

FOIA/PA REQUEST

Date No.: 2010-0145
Date Rec'd: 2-26-10
Specialist: Norris
Related Case: _____

Sustainable Energy and Economic Development (SEED) Coalition
 1303 San Antonio St. Suite 100
 Austin, TX 78701

February 26, 2010

U.S. Nuclear Regulatory Commission
 FOIA/Privacy Officer Mailstop: T-5 F09
 Washington, DC 20555-0001
 FOIA.resource@nrc.gov

FOIA REQUEST

Fee waiver requested

Expedited review requested

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, on behalf of Sustainable Energy and Economic Development (SEED) Coalition, I request access to and copies of the following documents:

1. Interim Staff Guidance 16 (ISG-016) on compliance with 10 C.F.R. § 50.54(hh)
2. NEI 06-12, all versions
3. NEI 07-13, all versions
4. Legal pleadings and documents in the Comanche Peak and South Texas Dockets, listed as follows:

Comanche Peak - Docket Nos. 52-034 and 52-035

1. "Petitioners' Brief Regarding Contention Seven's Mootness," July 20, 2009
2. "Luminant's Response to Petitioners' Brief Regarding Mootness of Contention 7," July 27, 2009
3. "NRC Staff's Answer to Petitioners' Brief Regarding Contention Seven's Mootness," July 27, 2009
4. "Petitioners' Consolidated Response to NRC Staff's Answer and Applicant's Answer To Petitioners' Brief Regarding Contention Seven's Mootness," August 3, 2009
5. "Intervenors' Contentions Regarding Applicant's Submittal Under 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2) and Request for Subpart G Hearing," August 10, 2009,
6. "Luminant's Answer Opposing Late-filed Contentions Regarding the Mitigative Strategies Report," September 4, 2009
7. "NRC Staff's Answer to Intervenors' Contentions and Request for Subpart G Hearing," September 4, 2009
8. "Intervenors' Consolidated Response to the Answers of Applicant and NRC Staff to the Intervenors' Contentions Regarding Applicant's Submittal Under 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2)," September 11, 2009
9. "Motion for Order that Arguments/Hearings Related to the Fires and Explosions Contentions that Address Factual and Legal Arguments Related Thereto and NEI 06-12 Be Conducted In Public Pursuant To 10 C.F.R. § 2.328," November 2, 2009
10. "Luminant's Answer Opposing Motion to Make Public the Oral Arguments and Documents Related to the Large Fires and Explosions Contentions," November 6, 2009
11. Entire transcript from Comanche Peak Oral Arguments held in Rockville, Maryland on November 12, 2009

South Texas Project - Docket Nos. 52-012, 52-013

1. "Petitioners' Brief Regarding Contention Two's Mootness," July 21, 2009
2. "NRC Staff's Unopposed Motion for Leave to Reply to Petitioners' Brief Regarding Contention Two's Mootness" and "NRC Staff's Reply to Petitioners' Brief Regarding Contention Two's Mootness," July 30, 2009
3. "Intervenors' Contentions Regarding Applicant's Submittal Under 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2) and Request for Subpart G Hearing," August 14, 2009

Stokes, Crystal

From: Eliza Brown [eliza.seedcoalition@gmail.com]
Sent: Thursday, February 25, 2010 11:27 PM
To: FOIA Resource; FOIA Resource
Cc: Bob Eye; Karen Hadden
Subject: SEED Coalition FOIA request
Attachments: SEED NRC FOIA request-02-26-10.pdf

To whom it may concern:

Please see my attached Freedom of Information Act Request.

Best Regards,
Eliza Brown

--

Eliza Brown
Clean Energy Advocate

Sustainable Energy & Economic Development (SEED) Coalition
1303 San Antonio #100
Austin, Texas 78701
512.637.9482 (office)

