



# Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

FOIA/PA REQUEST

February 7, 2012

Case No.: 2012-0137  
Date Rec'd: 2/7/12  
Specialist: Kelgore  
Related Case: \_\_\_\_\_

Good Day:

This is a request under the Freedom of Information Act for a single document that we are told exists in ADAMS under ML12030A1651 but which is not publicly available.

We request a fee waiver for this FOIA request. We are a non-profit, public interest group and this request is for a scholarly or scientific purpose and not for commercial use. Our responses to the 8 fee waiver questions:

1. Describe the purpose for which you intend to use the requested information.

ML12030A1651 has been described to me as a listing of non-concurrence forms from 2007 to the present along with associated processing information (e.g., closure date, issue, ML numbers of applicable records, etc.). UCS intends to review this record of internal NRC disagreements for parameters like area of disagreement (e.g, new reactors, research, operating reactors, nuclear materials, spent fuel storage, etc.) and timeliness of resolution.

2. Explain the extent to which you will extract & analyze the substantive content of the records.

The information on non-concurrences from 2007 to the present may yield insights on safety culture within the NRC. Safety culture surveys at operating nuclear plant sites have revealed insights like pockets of safety culture problems. If the non-concurrence list shows a high number of issues raised in a small group, it might suggest a safety culture problem. Likewise, if the average non-concurrence closure time is significantly exceeded by a branch or project, it might suggest a safety culture problem.

3. Describe the nature of the specific activity or research in which the records will be used & the specific qualifications you possess to utilize information for the intended use in such a way that it will contribute to public understanding.

UCS provides solicited and unsolicited commentary on NRC's processes and outcomes. For example, UCS is often invited to participate in NRC meetings, Commission briefings, and conferences. Next month, UCS will be a panelist at an NRC RIC session on the agency's reactor oversight process. UCS intends to review the record obtained via this FOIA request and provide commentary at the most appropriate venue available. With the NRC's recent policy statement on its safety culture expectations for its licensees, commentary on the NRC's internal safety culture is both timely and supplemental to the agency's current activities and efforts.

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

Non-concurrences are an internal NRC means of expressing disagreement by NRC staff. It can be a healthy, productive means of resolving issues. The process is largely "inside baseball" without much

public awareness. Given the agency's recent policy statement on safety culture and associated work, the public is aware of the NRC's interest in good safety cultures at nuclear plants. UCS seeks to broaden that public interest and awareness by revealing how the NRC itself deals with differing viewpoints.

5. Describe the size & nature of the public to whose understanding a contribution will be made.

Given the safety culture problems at nuclear plants over the past decade, there's considerable interest among activists, media representatives, and state/federal elected officials on this issue. UCS seeks to supplement that interest with information on how the agency handles safety culture itself.

6. Describe the intended means of dissemination to the general public.

As indicated in response 3 above, UCS intends to review the requested record and provide commentary in the most appropriate venue available at the time. That venue may be an Issue Brief posted to our website, a letter to the NRC staff or Commission, a presentation at an NRC public meeting, or similar communication method.

7. Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee.

Material posted to the UCS website is available for viewing and downloading without charge.

8. Describe any commercial or private interest you or any other party has in the agency records sought.

None.

Sincerely,



David Lochbaum  
Director, Nuclear Safety Project  
PO Box 15316  
Chattanooga, TN 37415  
(423) 468-9272, office