

## Nuclear Information and Resource Service

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### FOIA/PA REQUEST

Case No: 2003-0204  
Date Rec'd: 3-12-03  
Action Off: Perf  
Related Case: \_\_\_\_\_

March 12, 2003

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

BY EMAIL: [foia@nrc.gov](mailto:foia@nrc.gov)

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA); USC 552, the Nuclear Information and Resource Service (NIRS) hereby requests a copy of a Staff Requirements Memorandum (SRM) prepared recently by the NRC in response to a series of "white papers" presented to the Nuclear Regulatory Commission by Louisiana Energy Services (LES). This SRM apparently provides an NRC policy position on the issues raised in these "white papers." These "white papers" requested the NRC to pre-determine a number of critical licensing issues that might affect licensing of an LES facility. As such, this SRM is of wide interest to people near this proposed facility. In addition, this SRM may present policy issues that extend to the licensing of any proposed facility. As such, this SRM is of broad interest to the entire nation.

The LES "white papers" were published in the Federal Register on October 2, 2002 (67 FR 61932-61933) and public comment was accepted on them. NIRS provided substantive comments to the Commission at that time.

If the NRC claims legal grounds to deny providing us a copy of this Staff Requirements Memorandum, we request that the NRC provide us with either a redacted version or with a comprehensive description of the SRM and its contents.

We also request material related to the development of this Staff Requirements Memorandum, including (but not limited to) all draft and final reports, correspondence, memoranda, notes, records of telephone contacts, 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 LES "white papers" and preparation of the Staff Requirements

Nuclear Information and Resource Service/World Information Service on Energy-Amsterdam

Main offices: Washington, DC and Amsterdam, Netherlands

Affiliate offices: Asheville, NC; Bratislava, Slovakia; Brno, Czech Republic; Hiroshima, Japan; Kaliningrad, Russia; Rosario, Argentina; Seoul, Korea; Stockholm, Sweden; Tarragona, Spain; Kyiv and Rivne, Ukraine

WISE-Uranium: Arnsdorf, Germany

Memorandum.

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's licensing policies and procedures for uranium enrichment plants. 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 national journals. NIRS regularly is quoted as a reliable source of information on nuclear issues in newspapers across the country.

NIRS submitted substantive comments on the referenced "white papers" and is actively involved in assisting citizens in central Tennessee to participate in activities related to Louisiana Energy Services and the possible application to construct a uranium enrichment plant.

**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:**

NIRS seeks the requested information solely to contribute to and help shape the public debate on the licensing policies and procedures of uranium enrichment plants generally and the potential licensing of a Louisiana Energy Services uranium enrichment plant in particular.

**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 uranium enrichment plant licensing policies and procedures, as well as the public's interest in participating in fundamental licensing issues that may affect their lives, will be enhanced by the contribution of this information.

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

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NIRS has an active membership of more than 7,000 people in the United States, including in central Tennessee. 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 1,200 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. Additionally, NIRS will post information on its web site ([www.nirs.org](http://www.nirs.org)).

**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 nuclear power issues.

Sincerely,

Michael Mariotte  
Executive Director

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Rosario, Argentina; Seoul, Korea; Stockholm, Sweden; Tarragona, Spain; Kyiv and Rivne, Ukraine  
WISE-Uranium: Arnisdorf, Germany

**From:** Michael Mariotte <nirsnet@nirs.org>  
**To:** <foia@nrc.gov>  
**Date:** Wed, Mar 12, 2003 10:51 AM  
**Subject:** FOIA request

Attached is a FOIA request from the Nuclear Information and Resource Service. We are also putting a copy of this request in the mail. Please contact me at this e-mail address or 202-328-0002 if you have any questions.

Sincerely,

Michael Mariotte  
Executive Director