

AGREE New York

2013 E. Genesee St., Syracuse, NY 13210 | info@agreenewyork.org | (315) 480-1515

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

FOI/PA REQUEST

Case No.: 2013-0010
Date Rec'd: 10/11/12
Specialist: Phelps
Related Cases: _____

October 10, 2012

ALLIANCE FOR A GREEN ECONOMY FOIA REQUEST REGARDING JAMES A. FITZPATRICK NUCLEAR POWER STATION

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA); 5 U.S.C. 552(b), et seq., the Alliance for a Green Economy 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, diagrams and drawings, memoranda of the like and photographs in print or digitally format concerning, recording or in any way related to:

1) All communications to and from the Office of Nuclear Reactor Regulation, NRC Headquarters, Office of General Counsel, NRC Region I headquarters and the NRC Resident Inspectors for FitzPatrick detailing, describing and/or referencing the inspection findings of Temporary Instruction 2515/183 "Followup to the Fukushima Daiichi Nuclear Station Fuel Damage Event" Inspection Report 05000333/2011008, May 13, 2011 where NRC inspectors describe "*a beyond design and licensing bases vulnerability, in that FitzPatrick's current licensing basis did not require the plant to have a primary containment torus air space hardened vent system as part of their Mark I containment improvement program*" as referenced in the document's Enclosure at page 8;

2) All communications to and from the NRC Office of Nuclear Reactor Regulation Headquarters, Office of General Counsel NRC Region I Headquarters and NRC Resident Inspectors for FitzPatrick detailing, referencing, describing and including Condition Report-James A. Fitzpatrick-2011-01529 (CR-JAF 2011-015290);

3) All communications to and from the NRC Office of Nuclear Reactor Regulation Headquarters, Office of General Counsel, NRC Region I Headquarters and NRC Resident Inspectors for FitzPatrick detailing, describing and/or referencing the inspection finding in IR

Alliance for
a Green
Economy

Citizens
Awareness
Network of
Central New
York

Citizens
Environmental
Coalition

Citizens for
Health
Environment
and Justice

Peace Action
Central New
York

Peace Action
New York State

Sierra Club
Atlantic
Chapter

Syracuse Peace
Council

AGREE New York

2013 E. Genesee St., Syracuse, NY 13210 | info@agreewyork.org | (315) 480-1515

05000333/2011008 where NRC inspectors describe “*The inspectors identified a beyond design and licensing bases vulnerability, in that FitzPatrick's current licensing basis did not require the plant to have a primary containment torus air space hardened vent system as part of their Mark I containment improvement program. The current Enclosure licensed configuration is a hard pipe from primary containment to the suction of the standby gas treatment system, which is located outside the reactor building in an adjacent building. The NRC has established an agency task force to conduct a near term evaluation of the need for agency actions, which includes containment venting, following the events in Japan*” at pages 8-9 of the document;

4) All communications to and from the NRC Office of Nuclear Reactor Regulation Headquarters, Office of General Counsel, NRC Region I Headquarters and NRC Resident Inspectors for FitzPatrick detailing, describing and/or referencing the inspection findings for the containment venting system as regarded in IR 05000333/2011008 relating to the current licensing basis and a safety analysis for continued operation of the FitzPatrick nuclear power station;

5) All communications from the NRC Office of Nuclear Reactor Regulation Headquarters, Office of General Counsel, NRC Region I Headquarters and NRC Resident Inspectors to the Offices of the Commissioners detailing, describing and/or referencing the inspection findings in IR 05000333/2011008.

6) All communications from the NRC Office of Nuclear Reactor Regulation Headquarters, Office of General Counsel, NRC Region I Headquarters and NRC Resident Inspectors to the Offices of the Commissioners detailing, describing and/or referencing an analysis of the danger to workers at the FitzPatrick nuclear power station that could result from use of the FitzPatrick emergency venting plan as described in “Safety Evaluation Report by the Office of Nuclear Reactor Regulation, Power Authority of the State of New York, Hardened Wetwell Vent Capability, James A FitzPatrick Nuclear Power Plant, Docket No. 50-333.”

