

2011-0256

1

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

FINAL



PARTIAL

REQUESTER

Deborah Brancato

DATE

JUL 29 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 \*

\$

0.00



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 ML11171A069.

Records with a 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 Documents Room (PDR) at 301-415-4737, or 1-800-397-4209, or by e-mail to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

\*Appendix B records provided on CD ROM.

See Part I.C Comments (continued)

SIGNATURE, FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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

DATE

**JUL 29 2011**

## PART I.C COMMENTS (Continued)

RE: FOIA-2011-0256

In telephone conversations with NRC staff on 6/27/11 & 7/6/11 the scope was clarified to provide the following:

- 1) A copy of the updated Final Safety Analysis Report (UFSAR), which contains the design basis for the spent fuel pools; 2) Holtec HI-STORM dry cask storage Certificate of Compliance information (listed on Appendix A); and 3) 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.

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

2011-0256

**JUL 29 2011****PART II.A -- APPLICABLE EXEMPTIONS**APPENDICES  
B

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
Eric J. Leeds	Director, Office of Nuclear Reactor Regulation	Appendix B	<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	ML003778320
Document Date	4/19/1990
Document Type	Letter, License-Operating (New/Renewal/Amendments) DKT 50, Safety Evaluation, Technical Specifications
Title	Indian Point, Unit 2, Issuance of Amendment 150 revising Technical Specifications to permit reracking of the spent fuel storage pit with high density storage racks containing "Boraflex" as a neutron absorber.
Author Affiliation	NRC/NRR
Author Name	Brinkman D S
Pages	36
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML003778336
Document Date	3/29/1990
Document Type	Environmental Assessment Federal Register Notice Letter
Title	INDIAN POINT UNIT 2, ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT SPENT FUEL EXPANSION.
Author Affiliation	NRC/NRR
Author Name	Brinkman D S
Pages	20
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML090790419
Document Date	11/20/1989
Document Type	Memoranda Safety Evaluation Report
Title	Indian Point, Unit 2, Safety Evaluation Report and Environmental Assessment for Unit 2, Spent Fuel Pool Rerack.
Author Affiliation	NRC/NRR
Author Name	Cunningham L J
Pages	10
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive

Accession Number	ML100200100
Document Date	6/20/1989
Document Type	TECHNICAL SPECIFICATIONS TECHNICAL SPECIFICATIONS & TEST REPORTS
Title	Proposed Tech Specs modifying spent fuel storage requirements.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	
Pages	13
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive

  

Accession Number	ML100200113
Document Date	6/20/1989
Document Type	OPERATING LICENSES-APPLIATION TO AMEND-RENEW EXISTING TEXT-LICENSE APPLICATIONS & PERMITS
Title	Application for amend to License DPR-26, revising Tech Specs 3.8.B.4, 3.8.C.2, 3.8.D.1, 3.8.D.2, 3.8.D.3, 3.8.E, 5.4.2.B, 5.4.3 & Table 4.1-2 to accommodate proposed spent fuel storage capacity expansion.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	Bram S B
Pages	1
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive

  

Accession Number	ML100200114
Document Date	6/30/1989
Document Type	GENERAL EXTERNAL TECHNICAL REPORTS TEXT-SAFETY REPORT
Title	"Indian Point Unit 2 Spent Fuel Pool Increased Storage Capacity Licensing Rept."
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	
Pages	232
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive

  

Accession Number	ML100320822
Document Date	6/20/1989
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE

	UTILITY TO NRC
Title	Forwards application for amend to License DPR-26, revising Tech Specs to modify requirements for spent fuel storage in spent fuel storage pit.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	Bram S B
Pages	2
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML100320877
Document Date	3/5/1990
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE UTILITY TO NRC
Title	Forwards addl info supporting 890620 application for amend re increased spent fuel pool storage capacity, per NRC request. Safety assessment submitted w/890620 application remains unaffected & in full compliance.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	Bram S B
Pages	2
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML100320879
Document Date	3/5/1990
Document Type	TECHNICAL SPECIFICATIONS TECHNICAL SPECIFICATIONS & TEST REPORTS
Title	Proposed Tech Specs page revs clarifying mods to application by deleting max pool temp in Section 3.8.c.2 & associated Figure 3.8-1 & adding min spent fuel storage pit water level.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	
Pages	7
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML100320885
Document Date	3/21/1990
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE UTILITY TO NRC

