



# Friends of the Earth

June 23, 2011

U.S. Nuclear Regulatory Commission  
FOIA/Privacy Act Officer  
Mailstop: T-5 F09  
Washington, DC 20555-0001

FOIA/PA REQUEST

Case No.: 2011-0277  
Date Rec'd: 6-28-11  
Specialist: Dennis  
Related Case: \_\_\_\_\_

**FOIA Request for NRC Analysis of John Ma's "Dissenting View"**  
**on Unsafe Design of AP1000 Shield Building**

To Whom it Concerns:

This is a request being filed under the Freedom of Information Act (FOIA), as amended.

I am filing this request as a duly authorized employee of Friends of the Earth, a legally registered non-profit environmental organization, with which I hold the title Southeastern Nuclear Campaign Coordinator. All information gathered under this request will be used for non-profit, public education purposes only, both in South Carolina and nation-wide.

I request that all fees associated with this request be waived given the non-profit educational and scientific use which will be made of the information. My organization and I will disseminate the information obtained under this request to the benefit of public understanding of the Nuclear Regulatory Commission's review process for the AP1000 reactor and the ability of the AP1000 reactor withstand impacts and seismic events. The information obtained by this request will, if appropriate, be used as part of public comments and other proceedings related to the AP1000 reactor design.

I and my organization have a long-demonstrated ability to analyze and disseminate information to the public on the various nuclear programs, for non-profit, public interest use and have been an intervenor in the combined operating license application of South Carolina Electric and Gas (SCE&G), which is based on the AP1000 design. We maintain a formal role in the AP1000 review process by commenting in the rulemaking issued on the AP1000 DCD Rev. 18 design and will also comment and participate in the required rulemaking on the DCD Rev. 19 design submitted to the NRC by Westinghouse on June 13. The requested documents in their unredacted form are thus an integral part of better public understanding of the NRC's review of the AP1000 reactor and will be an important part of the public record pertaining to the AP1000.

I have recently been provided fee waivers in other FOIA requests to the NRC, thus establishing a basis for a similar fee waiver determination in this case.

Besides filing this request for Friends of the Earth, I am also filing it in coordination with the non-profit public interest organization NC Waste Awareness and Reduction Network (NC WARN), which is also formally involved in various aspects of the AP1000 review before the NRC.

1112 Florence Street<sup>1</sup> Columbia, SC 29201  
803.834.3084 phone & fax • tomclements329@cs.com • www.foe.org

If the NRC maintains that the documents are in any way proprietary and will be withheld in response to this request, I expect a full justification be made for such a claim and that applicable FOIA exemptions, Council on Environmental Quality regulations, as well as other applicable regulations be cited. I request non-proprietary versions of the documents in the event the NRC refuses to initially provide the full documents in question.

I maintain the right to appeal any aspect of your decisions regarding this request, particularly if a less than full justification is made concerning a claim that the documents have any aspect that is claimed to be proprietary in nature.

Documents are defined as reports, analyses, memos, presentations letters, and other forms of analysis whether in electronic, printed or other form.

The requested information which can be provided in printed form, via a CD or DVD, or via e-mail. I request that the information be provided as it becomes available and that you do not wait until all the information is accumulated to provide it to me.

The NRC office to which this request applies is likely the Division of New Reactor Licensing in the Office of New Reactors.

**I hereby request the following documents, including any attachments:**

1. All documents pertaining the NRC staff's analysis and response to "Safety Evaluation Report for AP1000 Shield Building," which was filed by Mr. Ma, Senior Structural Engineer, Engineering Division, NRO, under the NRC's non-concurrence process. Dr Ma's document may also be titled "Dissenting View on the AP1000 Shield Building Safety Evaluation Report With Respect to the Acceptance of Brittle Structural Module to be used for the Cylindrical Shield Building Wall."
2. Any follow-up documents prepared in response to the documents sought above.

Thank you very much for your timely attention to this FOIA request, which is important to public interest groups monitoring developments related to the ongoing review of the AP1000 reactor.

If you have further questions or want to discuss this request, please contact me at your convenience via telephone at 803-834-3084 or via e-mail at [tomclements329@cs.com](mailto:tomclements329@cs.com).

Sincerely,



Tom Clements  
Southeastern Nuclear Campaign Coordinator