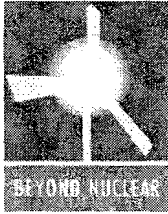


FOIAPA REQUEST

Case No.: 2009-0214  
Date Rec'd: 6-30-09  
Specialist: Denais  
Related Case: \_\_\_\_\_



Beyond Nuclear  
6930 Carroll Avenue, Suite 400,  
Takoma Park, MD 20912  
Tel: 301.270.2209  
Fax: 301.270.4000  
Email: [info@beyondnuclear.org](mailto:info@beyondnuclear.org)  
Web: [www.beyondnuclear.org](http://www.beyondnuclear.org)

June 30, 2009

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

BY EMAIL: [foia@nrc.gov](mailto:foia@nrc.gov)

**FOIA REQUEST REGARDING OYSTER CREEK TRITIUM LEAK  
DISCOVERED ON APRIL 17, 2009**

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA); 5 U.S.C. 552(b), et seq., Beyond Nuclear 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 communications to and from the Office of the Commissioners of the United States Nuclear Regulatory Commission (NRC) related to the tritium leak at Oyster Creek nuclear power station discovered on April 17, 2009;**
- 2) All communications to and from the NRC Executive Director of Operations related to the tritium leak at Oyster Creek nuclear power station discovered on April 17, 2009;**
- 3) All communications to and from the NRC Office of General Counsel related to the tritium leak at Oyster Creek nuclear power station discovered on April 17, 2009;**

- 4) All communications to and from the Director of the NRC Office of Nuclear Reactor Regulation related to the tritium leak at Oyster Creek nuclear power station discovered on April 17, 2009;
- 5) All communications to and from staff at NRC Headquarters, Rockville, MD related to the tritium leak at Oyster Creek nuclear power station discovered on April 17, 2009;
- 6) All communications to and from NRC Region 1 Headquarters, King of Prussia, PA related to the tritium leak at Oyster Creek nuclear power station discovered on April 17, 2009;
- 7) All communications to and from the NRC onsite inspectors at Oyster Creek nuclear power station related to the tritium leak at Oyster Creek nuclear power station discovered on April 17, 2009;
- 8) All NRC communications in all departments cited in the above specifically related to an Exelon Nuclear Root Cause Analysis of the tritium leak at Oyster Creek nuclear power station discovered on April 17, 2009.

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 1-8.

For any portion of the request that you deem appropriate to deny, Beyond Nuclear 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, Beyond Nuclear 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 oversight of the protection of groundwater and public health and safety. The requested information is currently not publicly available through the agency's public document room.

**2) Extent to which Beyond Nuclear will extract and analyze the substantive content of the records:**

Beyond Nuclear is qualified to make use of the requested information. Its staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Beyond Nuclear is frequently quoted in the media and has been cited as a reliable source of information on tritium and the oversight of groundwater protection issues in electronic and print media including newspapers

across the country such as the New York Times, the Chicago Tribune, and the Asbury Park Press. Beyond Nuclear is recognized and utilized as a reliable source of information in national and local broadcast media of television and radio.

Beyond Nuclear has a working relationship with physicists, hydrologists, physicians, policy analysts, attorneys and other respected professionals who contribute to the full understanding of the oversight of the protection of groundwater and public health and safety.

**3) Nature of the specific activity or research in which the records will be used and Beyond Nuclear qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding:**

Beyond Nuclear seeks the requested information solely to contribute to and help shape the public policy debate on the oversight of groundwater protection and public health and safety. Beyond Nuclear intends to use the information in order to advance the concerns for public understanding of the oversight of the protection of groundwater and public health and safety.

**4) Likely impact on the public understanding of the subject as compared to the level of understanding of the subject prior to disclosure:**

The public understanding of the issues regarding the oversight of protection of groundwater and public health and safety will be enhanced by the contribution of this information.

**5) Size and nature of the public to whose understanding a contribution will be made:**

Beyond Nuclear has a membership of over 7000 throughout the United States who periodically receive communications from Beyond Nuclear. Beyond Nuclear provides resource material to electronic and print media outlets with very broad outreach to our constituency and interested public. Additionally, Beyond Nuclear maintains a web site at [www.beyondnuclear.org](http://www.beyondnuclear.org) where postings on this issue will be made available.

**6) Means of distribution of the requested information:**

Beyond Nuclear will use its bulletins, alerts, periodic publications and our media contacts in both electronic and print media outlets to provide very broad outreach to the public on this issue. Beyond Nuclear will also share information with other interested parties concerned about the oversight of groundwater protection and public health and safety. Additionally, Beyond Nuclear will post information on its web site.

**7) Whether free access to information will be provided:**

Beyond Nuclear will provide the information without charge to all members of the public. Information from the FOIA requested will be prepared for printed material and electronically posted on the web site for downloading free of charge. Beyond Nuclear will provide a copy of information to all interested public without charge.

**8) No commercial interest by Beyond Nuclear or any other party:**

Beyond Nuclear has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of Beyond Nuclear is to promote a policy debate on the oversight of the protection of groundwater and public health and safety.

Sincerely,

-S-

Paul Gunter, Director  
Reactor Oversight Project

## FOIA Resource

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**From:** Paul Gunter [paul@beyondnuclear.org]  
**Sent:** Tuesday, June 30, 2009 2:38 PM  
**To:** FOIA Resource  
**Subject:** NRC FOIA Request on Tritium Leak at Oyster Creek  
**Attachments:** oyst\_foia\_bn\_06302009\_tritiumrootcause.pdf

Good afternoon,

Attached please find our FOIA request regarding Oyster Creek Nuclear Generating Station and the tritium release to groundwater discovered on April 17, 2009.

Thank you,

Paul Gunter, Director  
Reactor Oversight Project  
Beyond Nuclear  
6930 Carroll Avenue Suite 400  
Takoma Park, MD 20912  
Tel. 301 270 2209  
[www.beyondnuclear.org](http://www.beyondnuclear.org)