

NRC FORM 464 Part I (12-2015)	U.S. NUCLEAR REGULATORY COMMISSION RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST	FOIA 2016-0655	RESPONSE NUMBER 1
		RESPONSE TYPE ☐ INTERIM ☒ FINAL	
REQUESTER: Paul Blanch		DATE: 10/12/2016	
DESCRIPTION OF REQUESTED RECORDS: A copy of Entergy's gas line analysis and related communication between the NRC and Entergy about this analysis for the buried pipes located on the Indian Point (IPEC) property.			
PART I. -- INFORMATION RELEASED			
☐ Agency records subject to the request are already available in public ADAMS or on microfiche in the NRC Public Document Room.			
☒ 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* \$ 84.54 ☒ 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			
☐ We did not locate any agency records responsive to your request. <i>Note:</i> Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"), 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.			
☒ We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.			
☐ Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.			
☒ You may appeal this final determination within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov . Please be sure to include on your letter or email that it is a "FOIA Appeal."			
PART I.C COMMENTS (Use attached Comments continuation page if required)			
In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that: (1) you have the right to seek assistance from the NRC's FOIA Public Liaison; (2) you have the right to seek dispute resolution services from the NRC's FOIA Public Liaison or the Office of Government Information Services; and (3) notwithstanding the language in Parts I.B and II.B of this form, you may appeal this final determination within 90 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov . Please be sure to include on your letter or email that it is a "FOIA Appeal." [continued on next page]			
SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER <i>Stephanie A. Blaney, Acting</i>			

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RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST Continued		RESPONSE TYPE ☐ INTERIM ☒ FINAL	
REQUESTER: Paul Blanch			DATE: 10/12/2016
PART I.C COMMENTS (Continued)			
NRC staff identified the following responsive records: (1) Entergy's transmittal letter (ENOC-15-00020), dated October 15, 2015, responding to Region I's request for information, RI-2015-A-0074, regarding a concern at IPEC; (2) Attachment 1 to this letter (consisting of 31 pages); and four additional records that, according to Entergy's letter, were provided to Region I on CD: (3) Engineering Report No. IP-RPT-15-00048, consisting of a cover sheet and a 2015 Evaluation Report, "Consequences of a Postulated Fire or Explosion Following the Release of Natural Gas from the Existing 26" and 30" Pipelines Near IPEC", dated October 7, 2015 (133 pages); (4) Procedure EN-DC-149, Rev. 10, "Acceptance of Vendor Documents" (90 pages); (5) a 2008 Report (ENOC-08-00046), "Consequences of Fire and Explosion Following the Release of Natural Gas from Pipelines Adjacent to Indian Point", dated August 14, 2008 (12 pages); and (6) CR-IP3-2015-05090. After several search efforts, NRC staff were unable to locate the CD or copies of items 4 and 6. Nor did NRC staff locate any communications between Entergy and NRC staff about Entergy's analysis. A copy of Entergy's transmittal letter (ENOC-15-00020), a redacted Attachment I, and item 3's cover sheet to Engineering Report No. IP-RPT-15-00048, are enclosed. The redacted portions of item 2, and the entirety of the reports included in items 3 and 5, are being withheld on the basis of FOIA exemption 4. We note that certain portions of these records may also be withheld on the basis of FOIA exemption 7(F).			

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

2016-0655

DATE:

10/12/2016

PART II.A -- APPLICABLE EXEMPTIONS

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- ☐ 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 the 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. 4702(b), which prohibits the disclosure of contractor proposals, 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 confidential commercial or financial information that is being withheld for the reason(s) indicated.
- ☐ 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 is considered to be another type or confidential business (proprietary) information.
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☐ Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
- ☐ Deliberative process privilege.
- ☐ Attorney work product privilege.
- ☐ Attorney-client privilege.
- ☐ Exemption 6: The withheld information from a personnel, medical, or similar file, 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 open enforcement proceeding.
- ☐ (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names 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

PART II.B -- DENYING OFFICIALS

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			EDO	SECY
Stephanie A. Blaney	Acting FOIA Officer	licensee-provided security-related information	☒	☐
			☐	☐
			☐	☐

Appeals must be made in writing within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

Dear FOIA Requester:

The FOIA Improvement Act of 2016, which was enacted on June 30, 2016, made several changes to the Freedom of Information Act (FOIA). Federal agencies must revise their FOIA regulations to reflect those changes by December 27, 2016. In addition to revising our regulations, we intend to update the Form 464, which we use to respond to FOIA requests.

In the interim, please see the comment box in Part I.C of the attached Form 464. The comment box includes information related to the recent changes to FOIA that is applicable to your FOIA request, including an updated time period for filing an administrative appeal with the NRC.

Sincerely yours,

Stephanie Blaney /S/

Stephanie Blaney
FOIA Officer (Acting)