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Case No.: 2014-0004  
Date Recd.: 4/9/14  
Specialist: Argent  
Related Case: 2014-0095  
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December 24, 2013

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

BY E-MAIL TO: <mailto:foia@nrc.gov> [foia@nrc.gov](mailto:foia@nrc.gov)

*Subject:* Freedom of Information Act Request

Dear Madam/Sir:

On behalf of the New York State Assemblywoman Ellen Jaffee ("Jaffee"); the Indian Point Safe Energy Coalition ("IPSEC"); Radiation and Public Health Project ("RPHP"); and, and Residents Organized for a Safe Environment (ROSE) (collectively known as the "Stakeholders"), pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., I hereby request that you provide me with copies of the following documents:

1. Any and all documents that Inventory of high burn up fuel for each reactor site in the nation. By high burn up fuel, we mean fuel with burn up > 45,000 MwD/MTU. We note from DOE's report (Savannah River National Laboratory, "Inventory and Description of Commercial Reactor Fuels within the United States," SRNL-STI-2011-00228, March 31, 2011, Table 7, that almost all commercial operating reactors in the United States have high burn up fuel. But more specifically, we need to know the total number of fuel assemblies with burn up > 45,000 MWD/MTU at each commercial reactor.

2. Any and all documents regarding authorization and/or license to use high burn up fuel in reactors, including any and all staff analysis that forms the basis for staff decisions that allowed commercial reactors to go to burn ups > 45,000 MWD/MTU. This request can be limited to the following reactors: Indian Point 2 and 3, Nine Mile Point 1 and 2, Fitzpatrick, Ginna Nuclear Power Plant, Vermont Yankee, Pilgrim, North Anna 1 and 2, Brown's Ferry 1,2 and 3, Davis-Besse, Calhoun, Oyster Creek, Millstone 1,2 and 3, and San Onofre.

3. Any and all documentation, studies and reports regarding storage of high burn up fuel and heat waste issues related to high burn up fuel, including environmental assessments, safety reports, emails, draft reports and memos related to the thinning, hydriding and brittleness of high burn up cladding.

4. Any and all documentation, studies and reports that discuss the implications clad thinning, hydriding and brittleness for dry storage, transportation and disposal of high burn up fuel.

If, for any reason, you deny this request or any portion thereof, for each document denied, please identify the statutory and/or regulatory exemption on which you rely, and the reason that it is applicable in this instance.

**Fee Waiver Request.** Pursuant to 10 C.F.R. § 9.41, SLOMFP and UCS hereby request a waiver of any applicable searching or copying fees. In support of this request, the Stakeholders provide the following information:

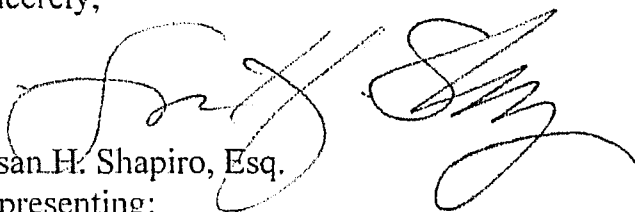
1. New York Assemblywoman Ellen Jaffee is an elected public official who has no commercial interest in the requested information, and will be used solely for public education and to share with her peers and experts, such as the Union of Concerned Scientist and Lamont Doherty Earth Institute to gain a better understanding regarding high burn up fuel use and storage.

2. RHPH, ISPEC and ROSE are non-profit organizations which publicly disseminate information regarding nuclear safety issues, free of charge. None of these organizations have any commercial interest in the requested information, and will be used solely for public education.

3. The purpose of this request is to obtain information regarding high burn up fuel and waste and adequately of decommissioning funds to accommodate the recent use of high burn up fuel in order for Stakeholders to be able to participate in the currently EIS regarding Waste Confidence. The requested information will assist the Stakeholders in evaluating the following three factors: (a) the extent of high burn up fuel is being used; (b) the procedures employed by the NRC in permitting usage of high burn up fuel; and, (c) safeguards and safety procedures and precautions established by the NRC prior to permitting the use of high burn up fuel.
4. The Stakeholders plan to extract all of the above-described information from responsive documents provided by the NRC, and prepare thorough analysis of the three factors described in paragraph 3 above.
5. The Stakeholders will publish their analyses of the requested information in on their websites and in newsletters, which are provided free to members and are circulated widely in the general public. The Stakeholders will also disseminate the information to the press. The information will be used to enhance public understanding of the degree to which the NRC has balanced public views against nuclear industry views in making important decisions related to high burn up fuel use and waste storage..
6. Jaffee represents about 130,000 constituents; IPSEC has membership of approximately 1,500; RPHP has a readership of about 5,000 annually; and, ROSE has a membership of approximately 3000 . All parties have ongoing relationships with the press, and regularly circulate information to the press regarding safety issues at nuclear facilities. In addition, all parties have relationships with other environmental organizations that cooperate with them in the publication of important information.
7. The intended means of dissemination of the information is through the publication of Stakeholder newsletters and circulation of the information to the press.

I look forward to receiving your response within 20 working days, as required by the FOIA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan H. Shapiro', written over the printed name.

Susan H. Shapiro, Esq.

Representing:

New York State Assemblywoman Ellen Jaffee; Indian  
Point Safe Energy Coalition ("IPSEC"); Radiation and  
Public Health Project ("RPHP");  
Residents Organized for a Safe Environment (ROSE)