

2011-0256

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**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.

*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
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

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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

Title TEXT-LICENSE APPLICATIONS & PERMITS
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**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u>
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 / EX 4
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 / EX 4