

FOIA/PA REQUEST

Case No.: 2005-0066
Date Rec'd: 12-7-04
Specialist: [Signature]
Related Cases: _____

Nuclear Information and Resource Service

1424 16th Street NW Suite 404
Washington, DC 20036
Tel 202 328 0002
<http://www.nirs.org>

December 07, 2004

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

BY EMAIL: foia@nrc.gov

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA); 5 U.S.C. 552(b), et seq., Nuclear Information and Resource Service (NIRS) hereby requests information for the subject matter described as follows. This request covers but is 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:

- 1) All U.S. Nuclear Regulatory Commission (NRC) communications, including the Office of the Commission, Executive Director Office, Office of the Deputy Executive Director, Office of General Council and the Office of Nuclear Reactor Regulation, relating to and/or in response to a 09/26/2002 Differing Professional View of Richard Scarbrough regarding the 10 CFR 50.69 rulemaking affecting the agency's special treatment of structures, systems and components in nuclear power stations.
- 2) All NRC communications, including the Office of the Commission, Executive Director Office, Office of the Deputy Executive Director, Office of General Council and the Office of Nuclear Reactor Regulation, relating to and/or in response to the Differing Professional View of David Fischer regarding the 10 CFR 50.69 rulemaking affecting the agency's special treatment of structures, systems and components in nuclear power stations.
- 3) All NRC communications, including the Office of the Commission, Executive Director Office, Office of the Deputy Executive Director, Office of General

Council and the Office of Nuclear Reactor Regulation, relating to and/or in response to a 09/26/2002 Differing Professional View of John Fair regarding the 10 CFR 50.69 rulemaking affecting the agency's special treatment of structures, systems and components in nuclear power stations.

4) All NRC communications, including the Office of the Commission, Executive Director Office, Office of the Deputy Executive Director, Office of General Council, Office of Nuclear Reactor Regulation, referring to or relating to an internal memorandum filed by NRC staffers Scarbrough, Fischer and Fair in response to language changes made to the staff's final rule proposal by the Office of the Commission and any or all of its Commissioners.

Pursuant to this request, please provide all documents and communications prepared or utilized by, in the possession of, or routed through the NRC 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 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 treatment of quality control and quality assurance of safety-related systems, structures and components in nuclear power stations. The requested information is currently not publicly available through the agency's public document room or Agencywide Document Access Management System (ADAMS).

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 and publications as The Progressive, Nuclear Times, and Newsday. NIRS is quoted as a reliable source of information on reactor safety issues in newspapers across the country, including the New York Times, The Washington Post, The San Francisco Chronicle and the Los Angeles Times.

NIRS has a working relationship with nuclear engineers and other respected professionals who contribute to the public's full understanding of quality control and quality assurance for the performance of safety-related systems, structures and components (SSC) in nuclear power stations.

3) Nature of the specific activity or research in which the records will be used and NIRS 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 quality control and quality assurance for the performance of safety-related SSC in nuclear power stations. NIRS intends to use the information in order to advance the concerns for public understanding of quality control and quality assurance for the performance of safety-related SSC in nuclear power stations.

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 regarding reactor safety and quality control and quality assurance for the performance of safety-related SSC in nuclear power stations 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 membership of over 6500 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 our constituency and interested public. Additionally, NIRS has a web site (www.nirs.org) which receives on the average of a thousand 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. NIRS will also share information with other interested parties concerned about quality control and quality assurance for the performance of safety-related SSC in nuclear power stations. Additionally, NIRS will post information on its web site (www.nirs.org) which receives on average of a thousand 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 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 quality control and quality assurance for the performance of safety-related SSC in nuclear power stations.

Sincerely,

Paul Gunter

From: "Paul Gunter" <pgunter@nirs.org>
To: <foia@nrc.gov>
Date: Tue, Dec 7, 2004 12:14 PM
Subject: FOIA Request on 50.69 rulemaking

Hi,

Attached please find NIRS FOIA request 12/07/2004 regarding NRC staff DPVs on the rulemaking for special treatment of safety related systems, structures and components in nuclear power stations.

Thank you,

Paul Gunter, Director

Reactor Watchdog Project

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