

Case No.: 2014-0216
 Date Rec'd: 4/16/14
 Specialist: Hilary Bush
 Related Case: _____

FOIA Resource

From: David Lochbaum <nobody@www.nrc.gov>
Sent: Wednesday, April 16, 2014 10:34 AM
To: FOIA Resource
Subject: WWW Form Submission

Below is the result of your feedback form. It was submitted by David Lochbaum () on Wednesday, April 16, 2014 at 10:34:11 through the (b)(6) using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html> and resulted in this email to foia.resource@nrc.gov

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Desc: All records associated with the February 19, 2014 Notice of Enforcement Discretion for PSEG Nuclear Regarding Salem Unit 2 (ML14050A405) including formal correspondence between the NRC and the licensee, internal and external emails, memoranda, meeting minutes, notes of phone conversations, charts, diagrams, PRA calculations, and any other records pertaining to the NRC's decision making and review of the NOED or monitoring of Salem Unit 2.

Please include within the scope of this request all emails regarding Salem Peak sent or received from the following branches/individuals: the Salem resident inspectors, Region I Senior Risk Analysts, Region I Technical and Engineering Support Staffs, NRR Electrical Engineering Branch, NRR Plant

Licensing Branch I, NRR PRA Operational Support Branch, NRR Technical Specifications Branch, and NRR Electrical Engineering Branch.

FeeCategory: Educational

MediaType:

MediaType_Other_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInformText:

Waiver_Purpose: UCS seeks background and context for this Salem NOED. A few years ago, UCS questioned a NOED issued for Fermi Unit 2 for a broken emergency diesel generator that would be out of service longer than the limiting condition for operation. UCS was later informed by an Inside NRC reporter that NRC Region I declined to issue an NOED to Salem for a similar power distribution impairment, largely because of our Fermi protest. We seek the requested records to see how this contemporary case compares to the two earlier cases.

Waiver_ExtentToExtractAnalyze: I seek the requested records in order to understand the basis for NRC's granting the licensee's NOED request as well as to understand how the NRC monitored plant conditions while the NOED was in force. My interest is in determining whether the NRC followed its NOED procedures in both granting the NOED and then in ensuring the licensee complied with all conditions within the NOED.

Waiver_SpecificActivityQuals: From the OIG audit of the NRC's NOED program (OIG/94A-24 dated October 17, 1994), I have monitored NOEDs. As noted in the response to No. 1 above, I contested the March 29, 2001, NOED (EA-01-092) granted for Fermi Unit 2. I wrote a letter dated April 13, 2001, to the NRC Inspector General contending that NRC violated its NOED procedures in granting that NOED. I seek the requested records in the Salem Unit 2 NOED to understand whether the agency properly applied its NOED procedures or, as in the Fermi Unit 2 case, deviated from them. When working for the NRC in 2009/2010 as an instructor, I taught technical specifications to NRC employees.

Waiver_ImpactPublicUnderstanding: From discussions with citizens and many local and state officials, many see NRC's issuance of NOEDs, exemptions, waivers, etc. as evidence that the NRC is captured by the industry. When appropriate, UCS seeks to correct misperceptions. For example, in the annual report on the NRC we released in March 2014, we described why we felt the NRC not moving Perry into Action Matrix column 4 and not conducting two scheduled Component Design Bases Inspections was proper. UCS strives to provide accurate commentaries in appropriate context and seeks to do so in this Salem NOED case.

Waiver_NatureOfPublic: More than 100 million Americans live within 50 miles of operating nuclear plants. While not all will be interested in this topic, many will be.

Waiver_MeansOfDissemination: Since 2011, UCS has issued annual reports on the NRC and nuclear plant safety. UCS also posts commentaries to our website (www.ucsusa.org) and blog (allthingsnuclear.org). Depending on what our analysis of the requested records concludes, UCS will likely use one or more of these communications vehicles to convey our views.

Waiver_FreeToPublicOrFee: Materials posted to our website (including the annual reports) and blog are available for viewing and/or downloading without cost.

Waiver_PrivateCommericalInterest: None.
