

**FOIA Resource**

FUHRMAN JULST  
Case No.: 2016-0154  
Date Recd: 12/18/15  
Specialist \_\_\_\_\_  
Related Case \_\_\_\_\_

**From:** David Lochbaum <dlochbaum@ucsusa.org>  
**Sent:** Friday, December 18, 2015 11:39 AM  
**To:** FOIA Resource  
**Subject:** WWW Form Submission

Below is the result of your feedback form. It was submitted by

David Lochbaum (dlochbaum@ucsusa.org) on Friday, December 18, 2015 at 11:39:14

through the IP 209.170.118.116

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: This request is a follow-up to FOIA/PA-2016-0060. In that FOIA, I requested records regarding the MOX facility dated March 2011 and after. The NRC staff sought to narrow the scope of this request. We agreed to the NRC responding with a bibliography of MOX records in ADAMs that were not publicly available that I would use to select specific records of interest. The bibliographic lists dated December 16, 2015, were provided in response to FOIA/PA-2016-0060. This request seeks the following records from those lists:

ML110460630

ML111460416

ML111800326

ML112730012

ML112730024

ML11299A085

ML113180183

ML11321A277

ML12013A209

ML12018A027

ML120250120

ML12038A145  
ML120720030  
ML12087A233  
ML12118A043  
ML12124A324  
ML12151A385  
ML12178A026  
ML12198A497  
ML12198A517  
ML12199A204  
ML12221A187  
ML12226A387  
ML12251A157  
ML13010A242  
ML13038A197  
ML13038A215  
ML130521749  
ML13112A190  
ML13143A044  
ML13144A232  
ML13144A235  
ML13148A056  
ML13154A322  
ML13266A112  
ML13273A653  
ML13274A277  
ML13317B863  
ML13353A618  
ML14027A682  
ML14027A686  
ML14027A691  
ML14030A508  
ML14079A136  
ML14093A121  
ML14154A071  
ML14170A604  
ML14190B042  
ML14226A549  
ML14303A267  
ML15068A039  
ML15152A258  
ML15338A041  
ML15338A280

FeeCategory: Educational

MediaType:

MediaType\_Other\_Description:

Expedite\_ImminentThreatText:

Expedite\_UrgencyToInformText:

**Waiver\_Purpose:** The records requested have two intended purposes. First, UCS plans to review records to supplement and expand our awareness of the MOX facility. UCS has been heavily engaged on the MOX issue, including serving as an expert witness in the MOX licensing proceeding before the ASLB. The second purpose from reviewing the records will be to see why some records (such as ML111460416, the report on a trip to the MOX Fuel Facility dated May 26, 2011) was not made publicly available. The information on these records in the bibliography seems to meet the criteria in the NRC's Management Directive for making them publicly available in ADAMS, yet they were not. UCS has been heavily engaged in ensuring that the NRC makes records available to the public that should be publicly available. We seek the requested records to see if the NRC is doing so.

**Waiver\_ExtentToExtractAnalyze:** UCS, primarily Ed Lyman, will review the requested records regarding the MOX Fuel Facility. Lyman has been heavily involved in the MOX licensing proceeding. For example, Lyman assisted the development and defense of intervenor's contentions 9, 10, and 11 (see ML11299A085 dated October 19, 2011.) UCS, primarily Dave Lochbaum, will review the requested records from the perspective of whether they contained information or otherwise satisfied the criteria in the NRC's Management Directives for withholding from the public. UCS has been deeply involved in ensuring the NRC is not improperly withholding records. UCS's efforts factored in the NRC's decision earlier this year to restore public access to emergency planning, fire protection, and UFSAR records. We intend to review the MOX records to see if they too should be publicly available without FOIA requests.

**Waiver\_SpecificActivityQuals:** The MOX Fuel Facility continues to be an unanswered question. Each year, the Congress debates whether to continue funding the MOX program, and if so, to what extent. UCS monitors the MOX program and provides our perspective to decision-makers. We seek the requested records to add to our awareness of the subject and better inform our commentaries about it. UCS has functioned as the primary NGO tracking the MOX program for several years. Similarly, UCS has been one of the leading NGOs working with the NRC on the public access to information issues. UCS helped arrange a public meeting in October 2014 between the NRC and NGO representatives and plans to participate in a followup meeting scheduled by the NRC in March 2016. UCS will review the requested records to shape our commentaries on public access to information.

**Waiver\_ImpactPublicUnderstanding:** Our MOX commentaries posted to the UCS website and blog have garnered many hits. UCS's staff have fielded inquiries from reporters and citizens about MOX. UCS strives to understand the MOX program and explain it, and our recommendation on it, to general audiences. The requested records are "nukespeak" and nearly incomprehensible to the public. UCS takes the time to review obtuse records and decipher them for the public. Likewise, UCS strives to understand the NRC's policies and practices for making information available to the public. The commentaries we post to the UCS website and blog regarding FOIA and document classifications also get traffic and responses from reporters and citizens. UCS likes to believe that our efforts have positively contributed to the public's awareness and understanding of these topics.

**Waiver\_NatureOfPublic:** The MOX program has an audience on a policy level (is MOX preferable/compatible with immobilization of plutonium) and on a NIMBY level (is the MOX Fuel Facility and reactors using MOX fuel safe enough for my community). UCS seeks to share our perspectives on both these levels. On the public access front, the audience is smaller than that for MOX issues. But UCS feels that the audience size isn't the best yardstick. On this issue, UCS serves the public interest by reviewing the records to see whether their withholding was for proper reasons. Whether the records were properly withheld or not, the end result UCS seeks is having the public getting access to appropriate information. That lots of the public isn't aware of UCS's role does not matter to us as much as the public seeking information on nuclear safety matters having proper access to that information. That's the goal UCS hopes to fulfill by reviewing the requested records.

**Waiver\_MeansOfDissemination:** UCS prepares fact sheets, reports, testimony, and public comments. Many of these commentaries are posted to our website ([www.ucsusa.org](http://www.ucsusa.org)) or blog ([allthingsnuclear.org](http://allthingsnuclear.org)) for viewing/downloading. Other commentaries are provided to NRC, Congress, and other decision-makers and are often publicly available via those forums.

**Waiver\_FreeToPublicOrFee:** Information posted to the UCS website and blog is available for viewing/downloading free of charge.

**Waiver\_PrivateCommericalInterest:** None.

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