

NRC FORM 464 Part I (4-2011)	U.S. NUCLEAR REGULATORY COMMISSION	FOIA/PA 2011-0261	RESPONSE NUMBER 1
RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST		RESPONSE TYPE <input checked="" type="checkbox"/> FINAL <input type="checkbox"/> PARTIAL	
REQUESTER Deborah Brancato		DATE AUG - 8 2011	

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, 11555 Rockville Pike, Rockville, MD 20852-2738.

☒ APPENDICES B 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 * ☐ 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.

* 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 incoming request is in ADAMS at ML11171A072.

Records with an ML Accession number are available in the NRC electronic public reading room (ADAMS) at <http://www.nrc.gov/reading-rm.html>. If you need assistance in reviewing records in the electronic public reading room, please contact the PDR on (301) 415-4737, or toll free on (800)397-4209.

See Part I.C Comments (continued)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Seating
 Donna L. Seating

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

DATE

AUG - 8 2011

PART I.C COMMENTS (Continued)

In telephone conversations with NRC staff on 6/27 & 7/6 the scope was clarified to provide the following:

1) A copy of the updated Final Safety Analysis Report (UFSAR), which has information on the natural gas pipelines (The UFSAR was provided in the response to FOIA-2011-0256; 2) 2.206 Petition information for the pipelines (Evaluation documents; 3) Records with information responsive to this request were provided on FOIA-2011-0259 and 4) the identification of records that are already publicly available in the NRC electronic reading room (ADAMS). Records subject to this scope are identified on the enclosed appendices.

NRC FORM 464 Part II <small>(4-2011)</small>	U.S. NUCLEAR REGULATORY COMMISSION	FOIA/PA 2011-0261	DATE AUG - 8 2011
RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST			

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
B, 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 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 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 2.390(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)

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
Dr. Brian W. Sheron	Director, Office of Nuclear Reactor Regulation	Appendix B and C	<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"/>	<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."

**APPENDIX A
RECORDS ALREADY PUBLICLY AVAILABLE**

Accession Number	ML093480204
Document Date	8/30/1968
Document Type	PRELIMINARY SAFETY ANALYSIS REPORT & AMENDMENTS (PSAR), TEXT-SAFETY REPORT
Title	Suppl 1 to Indian Point, Unit 3 PSAR.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	
Pages	607
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive

Accession Number	ML072260465
Document Date	9/21/1973
Document Type	Safety Evaluation Report
Title	Indian Point, Unit 3 - Safety Evaluation Report for Consolidated Edison Co. of New York, Inc.
Author Affiliation	US Atomic Energy Commission (AEC)
Author Name	
Pages	238
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive

Accession Number	ML101020487
Document Date	4/12/2010
Document Type	Letter
Title	Reply Letter to Mr. Paul Blanch regarding Indian Point.
Author Affiliation	NRC/RGN-I/DRP
Author Name	Lew D C
Pages	2
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive

Accession Number	ME110890309
Document Date	3/31/2011
Document Type	Letter
Title	G20100655/EDATS: OEDO-2010-0854 - Ltr to Paul Blanch re: 2.206 Petition re Entergy's Management of Spectra/Algonquin Energy Natural Gas Transmission Lines Within the Site Boundary at Indian Point Nuclear Plants.
Author Affiliation	NRC/NRR/DPR
Author Name	Quay T R
Pages	3
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive

**APPENDIX B
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1.	04/25/03	Memorandum from R. Laufer, NRR to Eselgroth, Peter, Region 1 on review of Natural Gas Hazards, Indian Point Units 2 and 3. (11 pages total, 3 pages released) / Exemption 4.
2.	03/23/11	Memorandum from J. Boska, NRR to T. Quay, NRR on Review of 10 CFR 2.206 Petition on Gas Pipelines Near the Indian Point Reactors. (5 pages total, 1 page released) / Exemption 4

APPENDIX C
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." SGI SLES document NS107994. (11 pages) / Exemption 3.
2.	08/14/08	Indian Point Unit 3 report IP-PRT-08-00032, "Consequences of Fire and Explosion Following the Release of Natural Gas from Pipelines Adjacent to Indian Point," by David Allen Risk Research Group. (12 pages) / Exemption 4