

NATIONAL WHISTLEBLOWER  
LEGAL DEFENSE AND EDUCATION FUND

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June 10, 2002

FOI/PA REQUEST

Case No: 2002-0295  
Date Recd: 6/10/02  
Action Off: Brown  
Related Case: \_\_\_\_\_

VIA Facsimile (202) 415-2102

John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Re: FOIA Request

Dear Mr. Zwolinski:

On May 16, 2002 you provided to the undersigned a proposed Director's Decision. The proposed Director's Decision appears to refer to documentation and/or studies undertaken by NRC. Pursuant to the Freedom of Information Act (FOIA), the National Whistleblower Center hereby requests access to:

1. All documents relating to how the staff concluded that the probability of terrorists using a large airliner to damage a nuclear power plant remains acceptably low (page 11 of the Nuclear Regulatory Commission's Director's Decision on the National Whistleblower Center's petition).
2. All documents relating to the basis and how the staff came to the conclusion that the robust design and small size of the pools minimize the likelihood that a terrorist attack would cause damage of a magnitude sufficient to result in an offsite release of radioactive material (page 12 of the Nuclear Regulatory Commission's Director's Decision on the National Whistleblower Center's petition).

For the purposes of this request, the term "documents" includes, but is not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, procedures, instructions, engineering analyzes, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data, notebooks, books, telephone messages, computations, interim and/or final reports, status reports, opinions, electronic communications, computer discs and connection with the above-listed records.

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As you are aware, the FOIA requires you to release documents in segregable portions in the event they contain exempt material. For any documents or portions that do not due to a specific FOIPA exception, please provide an index itemizing and describing the documents or portions of documents withheld.

I request a waiver of all fees for this document request. Disclosure of this information is of interest to the public and the National Whistleblower Center because it is likely to contribute significantly to public understanding of the issues outlined in the 2.206 Petition. The National Whistleblower Center is a tax-exempt, non-profit organization dedicated to assisting whistleblowers in reporting nuclear safety concerns to the public. The National Whistleblower Center will assist the public in obtaining information about these issues via its web site and press releases. The requested information will not be used for commercial use by the requester.

Pursuant to 5 U.S.C. § 552 (a)(6)(E), I request that this FOIA request be expedited. It is of the utmost importance that the NRC expedite this request to allow the public access to determine the adequacy of NRC's response to the issues outlined in the Petition. The National Whistleblower Center, other watchgroups, and the general public need to become educated about the current assessment of nuclear safety in light of the tragic events of 9-11.

Thank you for your consideration of this request. I look forward to hearing from you within ten working days as the law stipulates.

Sincerely,



Michael Kohn

cc: Mary Jane Pool, Acting Chief  
FOIA/LPDR Branch  
Office of the Chief Information Officer  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555