



STANDING FOR TRUTH ABOUT RADIATION

January 18, 2000

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

FOIPA REQUEST

Case No: 2000-0108
Date Rec'd: 1-19-00
Action Off: _____
Related Case: _____

TRANSMISSION BY FAX: (301) 415-5130

Re: Freedom of Information Act request pursuant to 5 U.S.C. 552(b)

Dear Mr. Powell:

On behalf of Fish Unlimited and Standing for Truth About Radiation ("STAR") 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 documents¹ in the U.S. Nuclear Regulatory Commission's possession which describe or discuss the following:

- 1) **All communications between Northeast Utilities (NU) Millstone Nuclear Power Station in Waterford, Connecticut and the Nuclear Regulatory Commission (NRC) pertaining to reports and studies of entrainment, impingement and mortality of any and all fish, fish eggs, larvae, and juvenile fish or other marine life at Millstone for the years 1994, 1995, 1996, 1997, 1998, and 1999. These documents are to not only include actual reports but also all documents referencing reports or reporting requirements for all evaluating, reducing or reporting.**
 - A) **All information relating to the entrainment, impingement and mortality of any and all fish or other marine life at Millstone for the years 1994, 1995, 1996, 1997, 1998, and 1999.**
 - B) **All information and documentation relating to the winter flounder population in Connecticut's Niantic bay area. Specifically, we request any and all information that relates to**

¹This request covers but is not limited to all draft and final reports, correspondence, memoranda, notes, records of telephone contacts, all types of camera images, electronic communications including fax transmissions and Email, or other written records, whether in paper or computer files, preserved via the use of any medium (e.g., paper documents, final notes, or word processors or computer discs, diskettes, hard drives, or network systems.) In addition, this request includes studies, analyses, work papers, internal or external communications of any sort, testimony, press releases, reports, memoranda of the like concerning, recording or in any way related to the requested subject matter.

66 NEWTOWN LANE SUITE 2
P.O. Box 4206 EAST HAMPTON, NY 11937
PHONE: 516-324-0655 FAX: 516-324-2203

decline of abovementioned population.

C) We reiterate and restate the above requests 1) and 1) A-B above, for any and all communications between Connecticut and/or New York and/or Rhode Island Department of Environmental Protection and the NRC.

2) All communications between Public Service Electric and Gas (PSE&G) Salem Nuclear Generating Station in New Jersey and the NRC pertaining to reports and studies of entrainment, impingement and mortality of any and all fish, fish-eggs, larvae, and juvenile fish or other marine life at Salem for the years 1994, 1995, 1996, 1997, 1998, and 1999. These documents are to not only include actual reports but also all documents referencing reports or reporting requirements for all evaluating, reducing or reporting.

A) All information relating to the entrainment, impingement and mortality of any and all fish or other marine life at Salem for the years 1994, 1995, 1996, 1997, 1998, and 1999.

B) We reiterate and restate the above requests 1) and 1) A above, for any and all communications between New Jersey and or Delaware Department of Environmental Protection and Energy (DEPE) and the NRC.

3) All communications between Carolina Power and Light Company Brunswick nuclear station and the NRC pertaining to reports and studies of entrainment, impingement and mortality of any and all fish, fish-eggs, larvae, and juvenile fish or other marine life at Brunswick for the years 1994, 1995, 1996, 1997, 1998, and 1999. These documents are to not only include actual reports but also all documents referencing reports or reporting requirements for all evaluating, reducing or reporting.

A) All information relating to the entrainment, impingement and mortality of any and all fish or other marine life at Brunswick for the years 1994, 1995, 1996, 1997, 1998, and 1999.

B) We reiterate and restate the above requests 1) and 1) A above, for any and all communications between North Carolina Department of Environmental Protection and the NRC.

4) All communications between Baltimore Gas and Electric Company Calvert Cliffs Nuclear station and the NRC pertaining to reports and studies of entrainment, impingement and mortality of any and all fish, fish-eggs, larvae, and juvenile fish or other marine life at Calvert Cliffs for the years 1994, 1995, 1996, 1997, 1998, and 1999. These documents are to not only include actual reports but also all documents referencing reports or reporting requirements for all evaluating, reducing or reporting.