Title	Forwards revised Tech Spec Pages 3.8-4,3.8-5 & 3.8-6 & replacement Pages 3.8-2 & 3.8-3 to Amends 140 & 148 to license re proposed revs to spent fuel storage.Safety assessment remains unaffected & fully applicable.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	Bram S B
Pages	2
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML100320887
Document Date	3/21/1990
Document Type	TECHNICAL SPECIFICATIONS TECHNICAL SPECIFICATIONS & TEST REPORTS
Title	Proposed Tech Specs increasing spent fuel pool storage capacity.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	
Pages	6
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML100331115
Document Date	8/25/1989
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE UTILITY TO NRC
Title	Responds to NRC 890728 request for addl info supporting 890620 license amend request to expand spent fuel storage capacity.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	Bram S B
Pages	3
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML100331193
Document Date	1/24/1990
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE UTILITY TO NRC
Title	Forwards addl info re storing spent fuel,per NRC 891128 & 891205 requests.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	Bram S B

Pages	21
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML100331196
Document Date	2/9/1990
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE UTILITY TO NRC
Title	Forwards revised figures & description of changes re facility spent fuel pool storage capacity increase.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	Bram S B
Pages	11
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML100331197
Document Date	2/23/1990
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE UTILITY TO NRC
Title	Corrects figure numbers provided in 900209 ltr re spent fuel pool storage capacity increase,including rack removal & installation sequence w/fuel shuffles for proposed rerack.
Author Affiliation	Consolidated Edison Co of New York, Inc
Author Name	Bram S B
Pages	1
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Indian Point 3 license amendment on spent fuel pool high-density racks	
Accession Number	ML003778816
Document Date	10/12/1989
Document Type	Letter License-Operating (New/Renewal/Amendments) DKT 50 Report, Technical Safety Evaluation Technical Specifications
Title	Indian Point, Unit 3, Amendment 90, Allowing for the Expansion of the Spent Fuel Pool Storage Capacity.
Author	NRC/NRR



Affiliation	
Author Name	Neighbors J D
Pages	106
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML003778820
Document Date	10/4/1989
Document Type	Environmental Assessment Federal Register Notice Letter
Title	INDIAN POINT UNIT 3, ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT - SPENT FUEL EXPANSION.
Author	NRC/NRR
Affiliation	
Author Name	Neighbors J D
Pages	20
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML093410445
Document Date	5/9/1988
Document Type	OPERATING LICENSES-APPLIATION TO AMEND-RENEW EXISTING TEXT-LICENSE APPLICATIONS & PERMITS
Title	Application for amend to License DPR-64, revising Tech Spec Sections 3.8.5.3 & 3.8.5.4 to permit expanded spent fuel storage capacity & increased max fuel enrichment allowed in spent fuel & reactor core.
Author	Power Authority of the State of New York
Affiliation	
Author Name	Brons J C
Pages	1
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession Number	ML093410447
Document Date	5/9/1988
Document Type	TECHNICAL SPECIFICATIONS

	TECHNICAL SPECIFICATIONS & TEST REPORTS
Title	Proposed Tech Specs re spent fuel pool storage capacity expansion.
Author	Power Authority of the State of New York
Affiliation	
Author Name	
Pages	26
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession	ML093410448
Number	
Document Date	5/9/1988
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE UTILITY TO NRC
Title	Forwards application for amend to License DPR-64, revising Tech Spec Sections 3.8.5.3 & 3.8.5.4 to permit expanded spent fuel storage capacity. Fee paid.
Author	Power Authority of the State of New York
Affiliation	
Author Name	Brons J C
Pages	2
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession	ML093410456
Number	
Document Date	6/9/1988
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE UTILITY TO NRC
Title	Supplemental application for amend to License DPR-64, consisting of Tech Spec figures inadvertently omitted from 880509 application re spent fuel pool storage capacity expansion.
Author	Power Authority of the State of New York
Affiliation	
Author Name	Brons J C
Pages	2
Official Record?	Yes
Availability	Publicly Available
Sensitivity	Non-Sensitive
Accession	ML093410458
Number	

Document Date 6/9/1988  
Document Type TECHNICAL SPECIFICATIONS  
TECHNICAL SPECIFICATIONS & TEST REPORTS  
Title Proposed Tech Spec Figures 3.8-2 & 3.8-3,inadvertently omitted  
from 880509 application for amend to License DPR-64 re spent fuel  
pool storage capacity expansion.  
Author Power Authority of the State of New York  
Affiliation  
Author Name  
Pages 2  
Official Record? Yes  
Availability Publicly Available  
Sensitivity Non-Sensitive

Accession ML093440925  
Number  
Document Date 5/26/1989  
Document Type CORRESPONDENCE-LETTERS  
INCOMING CORRESPONDENCE  
UTILITY TO NRC

Title Forwards addl info in support of util 880509 proposed changes to  
Tech Specs,replacing existing spent fuel storage racks w/max density  
storage racks to increase storage capability.