4. "STP Nuclear Operating Company's Answer Opposing Late-Filed Contentions Regarding the Mitigative Strategies Report," September 4, 2009
5. "NRC Staff's Answer to intervenors' Contentions and Request for Subpart G Hearing," September 8, 2009
6. "Intervenors' Consolidated Response to the Answers of Applicant and NRC Staff to the intervenors' Contentions Regarding Applicant's Submittal Under 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2)," September 15, 2009
7. "Motion for Order that Arguments/Hearings Related to the Fires and Explosions Contentions that Address Factual and Legal Arguments Related Thereto and NEI 06-12 Be Conducted In Public Pursuant To 10 C.F.R. § 2.328," November 2, 2009
8. "STP Nuclear Operating Company's Answer Opposing Motion to Make Public the Oral Arguments and Documents Related to the Large Fires and Explosions Contentions." November 6, 2009
9. Entire transcript from South Texas Project Oral Arguments held in Rockville, Maryland on November 13, 2009
10. Entire ASLB Order, LBP 10-02, January 29, 2010
11. "Brief in Support of intervenors' Appeal of Atomic Safety and Licensing Board's Order of January 29, 2010," February 9, 2010
12. "NRC Staff's Brief in Opposition to intervenors' Appeal of LBP-10-02," February 19, 2010
13. "STP Nuclear Operating Company's Brief Opposing intervenors' Appeal of LBP-10-02," February 19, 2010
14. "Intervenors' Consolidated Reply to Applicant's and Staff's Responses to the Appeal of ASLB's Order of January 29, 2010," February 24, 2010

I would like to receive the information in electronic format.

Please waive any applicable fees and justification of this request pursuant to 10 C.F.R. § 9.41 is as follows. Release of the information is in the public interest because it will contribute significantly to public understanding of NRC rules and compliance with those rules. All of the documents listed above deal with the ability of licensees for new reactors to comply with 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2) and respond effectively to fires and explosions at a nuclear power plant. This portion of the licensing proceeding in Comanche Peak and South Texas Project has been conducted without any kind of public disclosure, under the SUNSI (sensitive unclassified non-safeguards information) designation. However, it is our position that the vast majority of the information requested has been improperly designated as SUNSI.

The information requested is critical information for those living around these power plants who have the right to know what risks are involved and the extent to which fires and explosions and losses of large areas of the plant could be dealt with. I work for Sustainable Energy and Economic Development (SEED) Coalition, a non-profit, which helps ensure public health and safety and is involved in disseminating information to people living near nuclear power plants in Texas and in communities investing in nuclear power plants. SEED Coalition is also an Intervenor in the licensing proceedings for both Comanche Peak and South Texas Project.

For the most part the extraction and analysis of the substantive content of the requested records has already occurred, as we have access to most of the documents but are not allowed to disclose them to the public. Additionally, we consult with technical experts that assist in the review of documentation related to nuclear power plants.

The nature of the specific activity in which the agency records will be used is information dissemination to those portions of the population directly affected by the agency record. Our specific qualifications to use the information as intended is that we are a non-profit organizing in the communities investing in and surrounding the power plants, thus we have the contacts and experience disseminating information to these specific populations and contributing to the public understanding regarding these issues.

The level of public understanding will most certainly increase, because at this time none of this information is available to the public. The size and nature of the public whose understanding will increase are those people who live around the power plants and whose health and safety could be critically affected if compliance with 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2) is not enforced. Fort Worth is a major metropolis within the 50-mile radius of Comanche Peak. The City of San Antonio, also a major metropolis, is an investor in the proposed Units at South Texas Project. Therefore, the number of people that would benefit from having access to this information could be substantial.

The means of dissemination will vary and will most likely include: press releases, press conferences, public meetings, and electronic information dissemination through our website and emails in/to communities investing in and living around the plants. Public access to information will be provided completely free of charge. There are no commercial or private interests of myself, or the non-profit I work for, in the agency records being sought. The request is being made solely in the public's interest.

If my request is denied in whole or part, please justify all deletions by reference to specific exemptions of the act. Please also release all segregable portions of otherwise exempt material. We reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Please provide expedited review of this request, which concerns a matter of urgency. As discussed, the SEED Coalition is a non-profit primarily engaged in information dissemination. The public has an urgent need for information about whether utilities have adequately planned for how to respond to losses of large areas of nuclear power plants due to attacks, fires and explosions. The requested information is essential for the public to have, as investment decisions are currently being made and public input is an important part of the licensing process. I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

We look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Eliza Brown
Clean Energy Advocate
Sustainable Energy and Economic Development (SEED) Coalition
1303 San Antonio St. Suite 100
Austin, TX 78701
Eliza.seedcoalition@gmail.com
512-637-9482