



# Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

June 3, 2005

Chief - FOIA-LPDR Branch  
Division of Freedom of Information and Publication Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

## FOIA/PA REQUEST

Case No.: 2005-0261  
Date Rec'd: 6-8-05  
Specialist: Paul  
Related Case: \_\_\_\_\_

Good Day:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended and 10 C.F.R. 9.8 of the Commission's regulations, and on behalf of the Union of Concerned Scientists (UCS), I hereby request that NRC make available copies of all agency records related to

- the enforcement action that resulted in the Order dated April 21, 2005, (IA-05-021) to Mr. Andrew Siemaszko,
- the NRC Augmented Inspection Team Follow-up Special Inspection Report No. 50-346/02-08(DRS) dated October 2, 2002, and
- the Office of Investigations Report No. 3-2002-006 (dated unknown).

UCS requests this information because we filed on May 13, 2005, for a hearing before the NRC on the enforcement order against Mr. Siemaszko. Attached is an authorization signed by Mr. Siemaszko authorizing the NRC to release information to me and/or UCS on this matter.

Pursuant to and in compliance with NRC regulations at 10 CFR 9.41, UCS requests that any searching and copying fees incurred as a result of this search be waived, and provides the following information in response to the eight criteria listed in Section 9.41(b):

### 1. Purpose of request

To gather information relative to the NRC's enforcement action so as to prepare for our involvement in the proceeding requested by us on May 13, 2005.

### 2. Extent to which UCS will extract and analyze the substantive content of the records

UCS will review the information received in response to this FOIA request to extract insights relative to the five contentions raised in our May 13, 2005, filing.

### 3. Nature of the specific activity or research in which the records will be used and UCS's qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding

UCS has closely monitored events at Davis-Besse since the discovery of the gaping hole in the reactor vessel head in March 2002. We prepared a legal memo on the matter that we submitted to the U.S. Attorney for Northern Ohio in April 2003 and later to the Attorney General for the State of Ohio.

We have provided extensive commentary on the problems and needed fixes at Davis-Besse and seek to continue the effort with the NRC's enforcement action.

**4. Likely impact on the public's understanding of the subject as compared to the level of understanding of the subject prior to disclosure**

On April 2, 2001, I provided the NRC with a copy of a UCS report on NRC enforcement actions. This report is an example of how UCS improves the public's understandings of the NRC's programs and policies. This report demonstrates our approach in first translating technical jargon and nuanced phrases into plain English and also to place data in context of the broader, overall picture.

In this specific case, UCS can help the public understand the context of this NRC enforcement action by comparing/contrasting it to prior agency enforcement actions at other facilities for comparable actions.

**5. Size and nature of the public to whose understanding a contribution will be made**

UCS has an active membership of over 60,000 persons. UCS is a frequent source of information to the media, Capitol Hill, and citizens/activists living near nuclear power plants. For example, the Cleveland Plain Dealer has a link on its website to the nuclear safety page on our website. The Plain Dealer covered the events at Davis-Besse extensively for its large audience and our perspectives were frequently covered in those, and other media, accounts.

**6. Means of distribution of the requested information**

UCS will cite the requested information during the upcoming proceeding on the subject enforcement action.

**7. Whether free access to information will be provided**

Yes, any one calling UCS to request a copy of material presented during an NRC proceeding, but not posted on our website, will be provided with a free copy.

**8. No commercial interest by UCS or any other party**

Neither UCS or any affiliated party has a commercial interest in obtaining the requested information. The requested information will be provided in response to all requests without charge.

If all or any part of this request is denied, please cite the specific exemptions relied upon in refusing to release the materials. Further, since the Freedom of Information Act provides that the remainder of a file must be released if only portions are exempt from disclosure, UCS requests that we be provided with all non-exempt portions that are reasonably degradable. Of course, we reserve the right to appeal the withholding or deletion of any information.

Sincerely,



David Lochbaum  
Nuclear Safety Engineer

Union of Concerned Scientists  
1707 H Street NW, Suite 600  
Washington, DC 20006  
(202) 331-5430  
(202) 223-6162 fax

Attachment: as stated

AUTHORIZATION

By my signature below, I authorize the U.S. Nuclear Regulatory Commission to release to David Lochbaum, and/or the Union of Concerned Scientists, all agency records they may request on my behalf, including but not limited to any reports of investigations initiated as a result of concerns raised by me to any NRC office (including but not limited to the NRC Office of Inspector General (OIG), the NRC Office of Investigations (OI) regarding the Davis-Besse Nuclear Plant. This includes, but should not be limited to NRC Special Inspection Report No. 50-346-2002-08(DRS), the Office of Investigations (OI) Report No. 3-2002-006, and any other relevant or related documents they may request.

A faxed copy of this authorization should be given the full force and effect of the original.

5/20/05.

Date

Andrew Siemaszko  
Andrew J. Siemaszko

