



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

FOIA/PA REQUEST

Case No.: 2004-0314
Date Rec'd: 8-2-04
Specialist: [Signature]
Related Case: _____

August 2, 2004

NRC Freedom of Information Act and Privacy Act (FOIA/PA) Officer
U.S. Nuclear Regulatory Commission
Mail Stop T6-D8
Washington, DC 20555-0001

Good Day:

On behalf of the Union of Concerned Scientists, I hereby make a Freedom of Information Act (FOIA) request for NRC records. By letter dated July 30, 2004, from NRC Regional Administrator Hubert J. Miller to PSEG Chairman E. J. Ferland, the NRC reported "*We have now completed our review and our results are provided herein.*" The review was of work environment issues at the Salem and Hope Creek Generating Stations. The NRC letter indicated that their review included "in-depth interviews, between October 2003 and June 2004, or over 60 current and former Salem/Hope Creek employees" and "allegations involving the Stations."

UCS requests the following agency records:

1. All transcripts, summaries, and notes from interviews of the more than 60 current and former Salem/Hope Creek employees conducted between October 2003 and June 2004.
2. All NRC e-mails, Allegation Review Board records, and Office of Investigation synopses for allegations involving Salem Unit 1, Salem Unit 2, and Hope Creek Unit 1 between January 1, 1998, and June 30, 2004, inclusive.

UCS realizes that some of the requested records may contain information like names and addresses that should not be made public. UCS requests that the NRC provide redacted versions of records in these cases.

UCS does not request expedited processing of this FOIA request.

UCS does request a fee waiver as a public interest organization seeking records for a "scholarly or scientific purpose and not for commercial use." Our responses to the eight (8) fee waiver criteria questions are as follows:

1. Describe the purpose for which you intend to use the requested information.

UCS seeks the requested information so as to more fully understand the cause/effect of NRC's regulatory processes. The NRC issued the July 30, 2004, letter to PSEG because of concerns about conditions at the Salem and Hope Creek reactors. The requested materials will assist UCS in understanding the foundation/basis for NRC's actions. The NRC has faced problem plants in the past and the requested information will help UCS ascertain where conditions at Salem/Hope

Creek parallel past events and where they differ. Armed with that information, UCS will better be able to comment on the NRC's regulatory processes - both in terms of the specific case of Salem/Hope Creek and also in the broader context of the NRC's reactor oversight process.

2. Explain the extent to which you will extract & analyze the substantive content of the records.

UCS plans to review the records to gain insight into two aspects: (1) the nature of the safety conscious work environment problems at Salem/Hope Creek and (2) the timing of the SCWE problems. If possible, UCS would like to learn when warning signs of SCWE degradation were available to the licensee and NRC so as to be able to evaluate these warning signs in context of the reactor oversight process's performance.

3. Describe the nature of the specific activity or research in which the records will be used & the specific qualifications you possess to utilize information for the intended use in such a way that it will contribute to public understanding.

UCS intends to use the information from the records in two ways. First, we plan to use the information to expand our commentary on the SCWE problems at Salem/Hope Creek. To date, UCS has engaged the NRC with letters in February and June 2004 (four letter total) and provided oral statements at NRC public meetings in March and June 2004. UCS believes the information in the requested records will enable us to focus our comments and thus facilitate communications with the NRC on this subject. UCS also expects to use the information from the requested records to evaluate the reactor oversight process. UCS participated in the workshops and public meetings that produced the reactor oversight process and has commented frequently on its pros and cons. The NRC appointed a UCS staffer to the Pilot Program Evaluation Panel for the reactor oversight process. The requested records will allow UCS to further efforts in this area.

4. Something to the effect of describe the level of public understanding currently to that level of understanding resulting from release of the requested records (exact question phrasing lost from online form).

Safety conscious work environment (SCWE) issues played roles in recent high-profile situations at the Millstone and Davis-Besse nuclear plants. Ample records are available on the depth and breadth of the SCWE problems at those, and other, sites. UCS believes that the records requested by this FOIA will provide the public with comparable information on the SCWE issues at Salem/Hope Creek. The public will then be able to compare and contrast SCWE situations so as to better understand why the NRC took action or refrained from action. It's consistent with the ROP tenet of regulatory decisions that are scrutable and transparent.

In the specific application at Salem/Hope Creek, the public is the community living near the site. The Salem/Hope Creek situation interests the financial community, so the information will likely also contribute to Wall Street's understanding of the NRC's actions.

5. Describe the size & nature of the public to whose understanding a contribution will be made.

The lessons learned about SCWE problems and response from the Salem/Hope Creek case added to the prior cases appeals to a larger audience. The reactor oversight process attracts the interest of thousands of people each year. While UCS harbors no illusion that all will be interested in the SCWE component of the ROP, we believe that a sufficient number will be/are interested as to warrant our efforts on their behalf.

6. Describe the intended means if dissemination to the general public.

1) In the Salem/Hope Creek application, UCS expects to disseminate the information by further letters to the NRC (which are posted on our website and entered in NRC's ADAMS) and perhaps a report on SCWE at Salem/Hope Creek (which would also be posted on our website and likely entered into NRC's ADAMS).

2) For the broader ROP implications, we expect as a minimum to document our review/assessment in our written comments on the ROP solicited annually (usually in December) by the NRC staff. In the past, we have submitted our comments in advance of the NRC's published deadline so as to provide other members of the public the opportunity to review our comments and either endorse them or provide the NRC with their views. We expect to continue that practice this year. Our comments are posted on the NRC's website and entered in ADAMS.

7. Fee? (Exact phrasing of question lost from online form).

No. Documents posted on our website and entered into ADAMS can be viewed/downloaded without an access/publication fee.

8. Describe any commercial or private interest you or any other party has in the agency records sought.

None by UCS. UCS cannot answer this question with regard to any other party who may find these records in ADAMS after the FOIA request is filled.

Sincerely,

<SUBMITTED BY>

David Lochbaum
Nuclear Safety Engineer
Washington Office