7) All communications from the NRC Office of Nuclear Reactor Regulation Headquarters, Office of General Counsel, NRC Region I Headquarters and NRC Resident Inspectors to the Offices of the Commissioners detailing, describing and/or referencing an analysis of the possible radiation dose to the public that could result from use of the FitzPatrick emergency venting plan as described in “Safety Evaluation Report by the Office of Nuclear Reactor Regulation, Power Authority of the State of New York, Hardened Wetwell Vent Capability, James A FitzPatrick Nuclear Power Plant, Docket No. 50-333.”

8) All communications from the NRC Office of Nuclear Reactor Regulation Headquarters, Office of General Counsel, NRC Region I Headquarters and NRC Resident Inspectors to the Offices of the Commissioners detailing, describing and/or referencing the circumstances under which the FitzPatrick emergency vent as described in “Safety Evaluation Report by the Office of Nuclear Reactor Regulation, Power Authority of the State of New York, Hardened Wetwell Vent Capability, James A FitzPatrick Nuclear Power Plant, Docket No. 50-333” should or should not be used.

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, Alliance for a Green Economy 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.

AGREE New York

2013 E. Genesee St., Syracuse, NY 13210 | info@agreenewyork.org | (315) 480-1515

Pursuant to federal regulations at 10 CFR 9.41, Alliance for a Green Economy 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 nuclear power regulatory policy and the public safety. The requested information is currently not publicly available through the agency's public document room.

2) Extent to which Alliance for a Green Economy will extract and analyze the substantive content of the records:

Alliance for a Green Economy 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. Alliance for a Green Economy is quoted in the media and has been cited as a reliable source of information on nuclear regulatory policy and oversight and the public safety in electronic and print media including newspapers including the *Syracuse Post Standard*. Alliance for a Green Economy is recognized and utilized as a reliable source for public information in the broadcast media of television and radio.

Alliance for a Green Economy has a working relationship with other organizations and individuals covering the nuclear regulatory policy and oversight and the public safety including Beyond Nuclear, Nuclear Information and Resource Service, and Institute for Energy and Environmental Research who contribute to the better understanding of the nuclear power issue and public safety.

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

Alliance for a Green Economy seeks the requested information solely to contribute to and help shape the public policy debate on nuclear regulatory policy and oversight and the public safety. Alliance for a Green Economy intends to use the information in order to advance the concerns for public understanding of nuclear regulatory policy and oversight and the public 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 nuclear regulatory policy and oversight and the public 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:

Alliance for a Green Economy has a contact list of 700 who periodically receive communications from Alliance for a Green Economy. Additionally, the Alliance for a Green Economy member groups have memberships of several thousand who receive communications from Alliance for a Green Economy.

Alliance for a Green Economy provides resource material to electronic and print media outlets with very broad outreach to a constituency and the interested public. Additionally, Alliance for a Green Economy maintains a web site at www.agreenewyork.org where postings on this issue will be made available.

6) Means of distribution of the requested information:

AGREE New York

2013 E. Genesee St., Syracuse, NY 13210 | info@agreenewyork.org | (315) 480-1515

Alliance for a Green Economy will use its publications and media contacts in both electronic and print media outlets to provide very broad outreach to the public on this issue. Alliance for a Green Economy will also share information with other interested parties concerned about nuclear regulatory policy and oversight and the public safety. Additionally, Alliance for a Green Economy will post information on its web site.

7) Whether free access to information will be provided:

Alliance for a Green Economy will provide the information without charge to 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. Alliance for a Green Economy will provide a copy of information to all interested public without charge.

8) No commercial interest by Alliance for a Green Economy or any other party:

Alliance for a Green Economy has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of Alliance for a Green Economy is to promote a policy debate on nuclear regulatory policy and oversight and the public safety.

Sincerely,

-----/s/-----

Jessica Azulay Chasnoff, Organizer
Alliance for a Green Economy
2013 E. Genesee St.
Syracuse, NY 13210