML042950376 | Drawing, Environmental Monitoring Report / (25) |
| 22. | 10/05/2004 | ML042950366 | Environmental Monitoring Report / (117) |
| 23. | 10/07/2004 | ML042880397 | Registration of Spent Fuel Dry Cask in Use / (2) |
| 24. | 10/13/2004 | ML042950344 | March and June 2004 Sampling Events Semi-Annual Groundwater Monitoring Report / (3) |
| 25. | 10/14/2004 | ML042820498 | Federal Register Notice / (3) |
| 26. | 10/14/2004 | ML042730167 | Exemption from Certain Low-Level Waste Shipment Tracking Requirements / (4) |
| 27. | 10/14/2044 | ML042730159 | Notice of Publication in Federal Register / (2) |
| 28. | 10/18/2004 | ML043010419 | Registration of Spent Fuel Dry Cask / (2) |
| 29. | 10/20/2004 | ML043010552 | Revision 4 to Defueled Physical Security Plan / (2) |
| 30. | 10/25/2004 | ML043080110 | Registration of Spent Fuel Dry Cask in Use / (2) |
| 31. | 11/02/2004 | ML043150258 | Notification of Plant Record Storage on Optical Disks / (2) |
| 32. | 11/04/2004 | ML043200219 | Registration of Spent Fuel Dry Cask in Use / (2) |
| 33. | 11/08/2004 | ML043340246 | 10 CFR 20-Day Time Limit Investigation / (3) |
| 34. | 11/09/2004 | ML043210477 | Defueled Physical Security Plan Request for Withdrawal of Security Orders / (2) |

| <u>NO.</u> | <u>DATE</u> | <u>ACCESSION NUMBER</u> | <u>DESCRIPTION/(PAGE COUNT)</u> |
|------------|-----------------------|---|---|
| 35. | 11/15/2004 | ML043280540 | License-Application for Facility Operating License / (5) |
| 36. | 11/15/2004 | ML043280536 | License-Application for Dry Cask ISFSI / (2) |
| 37. | 11/16/2004 | ML043210537 | PNO-I-04-014: CY, Fire Inside Containment Structure at Decommissioning Reactor Site / (3) |
| 38. | 11/22/2004 | ML043360269 | License-Application for Dry Cask ISFSI / (2) |
| 39. | 11/22/2004 | ML043360265 | License-Application for Dry Cask ISFSI / (2) |
| 40. | 11/29/2004 | ML043550395 | Transmittal of Task 2, Supplemental Characterization Report / (2) |
| 41. | 11/30/2004 | ML043550400 | Task 2, Supplemental Characterization Report / (197) |
| 42. | 11/30/2004 | ML043550396 | Task 2, Supplemental Characterization Report, Volume I - Text, Tables & Figures / (195) |
| 43. | 11/30/2004 | ML043550397 | Task 2, Supplemental Characterization Report, Volume II, Appendices 1-3, / (136) |
| 44. | 11/30/2004 | ML043550398 | Task 2, Supplemental Characterization Report, Volume II, Appendices 4 & 5, / (274) |
| 45. | 11/30/2004 | ML043550399 | Task 2, Supplemental Characterization Report, Volume III, Appendices 6, pages C01-C1-C150 / (274) |
| 46. | 11/30/2004 | ML043440018 | License-Application for Dry Cask ISFSI / (2) |
| 47. | 11/30/2004 | ML043420169 | Updated Final Safety Analysis Report / (23) |
| 48. | 11/30/2004 | ML043420080 Duplicate of Item #62 | Issuance of Amendment No. 201 / (10) |
| 49. | 11/30/2004 | ML043360280 | E-mail from M. Firsick, CY / (2) |
| 50. | 12/01/2004 | ML043480195 | Revision 0, Estimates for Release of Radionuclides from Potentially Contaminated Concrete / (160) |
| 51. | 12/01/2004 | ML043480179 | Graphics, Including Charts and Tables / (56) |

| <u>NO.</u> | <u>DATE</u> | <u>ACCESSION NUMBER</u> | <u>DESCRIPTION/(PAGE COUNT)</u> |
|------------|-------------|---------------------------------------|---|
| 52. | 12/02/2004 | ML043500328 | License 30-Day Written Event Report / (5) |
| 53. | 12/08/2004 | ML043620277 | License- Application for (Amend/Renewal/New) / (16) |
| 54. | 12/15/2004 | ML043570493 | License-Application for Dry Cask ISFSI / (2) |
| 55. | 12/17/2004 | ML050130195 | Safety Evaluation, Technical Specification / (15) |
| 56. | 12/17/2005 | ML043570496 | Acknowledgment of Request for License Amendment to Revise the License Termination Plan / (2) |
| 57. | 12/17/2004 | ML043570446 ML043570446 | Supplemental Information Request for Approval of Proposed Procedures / (3) |
| 58. | 12/17/2004 | ML043420031 | License-Operating Amendment / (13) |
| 59. | 12/17/2004 | ML043370274 | Biweekly Notice Memoranda / (3) |
| 60. | 12/20/2004 | ML043440091 | Tech Spec Pages for Amendment No. 201 / (11) |
| 61. | 12/20/2004 | ML043440008 | Safety Evaluation for Amendment No. 201 / (8) |
| 62. | 12/20/2004 | ML043430029 | License-Operating Amendment (7) |
| 63. | 12/27/2004 | ML043420143 | Biweekly Notice Memoranda / (3) |
| 64. | 01/04/2005 | ML050140297 | Technical Report / (39) |
| 65. | 01/04/2005 | ML050110120 | Registration of Spent Fuel Dry Cask / (2) |
| 66. | 01/05/2005 | ML050660483 | Nine identical letters to ISFSI Licensees - Form 4 / (33) |
| 67. | 01/11/2005 | ML050210084 | Annual Report, Environmental Monitoring Report / (1) |
| 68. | 01/24/2005 | ML050250401 | Acknowledgment of Request Alternate Disposal of HNP Decommissioning Waste in Accordance with 10 CFR / (2) |
| 69. | 01/25/2005 | ML050330436 | Response to Order for Implementation of Additional Security Measures (2) |

