

Mar-19-03 14:08

From-AUDIT&INTERNAL CONTROL STAFF OFFICE

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T-513 P.04/07 F-211

2003-00274



# Nuclear Information and Resource Service

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March 04, 2003

FOI/PA REQUEST

Paulene Robinson  
National Marine Fisheries Service  
Freedom of Information Division and Publications  
1315 East-West Highway  
Silver Spring, MD 20910

|              |           |
|--------------|-----------|
| Case No.     | 2004-0155 |
| Date Rec'd.  | 3-9-04    |
| Action Off.  | Pool      |
| Request Case |           |

## REQUEST FOR DOCUMENTS UNDER THE FREEDOM OF INFORMATION ACT PERTAINING TO ST. LUCIE NUCLEAR POWER STATION AND THE ENDANGERED SPECIES ACT

Dear Ms. Robinson:

On behalf of Nuclear Information and Resource Service (NIRS), 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 documents in the National Marine Fisheries Service possession which describe, discuss or depict:

- 1) All communications between Florida Power Light's (FPL) St. Lucie nuclear power station and the National Marine Fisheries Service (NMFS) pertaining to "incidental capture" of threatened and endangered sea turtles (Kemp's ridley, Loggerhead, Leatherback or Hawksbill and Atlantic Green) for the years 2000, 2001 and to date in 2002. These documents are to include not only actual reports but also all correspondence (including typed, handwritten and email communications) referencing both live and dead sea turtles captures and other listed endangered species.
- 2) All FPL communications and correspondence between NMFS referencing current take limits and proposed changes to take limits of endangered and threatened species for the years 2000, 2001, 2002 and to date in 2003.
- 3) All NMFS communications between the U.S. Nuclear Regulatory Commission (NRC) referencing current take limits and proposed changes to St. Lucie's take limits of endangered and threatened species for the years 2000, 2001, 2002 and to date in 2003.

- 4) All communications between NMFS and the corresponding mariculture or marine science center for St. Lucie station receiving surviving turtles for resuscitation and recuperation that indicates mortality data for live captures for the years 2000, 2001, 2002 and to date in 2003.

This request covers but is not limited to all draft and final reports, correspondence, memoranda, notes, records of telephone contacts, photographs, videos, electronic communications including fax transmissions and Email, or other written records, whether in paper or computer files.

Pursuant to this request, please provide all documents and communications prepared or utilized by, in the possession of, or routed through the NMFS related to items 1-4.

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 NMFS regulations, NIRS requests that any searching and copying fees incurred as a result of this search be waived, and provides the following:

1) **Purpose of request:**

The purpose of the request is to gather information on the capture of endangered and threatened species during routine operation of nuclear power stations. The requested information is currently not available in the public domain.

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 The Progressive, Nuclear Times, Newsday and Bulletin of Atomic Scientists. NIRS is quoted as a reliable source of information on nuclear issues in newspapers across the country, including the St. Pete Times, New York Times, The Washington Post, and The San Francisco Chronicle.

NIRS has a working relationship with attorneys, physicists, engineers, veterinarians, biologists and other respected professionals who contribute to the full understanding of regulatory compliance and endangered or threatened species.

3) **Nature of the specific activity or research in which the records will be used and NIRS's 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 compliance and the protection of endangered or threatened species. NIRS intends to use the information in order to advance the concerns for public understanding of regulatory compliance and protection of endangered and threatened species.

**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 regulatory compliance and environmental protection 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 the United States. Several thousand additional members periodically receive mailings from NIRS. NIRS provides resource material to electronic and print media outlets with very broad outreach to a safety conscious audience. Additionally, NIRS has a web site ([www.nirsnet.org](http://www.nirsnet.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 safety conscious public. NIRS will also share information with other interested parties concerned about regulatory compliance and endangered or threatened species. Additionally, NIRS will post information on its web site ([www.nirsnet.org](http://www.nirsnet.org)) which 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 information to all interested parties without charge.

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**3) 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 regulatory compliance and endangered or threatened species from the routine operation of nuclear power stations for the sake of environmental protection.

Thank you,



Paul Gunter

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