

February 27, 2013

FOIA/PA Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-5 F09
Washington, DC 20555-0001
Via EMAIL: FOIA.resource@nrc.gov

FOIPA REQUEST
Case No.: 1013-0157
Date Rec'd: 2/27/13
Specialist: _____
Attended Cases: [Signature]

FREEDOM OF INFORMATION ACT REQUEST

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA); 5 U.S.C. 552(b), et seq., Pilgrim Watch hereby requests all documents, including but not limited to 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:

- a. Any direct or indirect request by Entergy to use Decommissioning Trust Funds during any period of past, current or future operations of Pilgrim Nuclear Power Station (as opposed to during decommissioning) for spent fuel management purposes, including construction costs associated with a storage pad and roadway to the ISFI, purchase of dry cask and any associated costs, transfer of spent fuel to and /or storage of spent fuel in dry casks, and any consideration by the NRC of or response to Entergy with respect to any such request.
- b. Any requests to the NRC, consideration by the NRC or actions taken by the NRC in connection with the use Decommissioning Trust Funds during any period of past, current or future operations of any other nuclear power station(s) for spent fuel management purposes, including construction costs associated with a storage pad and roadway to the ISFI, purchase of dry cask and any associated costs, transfer of spent fuel to and /or storage of spent fuel in dry casks, and any consideration by the NRC of or response to any licensee with respect to any such request.
- c. NRC's approval, partial approval or disapproval of any and all licensees requests to use Decommissioning Trust Fund monies for spent fuel management purposes during any licensee's operations period, as opposed to use of the funds during decommissioning. Please indicate: licensee/reactor, decommissioning costs estimate(s) at time of request(s), amount in the decommissioning fund(s) at time of request(s),

amount(s) requested for spent fuel management (including the date of the request), and any action taken or approval amount granted by NRC (again, with date).

In particular, please provide (i) a list of all such documents and their ML numbers (if any), and (ii) copies of all documents not available by ML number on ADAMS. Pilgrim Watch requests to receive the requested documents in either format available- electronic (on a disc or CD-ROM) or in hardcopy (paper printout). If they are available in both formats electronic is preferred.

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 [A-C ect.].

For any portion of the request that you deem appropriate to deny, Pilgrim Watch 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, Pilgrim Watch 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 use of the decommissioning trust funds prior to decommissioning. The requested information appears to be currently publicly unavailable through the agency's public document room, or not reasonably attainable.¹

2) Extent to which Pilgrim Watch will extract and analyze the substantive content of the records:

Pilgrim Watch is qualified to make use of the requested information. The staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Mary Lampert is the executive director of Pilgrim Watch, a non-profit organization that serves the public interest on health and safety issues regarding the Pilgrim Nuclear Power Station located in Plymouth MA and other U.S. commercial nuclear reactors. Mary represented Pilgrim Watch in the adjudication process regarding Entergy's License Renewal Application for Pilgrim Station (2006-2012). Mary also represented Pilgrim Watch in litigation regarding NRC's Post Fukushima Orders alleging that the orders are insufficient regarding reliable hardened vents for GE Mark I and Mark II BWRs (EA-12-050) and spent fuel pools (EA-12-051). Mary has filed numerous 2.206 Petitions with the NRC and served on NRC panel presentations, including the RIC 2013. Mary is Chairman of the *Town of*

¹ Robert Guzman, NRC telephone conversation February 25.2013.

Duxbury Nuclear Advisory Committee (1990 to date). The Committee is appointed by the Board of Selectmen to provide advice on nuclear matters pertinent to the safety and health of Duxbury citizens, a town within Pilgrim's EPZ. Mary serves on numerous state and public interest boards that focus on public health and safety issues pertaining to commercial nuclear reactors. Pilgrim Watch is quoted as a reliable source of information on nuclear safety issues in regional and national media across the country, including, for example, the Boston Globe, New York Times, Cape Cod Times, Patriot ledger, WBUR, WATD.

Pilgrim Watch has a working relationship with attorneys and experts in spent fuel and Decommissioning Trust Fund issues and other respected professionals who contribute to the full understanding of these issues.

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

Pilgrim Watch seeks the requested information solely to contribute to and help shape the public debate on options to reduce spent fuel pools to their low density, open-frame design. Pilgrim Watch intends to use the information in order to advance the concerns for public understanding of potential options to achieve low-density, open-frame spent fuel pools during operations.]

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 options to achieve low-density, open frame spent fuel pools in order to reduce risk to public health and safety, especially in reactors designed like Pilgrim Nuclear Power Station will be enhanced by the contribution of this information.

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

Pilgrim Watch has an active subscribing membership that regularly receive mailings from the group. Pilgrim Watch regularly communicates and shares information with National, state and local public officials and major national public interest groups focused on nuclear safety issues. Pilgrim Watch provides resource material to electronic and print media outlets with very broad outreach to our constituency and interested public. Additionally, we have a web site (<http://www.pilgrimwatch.org/>) where postings on this issue will be made available.

6) Means of distribution of the requested information:

Pilgrim Watch will use its own publications and our media contacts in both the electronic and print media outlets to provide very broad outreach to the public.

Pilgrim Watch will also share information with other interested parties concerned about Options to achieve low density, open-frame spent fuel pool storage. Additionally, Pilgrim Watch will post information on its web site.

7) Whether free access to information will be provided:

Pilgrim Watch will provide the information without charge to all members of the public. Information prepared from the FOIA requested will be posted on the web site for downloading free of charge. Pilgrim Watch will also provide a copy of information to all interested parties without charge. Pilgrim Watch is a nonprofit group serving the public interest.

8) No commercial interest by Pilgrim Watch or any other party:

Pilgrim Watch has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of Pilgrim Watch is to promote a policy debate on options to achieve low-density, open frame spent fuel pool storage during operations at reactors, prioritizing reactors designed like Pilgrim Station.

Sincerely,

[Electronically signed]

Mary Lampert
Pilgrim Watch, director

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