| <u>NO.</u> | <u>DATE</u> | <u>ACCESSION NUMBER</u> | <u>DESCRIPTION/(PAGE COUNT)</u> |
|-------------------|--------------------|------------------------------------|--|
| 70. | 01/25/2005 | ML050330434 | Response to Order for Implementation of Additional Security Measures / (2) |
| 71. | 01/26/2005 | ML050380547 | Graphics, Including Charts and Tables / (5) |
| 72. | 01/31/2005 | ML050460129 | Drawing Graphics, Including Charts and Tables / (24) |
| 73. | 02/02/2005 | ML050410235 | License-Application for Dry Cask / (2) |
| 74. | 02/02/2005 | ML050410233 | Management Change Update / (3) |
| 75. | 02/03/2005 | ML050890276 | Registration of Spent Fuel Dry Cask / (2) |
| 76. | 02/07/2005 | ML050590277 | Draft Environmental Assessment for Exemption / (7) |
| 77. | 02/08/2005 | ML050390077 | Notice of Violation / (24) |
| 78. | 02/09/2005 | ML050890274 | Registration of Spent Fuel Dry Cask / (3) |
| 79. | 02/10/2005 | ML050530267 | Notice of Receipt of Plant Procedure LTP / (17) |
| 80. | 02/11/2005 | ML050320492 | Biweekly Notice Memoranda / (4) |
| 81. | 02/16/2005 | ML050550025 | Exemption from NRC Requirements / (6) |
| 82. | 02/16/2005 | ML050550020 | HNP - Registration of Spent Fuel Dry Cask in Use / (2) |
| 83. | 02/23/2005 | ML050610050 | Registration of Spent Fuel Dry Cask in Use / (2) |
| 84. | 02/24/2005 | ML050610287 | Characterization Report for the West Section / (87) |
| 85. | 03/01/2005 | ML050690014 | Acknowledgment of Request for Exemptions / (2) |
| 86. | 03/01/2005 | ML050680216 | Graphics, Including Charts and Tables / (14) |
| 87. | 03/02/2005 | ML050890273 | Registration of Spent Fuel Dry Cask / (2) |
| 88. | 03/02/2005 | ML050890272 | Registration of Spent Fuel Dry Cask / (2) |

| <u>NO.</u> | <u>DATE</u> | <u>ACCESSION NUMBER</u> | <u>DESCRIPTION/(PAGE COUNT)</u> |
|------------|-------------|-----------------------------|--|
| 89. | 03/14/2005 | ML050840428 | Registration of Spent Fuel Dry Cask / (2) |
| 90. | 03/15/2005 | ML050840414 | Registration of Spent Fuel Dry Cask / (2) |
| 91. | 03/15/2005 | ML050840413 | Registration of Spent Fuel Dry Cask / (2) |
| 92. | 03/23/2005 | ML050870531 | Disposal of Radioactive Demolition Debris / (4) |
| 93. | 03/23/2005 | ML050870525 | Disposal of Radioactive Demolition Debris / (6) |
| 94. | 03/24/2005 | ML051090183 | Supplemental Information - Response to Order for Implementation of Additional Security Measures / (2) |
| 95. | 03/24/2005 | ML050890015 | Property Insurance Coverage / (1) |
| 96. | 03/28/2005 | ML051010291 | License-Application for Dry Csk ISFSI / (4) |
| 97. | 03/28/2005 | ML050910145 | Acknowledgment of Request for Acceptance of Phase II / (2) |
| 98. | 03/29/2005 | ML050960492 | Graphics, Including Charts and Tables / (8) |
| 99. | 03/30/2005 | ML050950239 | Renewal Application / (2) |
| 100. | 03/30/2005 | ML050700043 | Termination of Order for Interim Safeguards and Security Compensatory / (4) |
| 101. | 03/31/2005 | ML050960405 | Registration of Spent Fuel Dry Cask in Use at HNP ISFSI / (2) |
| 102. | 03/31/2005 | ML050960407 | Informational Notice of Use of Cask to Store Greater Than Class C Waste at HNP (2) |
| 103. | 04/04/2005 | ML051010020 | Safety Evaluation Report / (7) |
| 104. | 04/08/2005 | ML050980360 | Environmental Assessment, Federal Register Notice / (12) |

APPENDIX C
RECORD BEING WITHHELD IN PART

| <u>NO.</u> | <u>DATE</u> | <u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u> |
|-------------------|--------------------|---|
| 1. | 04/04/05 | Letter from Allan Fisher, NRC, to Wayne Norton, CYAPCO, regarding Site Access Letter Employees and Contractors. (4 pages) EX. 6 |