

GREENPEACE

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August 1, 2003

Ms. Carol Ann Reed
FOIA / Privacy Act Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D8
Washington, DC 20555-0001

FOI/WPA REQUEST

Case No: 2003-0376
Date Rec'd: 8-4-03
Action Off: [Signature]
Related Case: [Signature]

FREEDOM OF INFORMATION ACT REQUEST

Dear Ms. Reed:

Pursuant to the Freedom of Information Act, 5 U.S.C. 522, as amended and 10 C.F.R. 9.8 of the Commission's regulations, Greenpeace requests that NRC provide us with any and all documents in the possession of the NRC, including region three headquarters, the office of the Executive Director of Operations, the NRC Chairman and all NRC Commissioner's Office's regarding Davis Besse's failure to comply with the NRC's October 1996 10 CFR 50.54 (f) letter and the Davis Besse Design Basis Document Validation Program (DBDVP). Greenpeace is seeking documentation of the 1000 identified deficiencies and their disposition as well as the documentation of the licensee corrective actions including the licensees plans to:

- establish an event time line of identified deficiencies and opportunities to improve design information availability and adequacy;
- identify why the DBDVP was not completed;
- confirm that the DBDVP discovery phase was adequate; and
- evaluate why the DBDVP and other, prior programs and activities did not resolve the identified discrepancies.

NRC's inspection report No. 50-346/02-13 (DRS) and No. 50-346/02-14 (DRS), dated February 26, 2003, addresses these issues on pages 11 & 12 of the report. However a search for additional information on NRC's ADAMS has been unsuccessful.

Please consider "documents" to include reports, studies, test results, correspondence, memoranda, meeting notes, meeting minutes, working papers, graphs, charts, diagrams, notes and summaries of conversations and interviews, computer records, e-mail and any other form of written communications including internal NRC memoranda.

Pursuant to and in compliance with 10 C.F.R. 9.41 of the Commission's regulations governing requests for fee waivers, Greenpeace provides the following information.

Greenpeace seeks the requested information solely to contribute to and help shape the public debate concerning NRC's role in the regulation of the nuclear industry. The information provided by the NRC will be analyzed and extracted for use in our analysis of the NRC's oversight process and the regulation of the nuclear industry.

Greenpeace is a nationally known non-profit public interest organization founded in 1971. We will use these documents in preparation of our analysis of the NRC's oversight process and the significance determination process. As Greenpeace's nuclear policy analyst I have over a decade of experience deciphering NRC documents and making the information contained in them more understandable to the public.

The requested information and Greenpeace's analysis will greatly contribute to the public's understanding of the new reactor oversight process and the Commission's role in regulating the nuclear industry. Currently, there is little or no information available on the Davis Besse Design Basis Document Validation Program (DBDVP) or the licensee's failure to live up to their commitments under the NRC's 10 CFR 50.54(f) letter of 1996.

We plan to broadly disseminate the information contained in our analysis to the press and the general public. For several years now our publications, comments and press releases have been made available free of charge on our web site. The requested information will significantly increase the public understanding of the issue and the NRC's role in regulating the nuclear industry.

Our past publications have attracted attention in the local, national and trade media. Copies of the reports have been distributed to members of the public, the nuclear industry, citizen groups, federal & state governments and members of Congress.

Greenpeace has neither a commercial nor a private interest in the agency records sought.

Since "disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operation or activities of the government and is not primarily in the commercial interest of the requester" (5 U.S.C. 552 (a)(4)(A) (iii)), we request a complete waiver of any processing or duplicating costs you might incur in providing these records to us. If you rule otherwise, please notify us before filling the request.

If all or any parts of this request are denied, please cite the specific exemptions on which you rely in refusing to release the documents.

Further, since the Freedom of Information Act provides that the remainder of a file must be released if only portions are exempt from disclosure, we request that we be provided with all non-exempt portions that are reasonably segregable. Of course, we reserve our right to appeal the withholding or deletion of any information.

As provided in the Freedom of Information Act Amendments, we will expect to receive the requested records or a final determination within twenty working days. If your office is unable to fully respond to this request in that time, please send us a written estimate of when the request will be completed.

If you have any questions about this request, please telephone me at 202-319-2487.

Thank you for your attention to this request.

Sincerely,

James P. Riccio
Nuclear Policy Analyst
Greenpeace
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Washington, DC 20001