

July 28, 2011

Kim Lengle
Regional News Network
800 Westchester Avenue
Suite S-640
Rye Brook, NY 10573

IN RESPONSE REFER TO
FOIA/PA-2011-0015A
(FOIA/PA-2011-0220)

Dear Ms. Lengle:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter received on July 11, 2011, in which you appealed the agency's June 6, 2011, decision related to your May 12, 2011, Freedom of Information Act/Privacy Act (FOIA/PA) request (FOIA/PA-2011-0220). You appealed the denial of two records relating to the study of natural gas pipelines at Indian Point Nuclear Generating Unit 3.

Acting on your appeal, I have carefully reviewed the record in the case and have determined that the withheld information will continue to be withheld. Therefore, your appeal is denied.

The enclosure identifies the withheld records. Document 1 contains Safeguards Information that describes aspects of the physical security system for the site. The NRC will continue to withhold this information pursuant to FOIA Exemption 3 (5 U.S.C. 552(b)(3)) and Title 10 of the *Code of Federal Regulations* (10 CFR) 9.17(a)(3). Federal agencies are prohibited from releasing information that is protected by another Federal statute. Document 2 describes and analyzes potential vulnerabilities in the event of a fire and explosion at the plant. The NRC will continue to withhold this information pursuant to FOIA Exemption 4 (5 U.S.C. 552(b)(4)) and 10 CFR 9.17(a)(4). Information contained in both documents could be of value to an adversary wishing to attack the facility.

This is the NRC's final decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business. Judicial review can also be had in the district in which the agency's records are situated or in the District of Columbia.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services

K. Lengle

- 2 -

National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: 301-837-1996
Facsimile: 301-837-0348
Toll-free: 1-877-684-6448

Sincerely,

/RA Thomas Boyce for/

Darren B. Ash
Deputy Executive Director
for Corporate Management
Office of the Executive Director for Operations

Enclosure:
As stated

K. Lengle

- 2 -

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: 301-837-1996
Facsimile: 301-837-0348
Toll-free: 1-877-684-6448

Sincerely,

/RA Thomas Boyce for/

Darren B. Ash
Deputy Executive Director
for Corporate Management
Office of the Executive Director for Operations

Enclosure:
As stated

Distribution: FPS r/f NBrown, OIS D. Sealing, OIS
RidsEdoMailCenter RidsNRRMailCenter PDR
Accession No. **ML112061103** **EDATS: OIS-2011-0055**

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures
"N" = No copy

OFFICE	OIS/IRSD/FPS	OIS/ IRSD/FPS	NRR	OGC	EDO
NAME	NBrown NB	DSealing DS	BBoger BB	PHirsch: PH	DAsh (TBoyce for)
DATE	07/21/2011	07/21/2011	07/ 27/2011	07/27/2011	07/28/2011

OFFICIAL RECORD COPY

**APPENDIX
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	03/28/08	Indian Point Unit 3 Calculation IP-CALC-08-00033, Rev. 0, "Evaluation of Algonquin Pipeline Explosion." (15 pages) EX. 4
2.	08/14/08	Indian Point 3 Report IP-PRT-08-00032, "Consequences of Fire and Explosion Following the Release of Natural Gas from Pipelines Adjacent to Indian Point." (12 pages) EX. 4

Enclosure