A) All information relating to the entrainment, impingement and mortality of any and all fish or other marine life at Calvert Cliffs for the years 1994, 1995, 1996, 1997, 1998, and 1999.

B) We reiterate and restate the above requests 1) and 1) A above, for any and all communications between the Maryland and/or Virginia Department of Environmental Protection and the NRC.

- 5) All communications between Consolidated Edison and/or the New York Power Authority Indian Point Nuclear Power Station and the NRC pertaining to reports and studies of entrainment, impingement and mortality of any and all fish, fish-eggs, larvae, and juvenile fish or other marine life at Indian Point for the years 1994, 1995, 1996, 1997, 1998, and 1999. These documents are to not only include actual reports but also all documents referencing reports or reporting requirements for all evaluating, reducing or reporting.

A) All information relating to the entrainment, impingement and mortality of any and all fish or other marine life at Indian Point for the years 1994, 1995, 1996, 1997, 1998, and 1999.

B) We reiterate and restate the above requests 1) and 1) A above, for any and all communications between the New York Department of Environmental Conservation and the NRC.

Fish Unlimited and STAR are both non-profit tax exempt organizations pursuant to 501 (c)(3). Fish Unlimited is a national member organization with headquarters on Long Island and was established to protect and restore the marine ecosystem. Standing for Truth About Radiation ("STAR") is a non-profit corporation of the State of New York whose members are concerned about the toxic effects of nuclear contamination. STAR promotes public awareness, medical and scientific investigation, institutional accountability, independent oversight, and responsible public health and environmental policies. STAR is a membership organization with over 1,200 members.

For any portion of the request that you deem appropriate to deny, we request 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, we request 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):

Pursuant to regulations, we request that any searching and copying fees incurred as a result of this search be waived, and provide the following:

- 1) **Purpose of request:** The purpose of the request is to gather information on the capture of endangered, threatened and declining species during routine operation of nuclear power stations. The requested information is currently not available in the public domain.
- 2) **Extent to which the groups will extract and analyze the substantive content of the records:** Fish Unlimited and STAR are both extremely qualified to make use of the requested information. The staff of each organization have both demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Members of both organizations are quoted as a reliable source of information on marine ecosystem issues in newspapers across the country, including the New York Times, Newsday, The Washington Post, and various other publications relating to fishing and the marine ecosystem. Members of both organizations have working relationship with attorneys, medical doctors, biologists and other respected professionals who contribute to the full understanding of potential environmental impacts.
- 3) **Nature of the specific activity or research in which the records will be used and qualifications to utilize the information for the intended use in such a way that it will contribute to public**

understanding: We seek the requested information solely to contribute to and help shape the public understanding of the impacts of nuclear facilities upon the marine environment.

- 4) **Likely impact on the public's understanding of the subject as compared to the level of understanding of the subject prior to disclosure:** The public understanding of the issues will be greatly enhanced by the contribution of this information.
- 5) **Size and nature of the public to whose understanding a contribution will be made:** Fish Unlimited has an active subscribing membership of over 5,200 members throughout the United States and STAR 1,200. Additionally, Fish Unlimited/STAR have web sites (www.fishunlimited.org) where postings on this issue will be made available.
- 6) **Means of distribution of the requested information:** We will use our media contacts in both the electronic and print media outlets to provide very broad outreach. We will also share information with other interested parties concerned about the environmental impacts of these facilities.
- 7) **Whether free access to information will be provided:** We will provide the information without charge to all members of the public. Information prepared from the FOIA request will be posted on the web site for downloading free of charge.
- 8) **No commercial interest by STAR/Fish Unlimited or any other party:** We have no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of our organizations is to promote an open discussion of a facility that has existed close to Long Island with little or no available information for the public.

Thank you for your prompt attention to this request. Should you have any questions please contact me directly at (631) 324-0655.

Sincerely,



Scott Cullen
Of Counsel