



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

April 7, 2005

NRC Freedom of Information Act and Privacy Act (FOIA/PA) Officer
U.S. Nuclear Regulatory Commission
Mail Stop T6-D8
Washington, DC 20555-0001

FOIA/PA REQUEST

Case No.: 2005-0194
Date Rec'd: 4-7-05
Specialist: J. [unclear]
Related Case: [unclear]

Good Day:

On behalf of the Union of Concerned Scientists, I submit this Freedom of Information Act (FOIA) request for NRC records. By letter dated April 5, 2005, from David J. Vito in NRC Region I to Dr. Kymn Harvin, the NRC reported *"The NRC Region I office as completed its follow up in response to the concerns you provided to us in September 2003."* The follow up in question involved allegation RI-2003-A-0010.

UCS requests the following agency records:

1. All transcripts, summaries, and notes from interviews of current and former Salem/Hope Creek employees conducted for the purposes of allegation RI-2003-A-0010.
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2. All NRC e-mails, Allegation Review Board records, and Office of Investigation synopses for allegation RI-2003-A-0010.
3. All correspondence, calendar entries, and records of telephone calls involving the Commission, the Executive Director for Operations, and their staffs related to allegation RI-2003-A-0010.
4. All correspondence, e-mails, and telephone conference summaries between the NRC and the licensee regarding allegation RI-2003-A-0010.

UCS realizes that some of the requested records may contain information like names and addresses that should not be made public. UCS requests that the NRC provide redacted versions of records in these cases.

UCS does not request expedited processing of this FOIA request.

UCS does request a fee waiver as a public interest organization seeking records for a "scholarly or scientific purpose and not for commercial use." Our responses to the eight (8) fee waiver criteria questions are as follows:

1. Describe the purpose for which you intend to use the requested information.

UCS seeks the requested information so as to more fully understand the cause/effect of NRC's

regulatory processes. The allegor in this matter contacted UCS in September 2003 after having contacted the NRC. UCS monitored this matter since September 2003 and seeks additional information about the NRC's inquiries into the allegations. Armed with that information, UCS will better be able to comment on the NRC's regulatory processes - both in terms of the specific case of Salem/Hope Creek and also in the broader context of the NRC's reactor oversight process.

2. Explain the extent to which you will extract & analyze the substantive content of the records.

UCS plans to review the records to gain insight into two aspects: (1) the nature of the safety conscious work environment problems at Salem/Hope Creek and (2) the timing of the SCWE problems. If possible, UCS would like to learn when warning signs of SCWE degradation were available to the licensee and NRC so as to be able to evaluate these warning signs in context of the reactor oversight process's performance. UCS also works with many whistleblowers and we anticipate that the insights gained from reviewing the information will enhance our ability to advice future whistleblowers on navigating the NRC's allegation process.

3. Describe the nature of the specific activity or research in which the records will be used & the specific qualifications you possess to utilize information for the intended use in such as a way that it will contribute to public understanding.

UCS intends to use the information from the records in two ways. First, we plan to use the information to expand our commentary on the SCWE problems at Salem/Hope Creek. To date, UCS has engaged the NRC with letters in February and June 2004 (four letter total) and provided oral statements at NRC public meetings in March and June 2004. UCS believes the information in the requested records will enable us to focus our comments and thus facilitate communications with the NRC on this subject. UCS also expects to use the information from the requested records to evaluate the reactor oversight process. UCS participated in the workshops and public meetings that produced the reactor oversight process and has commented frequently on its pros and cons. The NRC appointed a UCS staffer to the Pilot Program Evaluation Panel for the reactor oversight process. The requested records will allow UCS to further efforts in this area.

4. Something to the effect of describe the level of public understanding currently to that level of understanding resulting from release of the requested records (exact question phrasing lost from online form).

Safety conscious work environment (SCWE) issues played roles in recent high-profile situations at the Millstone and Davis-Besse nuclear plants. Ample records are available on the depth and breadth of the SCWE problems at those, and other, sites. UCS beleives that the records requested by this FOIA will provide the public with comparable information on the SCWE issues at Salem/Hope Creek. The public will then be able to compare and contrast SCWE situations so as to better understand why the NRC took action or refrained from action. It's consistent with the ROP tenet of regulatory decisions that are scrutable and transparent.

In the specific application at Salem/Hope Creek, the public is the community living near the site. The Salem/Hope Creek situation interests the financial community, so the information will likely also contribute to Wall Street's understanding of the NRC's actions.

5. Describe the size & nature of the public to whose understanding a contribution will be made.

The lessons learned about SCWE problems and response from the Salem/Hope Creek case added to the prior cases appeals to a larger audience. The reactor oversight process attracts the interest

of thousands of people each year. While UCS harbors no illusion that all will be interested in the SCWE component of the ROP, we believe that a sufficient number will be/are interested as to warrant our efforts on their behalf.

6. Describe the intended means of dissemination to the general public.

1) In the Salem/Hope Creek application, UCS expects to disseminate the information by further letters to the NRC (which are posted on our website and entered in NRC's ADAMS) and perhaps a report on SCWE at Salem/Hope Creek (which would also be posted on our website and likely entered into NRC's ADAMS).

2) For the broader ROP implications, we expect as a minimum to document our review/assessment in our written comments on the ROP solicited annually (usually in December) by the NRC staff. In the past, we have submitted our comments in advance of the NRC's published deadline so as to provide other members of the public the opportunity to review our comments and either endorse them or provide the NRC with their views. We expect to continue that practice this year. Our comments are posted on the NRC's website and entered in ADAMS.

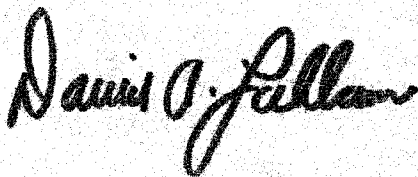
7. Fee? (Exact phrasing of question lost from online form).

No. Documents posted on our website and entered into ADAMS can be viewed/downloaded without an access/publication fee.

8. Describe any commercial or private interest you or any other party has in the agency records sought.

None by UCS. UCS cannot answer this question with regard to "any other party" who may find these records in ADAMS after the FOIA request is filled.

Sincerely,

A handwritten signature in black ink, appearing to read "David Lochbaum". The signature is fluid and cursive, with the first name "David" being more prominent and the last name "Lochbaum" written in a more compact, cursive style.

David Lochbaum
Nuclear Safety Engineer
Washington Office

From: "Dave Lochbaum" <dlochbaum@ucsusa.org>
To: <FOIA@nrc.gov>
Date: Thu, Apr 7, 2005 10:06 AM
Subject: FOIA request

Good Day:

Attached is a FOIA request.

Thanks,

Dave Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW Suite 600
Washington, DC 20006-3962
(202) 223-6133 (office)
(202) 331-5430 (direct line)
(202) 223-6162 (fax)