



Union of Concerned Scientists

FOIA/PA REQUEST

April 16, 2001

Case No: 2001-0326
Date Rec'd: 4-16-01
Action Off: _____
Related Cases: _____

Mrs. Carol Ann Reed
Freedom of Information Act and Privacy Act Officer
Office of the Chief Information Officer, Mail Stop T-6 D8
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST

Dear Mrs. Reed:

In accordance with 10 CFR Part 9, Public Records, I hereby make this Freedom of Information Act Request for the following records:

All e-mail messages, telephone conversation summaries, phone logs, meeting summaries, Phase 2 and Phase 3 significance determination process documents, personal calendar entries, briefing documents, enforcement meeting summaries, enforcement meeting minutes, and enforcement briefing documents related to a violation resulting from an Operational Safeguards Readiness Evaluation (OSRE) conducted in May 2000 at the Quad Cities nuclear plant.

On behalf of the Union of Concerned Scientists, I request a waiver of the search, review and duplication fees associated with this request in accordance with §9.41. My responses to the eight criteria in §9.41 are as follows:

- (1) Describe the purpose for which the requester intends to use the requested information.

UCS intends to use the requested information in written material issued by the organization and in oral remarks made by its nuclear safety engineer regarding the reactor oversight process.

- (2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record.

It is rather difficult to precisely describe the extent to which UCS will extract content from documents that we have not yet reviewed. But we have cited the subject Quad Cities violation in past written and oral commentary as an example of 'negotiations' between NRC staff and industry during the significance determination process. It is our expectation that review of the requested records will enable UCS to more completely, and thus more accurately, describe the nature and substance of interactions between the NRC staff and Quad Cities's representatives concerning the subject violation

and the reliance that NRC staff placed on information received from the Quad Cities licensee. UCS expects that our extraction and analysis capability, at least with respect to the reactor oversight program, is valued by the NRC because the Commission often invites our nuclear safety engineer to present our views during briefings on the ROP and the NRC staff often invites our nuclear safety engineer to be on panels at public meetings regarding the ROP.

- (3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding.

In the past, UCS has made presentations about the reactor oversight process at public meetings sponsored by the NRC and at public meetings sponsored by local groups. For example, in October 1999, UCS's nuclear safety engineer spoke about the reactor oversight process at a public meeting conducted at Town Hall in Oswego, New York. That meeting was co-sponsored by the Citizens Awareness Network of Central New York. That same month, UCS released a formal report about the NRC's reactor oversight process. Recently, UCS made presentations to the NRC's Interim Implementation Evaluation Panel and at the ROP Workshop conducted in Gaithersburg, Maryland. During these past presentations, UCS expressed concern about the significance determination process used within the reactor oversight process. We seek the requested records to expand our awareness of the significance determination process and anticipate applying this knowledge in future presentations made during public meetings in our role as a public-interest representative.

- (4) Describe the likely impact on the public's understanding of the subject as compared to the level of public understanding of the subject before disclosure.

Despite having monitored the reactor oversight process development for over two years and then monitored its actual implementation during the past year, UCS does not believe that our nuclear safety engineer has a complete understanding of the significance determination process as it was applied in the Quad Cities OSRE violation case. Thus, review of the requested records will undoubtedly improve our understanding of the NRC's process and therefore help us better articulate that process, and our concerns about that process, in public forums.

- (5) Describe the size and nature of the public to whose understanding a contribution will be made.

UCS has a membership of over 50,000 individuals based largely in the United States. Not all of our members are focused on nuclear safety issues, but many are acutely interested in the subject. In addition, UCS distributes its reports via internet list servers to individuals who are interested in nuclear safety, but who may not be UCS members. And, UCS also distributes its reports to members of the news media who write articles to inform their readers.

The nature of our intended audience varies. Some of our members and associates simply seek assurance that our nuclear safety engineer is engaged on the issue. Other members and associates look to UCS's materials for information that they can use themselves to articulate concerns in NRC public meetings and in letters to the editor of their local newspapers.

- (6) Describe the intended means of dissemination to the general public.

In October 1999, UCS released a formal report on the NRC's reactor oversight process. We are contemplating an update to that report. The earlier report focused on the ROP process and was intended to encourage people living near reactors to access ROP information on the NRC's website and provide formal comments to the NRC before the public comment period on the pilot ROP ended. The update to the report would examine the results from the first full-year of ROP implementation and focus on areas

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where expectations may not have been met. Since the significance determination process remains a concern of UCS, this report would probably cover the SDP in some length using the Quad Cities OSRE violation as an example. In addition to, or as an alternative to, an update to our prior report, we may place a shorter description of the reactor oversight process and the SDP in our quarterly newsletter, *Nucleus*, that we mail to all of our members.

- (7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee.

UCS will disseminate any written material prepared from the records received via e-mail list servers and may also post the material on our website, www.ucsusa.org. There will be no charge for this material. We will also disseminate our views verbally at public forums, the majority of which will be NRC public meetings. We very seldom attend public forums which require a registration or attendance fee and do not charge such fees for public forums that we sponsor. In other words, we will provide materials we develop from the requested records free of charge.

- (8) Describe any commercial or private interest the requester or any other party has in the agency records sought.

UCS is a non-profit, public-interest organization with no commercial or private interest in the requested records.

UCS believes that we have adequately addressed this eight criteria to warrant a fee waiver. If we did not meet or exceed NRC's standards for one or more of these criteria, please let me know and UCS can, with Mr. James P. Riccio's capable assistance, remedy any shortfall.

Sincerely,



David A. Lochbaum
Nuclear Safety Engineer
Washington Office