

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) / PRIVACY  
ACT (PA) REQUEST**

2011-0083

19

RESPONSE  
TYPE

FINAL



PARTIAL

REQUESTER

Edwin Lyman

DATE

APR 30 2013

**PART I. -- INFORMATION RELEASED**

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☐ **APPENDICES** Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- ☐ **APPENDICES** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- ☐ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852-2738.
- ☐ **APPENDICES** Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☒ See Comments.

**PART I.A -- FEES**

AMOUNT\*

\$



You will be billed by NRC for the amount listed.



None. Minimum fee threshold not met.

\* See comments  
for details

You will receive a refund for the amount listed.



Fees waived.

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- ☐ No agency records subject to the request have been located. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
- ☐ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- ☐ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

**PART I.C COMMENTS (Use attached Comments continuation page if required)**

The incoming request is located in ADAMS at ML110400354.

FOIA Request is administratively closed at request of requester.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Denna L. Sealing



# Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

February 8, 2011

NRC Freedom of Information Act and Privacy Act (FOIA/PA) Officer  
U.S. Nuclear Regulatory Commission  
Mail Stop T-5 F09  
Washington, DC 20555-0001  
By e-mail to FOIA.resource@nrc.gov

## FOIA/PA REQUEST

Case No.: 2011-0083

Date Rec'd: 2-9-11

Specialist: Christian

Related Case: \_\_\_\_\_

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended and 10 C.F.R. 9.8 of the Commission's regulations, UCS hereby requests that NRC make available copies of all documents and records, including staff papers (SECYs), Commission records and guidance, technical reports, meeting summaries, peer review panel documents, ACRS records, briefing documents and e-mails, related to the State-of-the-Art Reactor Consequences (SOARCA) Program. Pursuant to and in compliance with NRC regulations at 10 CFR 9.41, UCS 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

UCS seeks to gather all available information pertaining to the NRC's recent re-evaluation of the public health consequences of severe accidents, in order to further our work as independent analysts of nuclear power safety.

### 2. Extent to which UCS will extract and analyze the substantive content of the records

UCS will conduct a thorough and detailed independent review of the documents in order to develop as complete a picture as possible of the SOARCA program.

### 3. Nature of the specific activity or research in which the records will be used and UCS's qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding

UCS plans to review and analyze the technical content of the study, to compare its results with other official and independent estimates of severe accident consequences, and to understand the technical bases for any differences. Nuclear power safety has been a significant concern of UCS since the organization was formed over forty years ago. UCS Senior Scientist Dr. Edwin Lyman has closely followed the evolution of reactor severe accident analysis for twenty years, is familiar with severe accident research previously conducted by NRC, including CRAC2 and NUREG-1150, and has conducted and published

his own analyses of severe accident consequences, using the MACCS2 code. He has participated as an expert witness in numerous NRC adjudicatory proceedings related to severe accident analysis, and has testified before the Commission on multiple occasions on risk-related matters. The UCS Nuclear Safety Project Director, Dave Lochbaum, is a recognized national leader on nuclear safety issues.

**4. Likely impact on the public's understanding of the subject as compared to the level of understanding of the subject prior to disclosure**

For a nuclear safety research program, the SOARCA project has been conducted under an extraordinary and perhaps unprecedented level of secrecy. Not only have the vast majority of the documents generated by the program been withheld from the public, but even the Commission's primary guidance document to the staff regarding the study's ground rules has not been made public. On the other hand, NRC staff members, contractors and public affairs officials have been slowly disclosing to the public certain interim results of the study that indicate significant differences with the results of previous severe accident analyses. These disclosures have prompted the Nuclear Energy Institute to call for a reconsideration of NRC regulations such as emergency planning rules. The public should not be expected to accept on faith the study's findings while being denied access to the technical analyses underlying these findings.

**5. Size and nature of the public to whose understanding a contribution will be made**

UCS has an active membership of 77,000 individuals. Our membership consists of scientists of varying disciplines, citizens and activists. In addition, UCS has more than 300,000 supporters involved in our work and more than 17,000 scientists, economists, engineers, and medical professionals on the UCS Scientists Network. UCS has a website ([www.ucsusa.org](http://www.ucsusa.org)) that received an average of over 5,000 unique hits per day in 2010. UCS is a frequent source of information to the media, Capitol Hill, and citizens/activists living near nuclear power plants.

**6. Means of distribution of the requested information**

UCS will document its analysis of the SOARCA project in a detailed report which will be made available to the public. UCS will also use the analysis to develop fact sheets, presentations, articles and other products for other audiences. Our written materials will be posted to our website, [www.ucsusa.org](http://www.ucsusa.org), and available for viewing/download without charge or fee.

**7. Whether free access to information will be provided**

Yes, as detailed in the response to Item 6.

**8. No commercial interest by UCS or any other party**

Neither UCS nor any affiliated party has a commercial interest in obtaining the requested information. The requested information will be provided in response to all requests without

charge. The sole interest of UCS in the requested information is to improve the interface between NRC and its public stakeholders.

If all or any part of this request is denied, please cite the specific exemptions relied upon in refusing to release the materials. Further, since the Freedom of Information Act provides that the remainder of a file must be released if only portions are exempt from disclosure, UCS requests that we be provided with all non-exempt portions that are reasonably degradable. Of course, we reserve the right to appeal the withholding or deletion of any information.

Sincerely,

Dr. Edwin S. Lyman  
Senior Scientist, Global Security Program  
Union of Concerned Scientists  
1825 K St, NW Ste. 800  
Washington, DC 20006  
(202) 331-5445  
(202) 223-6162 fax  
elyman@ucsusa.org

## FOIA Resource

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**From:** Edwin Lyman [ELyman@ucsusa.org]  
**Sent:** Tuesday, February 08, 2011 5:16 PM  
**To:** FOIA Resource  
**Subject:** Attn: NRC FOIA/PA Officer  
**Attachments:** ucs-soarca-foia.pdf

To the NRC FOIA/PA Officer:

Please see attached Freedom of Information Act request.

Sincerely,

Dr. Edwin S. Lyman  
Senior Scientist, Global Security Program  
Union of Concerned Scientists  
1825 K St, NW, Ste. 800  
Washington, DC 20006  
(202) 331-5445  
[elyman@ucsusa.org](mailto:elyman@ucsusa.org)