



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

2011-0181

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Mark Chediak

DATE

MAY 18 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, C** 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, 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 *
\$ 81.60

- 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 ML11098A023.

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 contract the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by E-mail at PDR.Resource@nrc.gov.

The final cost of chargeable processing fees is for 408 pages reproduced @.20 per page, after the 1st 100 pages free.

You requested the on-site emergency plan for the Indian Point Energy Center in Buchanan, New York. Off-site emergency plans should be requested from the State of New York Office of Emergency Management at <http://www.semo.state.ny.us/>, and the Federal Emergency Management Agency, Disclosure Officer, Records Management Division, Room 301, Office of Management, 500 C Street, SW, Washington, D.C. 20472.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing
Donna L. Sealing

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
C, D

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.
 - Low 2 Internal matters of a relatively trivial nature.
 - High 2 Disclosure would risk circumvention of a legal requirement.
- 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 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
Eric J. Leeds	Director, Office of Nuclear Reactor Regulation	Appendix C and D	✓		

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 ML101540286
 Document Date 5/26/2010
 Document Type Emergency Preparedness-Emergency Plan Implementing Procedures
 Title Indian Point - Revision 10 to Emergency Plan Implementing
 Procedure IP-EP-310, "Dose Assessment" and Revision 0 to IP-EP-
 410, "Protective Action Recommendations".
 Author Affiliation Entergy Corp
 Author Name Glander L
 Pages 35
 Official Record? Yes
 Availability Publicly Available
 Sensitivity Non-Sensitive

Accession Number ML101600262
 Document Date 5/28/2010
 Document Type Emergency Preparedness-Emergency Plan Implementing Procedures
 Title Indian Point, Rev. 0 to Emergency Plan Implementing Procedure, IP-
 EP-340, "Meteorological Information and Dose Assessment System."
 Author Affiliation Entergy Corp
 Author Name Glander L
 Pages 58
 Official Record? Yes
 Availability Publicly Available
 Sensitivity Non-Sensitive

Accession Number ML103050193
 Document Date 10/25/2010
 Document Type Emergency Preparedness-Emergency Plan Implementing Procedures
 Title Indian Point, Rev. 18 to Emergency Plan Implementing Procedure,
 IP-EP-250, "Emergency Operations Facility."
 Author Affiliation Entergy Nuclear Operations, Inc
 Author Name Glander L
 Pages 84
 Official Record? Yes
 Availability Publicly Available
 Sensitivity Non-Sensitive

Accession Number ML103200310
Document Date 11/4/2010
Document Type Emergency Preparedness-Emergency Plan Implementing Procedures
Title Indian Point, Revision 2 to Emergency Plan Implementing Procedure
IP-EP-360, "Core Damage Assessment."
Author Affiliation Entergy Corp
Author Name Vogle R
Pages 22
Official Record? Yes
Availability Publicly Available
Sensitivity Non-Sensitive

Accession Number ML103270246
Document Date 11/16/2010
Document Type Emergency Preparedness-Emergency Plan Implementing Procedures
Title Indian Point, Revision 6 to Emergency Plan Implementing Procedure
IP-EP-220, "Technical Support Center" and IP-EP-230, "Operations
Support Center."
Author Affiliation Entergy Nuclear Operations, Inc
Author Name Glander L A
Pages 111
Official Record? Yes
Availability Publicly Available
Sensitivity Non-Sensitive

Accession Number ML103550256
Document Date 12/13/2010
Document Type Emergency Preparedness-Emergency Plan Implementing Procedures
Title Indian Point - Revision 5 to Emergency Plan Implementing
Procedure IP-EP-120, "Emergency Classification".
Author Affiliation Entergy Nuclear Operations, Inc
Author Name Glander L
Pages 32
Official Record? Yes
Availability Publicly Available
Sensitivity Non-Sensitive

Accession Number ML110050135
Document Date 12/10/2010
Document Type Emergency Preparedness-Emergency Plan Implementing Procedures
Title Indian Point - Revision 2 to Emergency Plan Implementing
Procedure IP-EP-420, "Use of Potassium Iodide by Indian Point
Personnel During an Emergency".

Author Affiliation Entergy Nuclear Operations, Inc
Author Name Glander L
Pages 16
Official Record? Yes
Availability Publicly Available
Sensitivity Non-Sensitive

Accession Number ML110460123
Document Date 2/4/2011
Document Type Emergency Preparedness-Emergency Plan Implementing Procedures
Title Indian Point - Revision 8 to Emergency Plan Implementing Procedure IP-EP-210, "Central Control Room".

Author Affiliation Entergy Nuclear Operations, Inc
Author Name Vogle R
Pages 40
Official Record? Yes
Availability Publicly Available
Sensitivity Non-Sensitive

Accession Number ML110810097
Document Date 3/8/2011
Document Type Emergency Preparedness-Emergency Plan
Title Indian Point - Revision 4 to Emergency Plan Implementing Procedure IP-EP-320, "Radiological Field Monitoring".

Author Affiliation Entergy Nuclear Operations, Inc
Author Name Vogle R
Pages 41
Official Record? Yes
Availability Publicly Available
Sensitivity Non-Sensitive

Accession Number ML111020430
Document Date 3/31/2011
Document Type Emergency Preparedness-Emergency Plan Implementing Procedures
Title Indian Point - Revision 8 to Emergency Plan Implementing Procedure IP-EP-220, "Technical Support Center".

Author Affiliation Entergy Corp
Author Name Phillips F
Pages 51
Official Record? Yes
Availability Publicly Available
Sensitivity Non-Sensitive

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

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
1.	07/01/06	IP-EP-520, Revision 3, "Modular Emergency Assessment & Notification System." (48 pages)
2.	11/09/06	IP-EP-330, Revision 5, "Airborne Sample Analysis." (21 pages)
3.	12/19/06	IP-EP-610, Revision 3, "Emergency Termination and Recovery." (24 pages)

**APPENDIX C
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1.	05/17/05	IP-EP-130, Revision 3, "Emergency Notification and Mobilization." (8 pages) EX 7F
2.	12/19/06	IP-EP-510, "Meteorological, Radiological & Plant Data Acquisition System." (19 pages) / EX 7F
3.	03/18/08	IP-EP-251, Revision 3, "Alternate Emergency Operations Facility." (14 pages) / EX 7F
4.	05/27/10	IP-EP-115, Revision 26, "Emergency Plan Forms." (83 pages) / EX 7F
5.	08/24/10	IP-EP-260, Revision 4, "Joint Information Center." (72 pages) / EX 7F
6.	12/2010	IPEC-EP, Revision 10, "Indian Point Energy Center Emergency Plan." (200 pages) / EX 6
7.	02/17/11	IP-EP-430, Revision 7, "Site Assembly, Accountability & Relocation of Personnel Offsite." (19 pages) / EX 4

**APPENDIX D
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
1.	08/28/07	IP-EP-241, "Incident Command Post," (6 pages) EX 4 Note: This describes the physical protection of the site and how the security force reacts in the event of an emergency.
2.	02/17/11	IP-EP-240, "Security," (20 pages) EX 4 Note: This describes the physical protection of the site and how the security force reacts in the event of an emergency.