Author Power Authority of the State of New York

Affiliation  
Author Name Brons J C  
Pages 15  
Official Record? Yes  
Availability Publicly Available  
Sensitivity Non-Sensitive

Accession ML093440946  
Number  
Document Date 9/15/1989  
Document Type CORRESPONDENCE-LETTERS  
INCOMING CORRESPONDENCE  
UTILITY TO NRC

Title Provides clarifications & supplemental info to util 880509 & 1220  
ltrs re siesmic & mechanical analysis & spent fuel pool expansion.

Author Power Authority of the State of New York

Affiliation  
Author Name Brons J C  
Pages 102  
Official Record? Yes  
Availability Publicly Available  
Sensitivity Non-Sensitive

Accession Number ML100280109  
Document Date 5/9/1988  
Document Type GENERAL EXTERNAL TECHNICAL REPORTS  
TEXT-SAFETY REPORT  
Title "Spent Fuel Storage Facility Mod SAR."  
Author Power Authority of the State of New York  
Affiliation  
Author Name  
Pages 107  
Official Record? Yes  
Availability Publicly Available  
Sensitivity Non-Sensitive

Holtec HI-STORM 100 Certificate of Compliance for dry cask storage

Accession Number ML051580459  
Document Date 6/7/2005  
Document Type Letter  
Title 06/07/05 - Ltr to K. Singh, Holtec International, Amendment No. 2 to Certificate of Compliance No. 1014 for the Holtec International Hi-storm 100 Cask System.  
Author NRC/NMSS/SFPO/SLID  
Affiliation  
Author Name Lewis R J  
Pages 4  
Official Record? Yes  
Availability Publicly Available  
Sensitivity Non-Sensitive

Accession Number ML051580478  
Document Date 6/7/2005  
Document Type License-Certificate of Compliance (DKT 71), Registry of Sealed Source or Device  
Title COC No 1014 for Holtec.  
Author NRC/NMSS/SFPO/SLID  
Affiliation  
Author Name Lewis R J  
Pages 6  
Official Record? Yes  
Availability Publicly Available  
Sensitivity Non-Sensitive

Accession Number ML051580522  
Document Date 6/7/2005  
Document Type Safety Evaluation Report  
Title Holtec SER Amend 2 final.  
Author NRC/NMSS/SFPO/SLID  
Affiliation  
Author Name Lewis R J  
Pages 67  
Official Record? Yes  
Availability Publicly Available  
Sensitivity Non-Sensitive

Accession Number ML051580527  
Document Date 6/7/2005  
Document Type Technical Specifications  
Title Holtec Amend 2 Tech Specs final.  
Author NRC/NMSS/SFPO/SLID  
Affiliation  
Author Name Lewis R J  
Pages 154  
Official Record? Yes  
Availability Publicly Available  
Sensitivity Non-Sensitive

Accession Number ML061040056  
Document Date 4/10/2006  
Document Type Final Safety Analysis Report (FSAR)  
Title HI-2002444, Rev. 4, "Holtec International Final Safety Analysis Report for the HI-STORM 100 Cask System\*."  
Author Affiliation Holtec International  
Author Name  
Pages 1903  
Official Record? Yes  
Availability Publicly Available  
Sensitivity Non-Sensitive

**APPENDIX B  
RECORDS BEING WITHHELD IN PART**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u></b>
1.	10/06/10	Partially released Updated Final Safety Analysis Report for Indian Point Unit 2. (Redacted information: Figures 5.1-2, 5.1-3, 5.1-4, 5.1-5, 5.1-6 and 5.1-7 are all plant drawings). 1720 pages / <b>EX 4</b>
2.	10/13/09	Partially released Updated Final Safety Analysis Report for Indian Point Unit 3. (Redacted information: Figures 1.2-3, 2.2-3, 7.7-1, 7.7-2, 11.2-1, 11.2-2A, 11.2-2B, 11.2-3 and 11.2-4 are all plant drawings). 2557 pages / <b>EX 4</b>