

GRACE

GrassRoots Action Center for the Environment

FOIA/PA REQUEST

Case No.: 2006-0299  
Date Rec'd: 9-12-06  
Specialist: Psof  
Related Case:

September 5, 2006

U.S. Nuclear Regulatory Commission  
Russell A. Nichols  
FOIA/PA Officer  
Washington, D.C. 20555-0001

**Re: Freedom of Information Act Request**

Dear Mr. Russell:

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. §552 ("FOIA"), and is submitted by the GrassRoots Action Center for the Environment (GRACE) a non-profit organization that works with research, policy and grassroots communities to raise public awareness and promote solutions to preserve the planet for future generations. GRACE is involved in nuclear issues on a regional, national and international level and work in the public interest.

We respectfully request all documents in the possession, custody or control of the Nuclear Regulatory Commission (NRC) prepared in response to, referring, responding, rebutting, relating to or discussing the following:

- 1) 2003-Present approvals of the Indian Point Radiological Emergency Preparedness Plan (REPP).
- 2) Written communications related to the Indian Point REPP between NRC and FEMA, as mandated by the NRC/FEMA Memorandum of Understanding.
- 3) How/why the Indian Point REPP satisfies NUREG-0654 criteria.

We are prepared to pay for any related copying fees for the requested records and look forward to your response within twenty (20) working days as the law requires. However, pursuant to 10 CFR § 9.41, we request a waiver of fees because the information is important public information that will significantly contribute to the understanding of the REPP approval process for the Indian Point facility.

As required by regulation:

(1) *Purpose for which the requester intends to use the requested information;* We are seeking to ascertain how the NRC and FEMA have determined that there are reasonable assurances that protective action can be taken in the event of an incident at Indian Point. Moreover, since the issuance for a report by James Lee Witt Associates in 2003, there has been an inadequate

response to the issues raised by the report and we plan to convene a team of analysts to compare the issues raised by the Witt report with the findings by the NRC and FEMA.

(2) *Extent to which the requester will extract and analyze the substantive content of the agency record;* We will compare the substantive content with the content of the Witt report.

(3) *Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;* Since September 11, 2001, there has been heightened attention to the Indian Point facility and emergency planning in particular. From 2003 to the present, the state and local counties responsible for implementing the offsite emergency plans have withheld their annual certification of the plans from FEMA, yet, FEMA and NRC have continued to approve them and finding reasonable assurances that the plans can protect public health and safety.

The requestor is an attorney who has worked on nuclear issues for more than 10 years and will work with a former Senior Policy Advisor to the U.S. Secretary of Energy, emergency planning experts and other experts to prepare a report specifically intended to contribute to public understanding of the issues.

(4) *Describe the likely impact on the public's understanding of the subject as compared to the level of public understanding of the subject before disclosure;* Presently, the public has no understanding how the NRC and FEMA determine there are reasonable assurances and there has been no detailed response to the Witt report. Therefore, this project will greatly contribute to the public understanding.

(5) *Describe the size and nature of the public to whose understanding a contribution will be made;* We work with the Indian Point Safe Energy Coalition which represents over 70 environmental, health, and public policy organizations concerned with Indian Point, and the report will be made available to all members and the general public.

(6) *Describe the intended means of dissemination to the general public;* We will make the information available on numerous websites and release the report to the news media and provide hardcopies to elected officials who represent residents within the emergency planning zone.

(7) *Will public access to information be provided free of charge;* Yes, all access will be free of charge.

(8) *Describe any commercial or private interest the requester or any other party has in the agency records sought.* We have absolutely none.

Therefore, it is indisputable that the NRC should waive fees disclosure of the information in the agency records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Federal Government and is not primarily in the commercial interest of the requester.

If you have any questions or need any further information concerning this request please contact me anytime at [scullen@gracelinks.org](mailto:scullen@gracelinks.org)

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Cullen". The signature is fluid and cursive, with the first name "Scott" and last name "Cullen" clearly distinguishable.

Scott M. Cullen  
Senior Policy Advisor