

# NUCLEAR INFORMATION AND RESOURCE SERVICE

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FOIA/PA REQUEST

March 14, 2002

Case No: 2002-0184  
Date Rec'd: 3-14-02  
Action Off: Pool  
Related Case: \_\_\_\_\_

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

## FOIA Request Regarding Differing Profession View (DPV) On Indian Point Unit-2 Restart

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA); USC 552, Nuclear Information and Resource Service (NIRS) hereby requests information pertaining to the Differing Profession View (DPV) filed March 30, 2000 (ADAMS Accession ML020351720) by Mr. David M. Silk and Ms. Nancy T. McNamara, employed with the Operational Safety Branch, Division of Reactor Safety, U.S. Nuclear Regulatory Commission (NRC). The DPV regards Mr. Silk and Ms. McNamara's professional concerns over the recurrent negative performance of Indian Point Unit 2 Emergency Operations Organization located in Buchanan, New York and the wisdom of allowing Unit 2 to restart.

This request covers but is not limited to all correspondence, memoranda, notes, records of telephone contacts, electronic communications including fax transmissions and Email, draft and final reports 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:

- 1) All communications re: the Silk/McNamara DPV to and from Mr. Hebert Miller, Office of the Regional Administrator for NRC Region I.
- 2) All communications re: the filing of the Silk/McNamara DPV to and from the office Mr. Richard Conte, Chief, Operations Safety Branch;
- 3) All communications re: the Silk/McNamara DPV to and from the office of J. Wiggins, DRA;
- 4) All communications re: the Silk/McNamara DPV to and from the office of W. Lanning, DRS
- 5) All communications re: the Silk/McNamara DPV to and from the office of B. Holian, DRS

- 6) All communications re: the Silk/McNamara DPV to and from the Ad Hoc Review Panel.
- 7) All other communications re: the DPV to and from Mr. David M. Silk and Ms. Nancy T. McNamara.

Pursuant to this request, please provide all documents and communications prepared or utilized by, in the possession of, or routed through the NRC related to items 1 through 7.

For any portion of the request that you deem appropriate to deny, NIRS 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 federal regulations at 10 CFR 9.41, NIRS 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 NRC policy and regulatory decision making process on nuclear power plant restart following significant public safety issues. The requested information is currently not publicly available through the agency's public document room.

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

NIRS is qualified to make use of the requested information. The staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Members of the NIRS staff have published articles in such national journals as *In These Times* and *The Bulletin of Atomic Scientists*. NIRS is quoted as a reliable source of information on nuclear power and public safety issues in newspapers across the country, including *The New York Times*, *The Washington Post*, *The Los Angeles Times* and *The Wall Street Journal*.

NIRS has a working relationship with regulatory policy analysts, attorneys, nuclear engineers, physicists and other respected professionals who contribute to the full understanding of nuclear power policy and public safety.

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

NIRS seeks the requested information solely to contribute to and help shape the public debate on regulatory decision making and policy. NIRS intends to use the information

in order to advance the concerns for public understanding of NRC regulatory decision making and policy.

**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 of on nuclear regulatory policy and decision-making will be enhanced by the contribution of this information.

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

NIRS has an active subscribing membership of over 1500 throughout United States. Over 5000 additional members periodically receive mailings from NIRS. NIRS provides resource material to electronic and print media outlets with very broad outreach to our constituency and interested public. Additionally, NIRS has a web site ([www.nirs.org](http://www.nirs.org)) which receives on average of 1500 visitors per day where postings on this issue will be made available.

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

NIRS will use its own newsletter publication The Nuclear Monitor and our media contacts in both the electronic and print media outlets to provide very broad outreach to the public. NIRS will also share information with other interested parties concerned about regulatory policy and the decision-making process. Additionally, NIRS will post information on its web site ([www.nirs.org](http://www.nirs.org)) that receives on average of 1500 visitors per day.

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

NIRS will provide the information without charge to all members of the public. Information prepared from the FOIA requested will be posted on the web site for downloading free of charge. NIRS will also provide a copy of information to all interested parties without charge.

**8) No commercial interest by NIRS or any other party:**

NIRS has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of NIRS is to promote a policy debate on public safety and the regulatory decision-making process.

Sincerely,

Paul Gunter, Director  
Reactor Watchdog Project