

GREENPEACE

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September 18, 2012,

FOIA / Privacy Act Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D8
Washington, DC 20555-0001

FOIA/PA REQUEST

Case No.: 2012-0325
Date Rec'd: 9/18/12
Specialist: Kelgo
Related Case: _____

FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. 522, as amended and 10 C.F.R. 9.8 of the Commission's regulations Greenpeace requests that the Nuclear Regulatory Commission provide us with any and all documentation regarding Duke Energy's Oconee reactors and their vulnerability due to potential failure of the Jocassee dam.

The NRC has apparently been aware of this potential meltdown vulnerability for quite some time; well before the Fukushima disaster. Greenpeace is particularly interested in any and all documentation regarding Commissioner Svinicki's meeting with the FERC, Dave Skeen and George Wilson on December 3, 2008 which discussed the Jocassee dam. (See attached excerpt of Commissioner Svinicki's calendar). Additionally, Greenpeace is interested in any and all documentation between NRC Commissioners including their staff and Duke Energy concerning the threat posed to the Oconee reactors by failure of the Jocassee dam.

Please consider "documents" to include reports, studies, test results, correspond-dence, memoranda, meeting notes, meeting minutes, working papers, graphs, charts, diagrams, notes from drop-in visits and summaries of conversations and interviews, computer records, e-mail and any other form of written communi-cations including internal NRC memoranda.

Pursuant to and in compliance with 10 C.F.R. 9.41 of the Commission's regulations governing requests for fee waivers, Greenpeace provides the following information.

Greenpeace seeks the requested information solely to contribute to and help shape the public debate concerning NRC's role in the regulation of the nuclear industry. The information provided by the NRC will be analyzed and extracted for use in an analysis of the NRC's regulation of the nuclear industry in light of the crisis in Japan to ensure that any lessons learned from this tragedy are quickly implemented at U.S. nuclear plants.

Greenpeace is a nationally known non-profit public interest organization founded in 1971. We will use these documents in preparation of our analysis of the NRC's regulation of U.S. nuclear power plants in response to the Japanese meltdowns, fuel damage & spent fuel pool drainage & damage. As Greenpeace's nuclear policy analyst I have over two decades of experience deciphering NRC documents and making the information contained in them more understandable to the public.

The requested information and Greenpeace's analysis will greatly contribute to the public's understanding of the Commission's role in regulating the nuclear industry.

We plan to broadly disseminate the information contained in our analysis to the press and the general public. For several years now our publications, comments and press releases have been made available free of charge on our web site. The requested information will significantly increase the public understanding of the issue and the NRC's role in regulating the nuclear industry.

Our past publications have attracted attention in the local, national and trade media. Copies of the reports have been distributed to members of the public, the nuclear industry, citizen groups, federal & state governments and members of Congress.

Greenpeace has no commercial or private interest in the agency records sought.

Since "disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operation or activities of the government and is not primarily in the commercial interest of the requester" (5 U.S.C. 552 (a)(4)(A) (iii)), we request a complete waiver of any processing or duplicating costs you might incur in providing these records to us. If you rule otherwise, please notify us before filling the request.

If all or any parts of this request are denied, please cite the specific exemptions on which you rely in refusing to release the documents.

Further, since the Freedom of Information Act provides that the remainder of a file must be released if only portions are exempt from disclosure, we request that we be provided with all non-exempt portions that are reasonably segregable. Of course, we reserve our right to appeal the withholding or deletion of any information.

As provided in the Freedom of Information Act Amendments, we will expect to receive the requested records or a final determination within twenty working days. If your office is unable to fully respond to this request in that time, please send us a written estimate of when the request will be completed.

If you have any questions about this request, please contact me at 202-319-2487.
Thank you for your attention to this request.

Sincerely,

Jim Riccio
Nuclear Policy Analyst
Greenpeace
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