

**GREENPEACE**

702 H Street, NW, Suite 300, Washington, DC 20001

Tel: 202-462-1177 • Fax: 202-462-4507

[www.greenpeaceusa.org](http://www.greenpeaceusa.org)

FOIA/PA REQUEST

Case No.: 2006-0007  
Date Rec'd: 10-12-05  
Specialist: Rambling  
Related Case: \_\_\_\_\_

October 12, 2005

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

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 Nuclear Regulatory Commission provide us with any and all documents in the possession of the NRC concerning the significance determination of the preliminary Greater than Green finding at Cooper Nuclear Station on March 31, 2005.

(EA -04-131, Cooper Nuclear Station - NRC Inspection Report 5000298/2004014 - Final Significance Determination For A Preliminary Greater Than Green Finding.)

This request includes but is not limited to all regional headquarters and offices, the office of the Executive Director of Operations, the NRC Chairman and all NRC Commissioner's Office's.

In particular, Greenpeace, seeks any and all information concerning:

1. the significance determination process and finding for Cooper Station.
2. the original NRC determination of LERF (large early release frequency).
3. the assertion that "effective evacuation of the close-in population could be achieved prior to a release of radioactivity during the dominant accident sequences." (US NRC EA-04-131, p. 2.)
4. the subsequent NRC determination that "the dominant sequences affected by this finding were not LERF contributors." ((US NRC EA-04-131, p. 2.)

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 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 regulation of nuclear power plant security. 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 Commission's role in regulating the nuclear industry. Currently, there is little information available concerning the NRC's significance determination process at Cooper other than the enforcement action and the public is still attempting to determine whether there is any rhyme or reason to the NRC candy colored coded enforcement process.

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  
702 H Street NW, Suite 300  
Washington, DC 20001

**From:** "Jim Riccio" <jim.riccio@wdc.greenpeace.org>  
**To:** <FOIA@NRC.GOV>  
**Date:** Wed, Oct 12, 2005 3:52 PM  
**Subject:** Greenpeace FOIA request

Dear Carol Anne & FOIA folk,

Attached is our FOIA concerning Cooper Station.  
If you have any questions please feel free to call me at 202-319-2487.

Thanks,

Jim

Jim Riccio  
Greenpeace  
702 H Street NW #300  
Washington, DC 20001  
202-319-2487  
202-462-4507