



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

September 20, 2007

Freedom of Information Act (FOIA/PA) Officer
U.S. Nuclear Regulatory Commission
Mail Stop T5-F11
Washington, DC 20555-0001

FOI/PA REQUEST
Case No. 2007-0335
Date Rec'd: 9-20-07
Specialist: P001
Related Case: _____

Submitted via e-mail to FOIA@nrc.gov

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST

Good Day:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended and 10 C.F.R. 9.8 of the Commission's regulations, UCS hereby requests interview transcripts, summaries of interviews, and investigators' notes of interviews in the closed Office of Investigations Case No. 4-2006-0035.

Pursuant to and in compliance with NRC regulations at 10 CFR 9.41, UCS 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

To gather information relative to the NRC's investigation into safety allegations at the Callaway nuclear plant..

2. Extent to which UCS will extract and analyze the substantive content of the records

UCS will review the documents obtained via this request so as to better understand why the NRC was unable to substantiate the safety allegations. UCS has experienced a high percentage of cases lately where safety allegations we submitted were initially not substantiated due to unjustified reasons and when we appealed the nonsense, the allegations were substantiated. In this Callaway case, we want to see how the NRC reached its final decision to try to determine if it is properly justified or yet another NRC screw-up.

3. Nature of the specific activity or research in which the records will be used and UCS's qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding

UCS has been heavily engaged in safety and security allegations, both allegations that we initiate and allegations we submit on behalf of others. This engagement has resulted in both the identification and resolution of individual allegations and improvements to the allegation process, such as the change to the NRC's process for handling security allegations that the Commission approved earlier this year based in large part to security allegations UCS submitted for Shearon Harris and South Texas Project. In those two cases, UCS posted the allegations on our website, www.ucsusa.org and conducted media

outreach so that public awareness about the problems was increased. That media outreach resulted in newspaper coverage such as by the *News & Observer* and by Sue Sturgis in the *Independent Weekly* about the security allegations at Shearon Harris and such as by the Houston Chronicle about the security allegations at South Texas Project. The impact of this media outreach effort is shown by the public meeting conducted by NRC's Region IV office on December 4, 2006, to discuss security at South Texas Project. Because of the media attention our outreach created, the licensee and the NRC agreed to discuss what security problems had been found and fixed at the plant. This was among the first, if not the first, public meeting conducted by NRC on security problems at an individual nuclear plant site since 9/11.

4. Likely impact on the public's understanding of the subject as compared to the level of understanding of the subject prior to disclosure

Right now, the public understanding of the subject allegation is limited to knowing that the NRC did not substantiate it. The information obtained via this request will provide the public with the context for this NRC determination, allowing the public to understand the pathway NRC took in reaching that decision.

5. Size and nature of the public to whose understanding a contribution will be made

UCS has an active membership of over 75,000 persons. Approximately one-third of our membership are scientists of varying disciplines. The rest are citizens/activists/environmentalists. UCS has a website (www.ucsusa.org) that receives tens of thousand of hits per day. UCS is a frequent source of information to the media, Capitol Hill, and citizens/activists living near nuclear power plants. Close to five million Americans live within 10 miles of operating nuclear power plants.

6. Means of distribution of the requested information

UCS will cite the requested information during upcoming presentations to the NRC Commission and during other NRC public meetings, such as at next year's Regulatory Information Conference (RIC). For example, we were recently interviewed by a team of investigators from the NRC's Office of the Inspector General conducting an audit of the NRC's Office of Enforcement, which includes the allegations program, and meet with the Inspector General's office routinely to discuss areas where we think the NRC staff is falling short of its mission and objectives. If the information obtained via this request suggests the NRC staff is not conducting its allegation program properly, we would share this view with the NRC, the NRC's Inspector General, the Congress, the media, and others in an effort to remedy this situation. In addition, UCS will soon unveil a new web-based feature called Nuclear Power Info Tracker. It is a map of the continental US showing the location of the nuclear power reactors. By clicking on an individual reactor – like Callaway – the user can view material UCS has issued regarding that reactor within the past few years. If our review of the requested information prompts us to issue a letter to NRC or Congress or release a backgrounder on the matter, those documents will be posted on the Callaway webpage and available to the public free of charge for viewing and/or downloading.

7. Whether free access to information will be provided

Yes, as detailed in the response to Item 6. In addition, anyone calling UCS to request a copy of material will be provided with a free copy.

8. No commercial interest by UCS or any other party

Neither UCS or any affiliated party has a commercial interest in obtaining the requested information.

If all or any part of this request is denied, please cite the specific exemptions relied upon in refusing to release the materials. Further, since the Freedom of Information Act provides that the remainder of a file must be released if only portions are exempt from disclosure, UCS requests that we be provided with all non-exempt portions. Of course, we reserve the right to appeal the withholding or deletion of any information.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Lochbaum".

David Lochbaum
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From: "Dave Lochbaum" <dlochbaum@ucsusa.org>
To: <FOIA@nrc.gov>
Date: Thu, Sep 20, 2007 3:22 PM
Subject: FOIA request

Good Afternoon:

Attached is our FOIA request and fee waiver with a fuller description of the media outreach in response to question 3.

Thanks,

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