



Sept. 20, 1999

Russell Powell, Chief  
FOIA-LPDR Branch  
Division of Freedom of Information and Publication Services Office of Administration  
U.S. Nuclear Regulatory Commission Washington, DC 20036

**FOIA/PA REQUEST**

BY FAX: (301) 415-5130

Case No: 99-367  
Date Rec'd: 9-21-99  
Action Off: Pugh  
Related Case: \_\_\_\_\_

Dear Mr. Powell:

On behalf of North Carolina Waste Awareness and Reduction Network (NC-WARN), and pursuant to the Freedom of Information Act, 5 U.S.C. 552(b), et. seq., I hereby request that you make available copies of all documents in the U.S. Nuclear Regulatory Commission's possession which describe or discuss:

- 1) Actual or projected heat loads and/or heat production from spent fuel assemblies and/or any other source, in spent fuel pools at the Shearon Harris reactor site, including any calculations and/or data of any kind (including sources of such data and all references used) used to calculate or estimate such loads, explicitly including any documents or information whatsoever relating to any of the estimated heat loads and/or the "maximum CCW Capability without system upgrades" shown on the viewgraph "Projected CCW Heat Loads" (apparently paginated as "10" and dated 1/2/98 in Carolina Power & Light's 7/16/98 "10 CFR 50.55a Alternative Plan for Harris Spent Fuel Pool [sic] 'C' and 'D' " a set of viewgraphs from a CP&L/NRC Staff meeting on 7/16/98).
- 2) actual or projected heat removal capacity from any and/or all spent fuel pools at the Shearon Harris reactor site near Bonsal NC.
- 3) actual RHR, Service Water System, and/or CCW heat removal capacity under operating, shutdown or accident conditions at Harris, or any calculations or projections of any and/or all of these, including any of the calculations, numbers, charts, or projections of RHR, SWS and/or CCW system heat removal capacity and/or heat transfer capability, including any and all supporting calculations, assumptions, referenced documents, information or procedures for calculating any and/or all of the above, including all such information relating to the 1999 CP&L heat removal calculations presented or referred to at the May 9, 1999 Prehearing Conference of the ASLB held in Chapel Hill NC, and/or any other calculations or projections of any of the above performed by NRC, CP&L or anyone else, the dates thereof, and/or any criteria or procedures or memoranda related to such calculation(s), projection(s) and/or estimate(s)..
- 4) any methodology used, or rejected for use, in any of the above calculations, projections or estimates; and any documents related to such methodology and/or decision(s) concerning what methodology is or was used, or is not or was not used.

This request covers but is not limited to all draft and final reports, correspondence, viewgraphs (vu-graphs, etc.) or copies thereof, memoranda, notes, records of telephone contacts, electronic communications including fax transmissions and Email, or other written records, whether in paper or computer files including CDs.

Pursuant to our request, please provide all documents and communications prepared or utilized by, in the possession of or routed through the NRC related to the above items 1-4 above.

For any portion of the request that you deem appropriate to deny, NC-WARN requests that you describe the information that is denied, identify the exception to the FOIA on which you rely, and explain how that exception applies to the withheld information.

Pursuant to NRC regulations at 10 CFR 9.41, NC-WARN 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:**

The purpose of the request is to gather information on the heat loads from spent fuel stored, and/or proposed to be stored, at the Harris nuclear plant site, and the ability to meet those heat loads and how such ability was and/or has been calculated, including the reasons for any re-calculations and all methods and data used.

The requested information is currently not available in the NRC's Public Document Room.

**2) Extent to which NC-WARN will extract and analyze the substantive content of the records:**

NC-WARN is qualified to make use of the requested information. Our staff and cooperating experts have demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Members of NC-WARN have published articles in news media of general circulation in North Carolina including the Raleigh News & Observer, Chapel Hill (NC) Herald. NC-WARN is quoted as a reliable source of information on nuclear issues in newspapers and on radio and television across the North Carolina. NC-WARN was a key source of information to the public concerning low-level radioactive waste issues during the State of North Carolina's now-withdrawn membership in the Southeast LLRW Compact. NC-WARN was first to inform the general public of plans for a significant expansion of spent nuclear powerplant fuel storage proposed on 1998 for the Shear on Harris nuclear plant near Apex NC.

NC-WARN has a working relationship with attorneys, physicists, nuclear engineers, medical doctors, and other respected professionals who contribute to the full understanding of technical records.

**3) Nature of the specific activity or research in which the records will be used and NC-WARN's qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding:**

NC-WARN seeks the requested information solely to contribute to and help shape the public debate on adequate worker and public health and safety. NC-WARN intends to use the information in order to advance the concerns for public understanding and safety.

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

Since complete information on the above-referenced items is not available to the general public, NC-WARN will be able to provide the first comprehensive review of this information, which can impact public health and safety.

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

NC-WARN's information is regularly reported in news media reaching millions of citizens in North Carolina ranging from Winston-Salem, Greensboro, Apex, Chapel Hill, Pittsboro, Raleigh, Fayetteville and Charlotte for examples, including over 3 million people and including the general public as well as public officials and specialists in health and safety related issues.

**6) Means of distribution of the requested information:**

NC-WARN provides information via reports, news releases, press conferences, newsletters, e-mail and other means. NC-WARN has been a key provider of information on nuclear, toxics and other health- and safety-related issues since 1990.

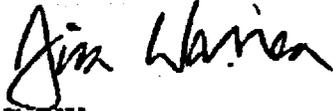
**7) Whether free access to information will be provided:**

NC-WARN will provide access to information received under this request freely.

**8) No commercial interest by NC-WARN or any other party:**

NC-WARN is a nonprofit organization (501(c)3) and has zero commercial interest, nor is party to any commercial interest in the above-requested information. To NC-WARN's best knowledge, no other commercial interest is involved with this request.

Sincerely,



**Jim Warren**  
**Executive Director**

9/20/99

cc: **Sen. John Edwards**  
**Rep. David Price**  
**Rep. Bobby Etheridge**  
**Rep. Eva Clayton**  
**Orange County Board of Commissioners**  
**Diane Curran**