

FUW/PAR/JULST

Case No.: 2016-0378

Date Rec'd: 3/17/16

Specialist \_\_\_\_\_

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

**FOIA Resource**

**From:** David Lochbaum <dlochbaum@ucsusa.org>  
**Sent:** Monday, March 14, 2016 4:38 PM  
**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 Monday, March 14, 2016 at 16:38:05 through the IP 23.67.252.157 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: The Statement of Considerations for the 10 CFR 50.9, Completeness and Accuracy of Information, regulation adopted by the NRC on December 31, 1987. If available, I also request the materials provided by the NRC for the notices of proposed rulemaking and final rule that appeared in the Federal Register on March 11, 1987 (52 FR 7432) and December 31, 1987 (52 FR 49372).

FeeCategory: Educational

MediaType:

MediaType\_Other\_Description:

Expedite\_ImminentThreatText:

Expedite\_UrgencyToInformText:

Waiver\_Purpose: The US Congress recently questioned the NRC in an oversight hearing about "excessive" use of Requests for Additional Information (RAIs) from licensees. UCS seeks the requested records to more fully understand 10 CFR 50.9 and its relation to RAIs.

Waiver\_ExtentToExtractAnalyze: UCS will review the requested records along with recent RAIs publicly available in ADAMS to see whether the purpose of 10 CFR 50.9, as espoused in the Statement of Considerations, is being met when licensees apparently submit incomplete and/or inaccurate information, forcing the NRC staff to remedy these deficiencies with RAIs.

Waiver\_SpecificActivityQuals: If our review of the requested records suggests that RAIs are prima facie evidence that 10 CFR 50.9 may have been violated with incomplete and/or inaccurate submittals, UCS will likely petition the NRC under 10 CFR 2.206 seeking enforcement action against the licensee(s) apparently violated federal regulations. UCS has submitted several 2.206 petitions in the past. At times, UCS has partnered with local citizens and local NGOs on 2.206 petitions, such as our most recent petition regarding flood protection at Pilgrim. The partnering process helps increase the awareness of the public around the applicable reactors of regulatory issues and their remedies.

Waiver\_ImpactPublicUnderstanding: It is likely that the general, and even the interested, public is not keenly aware of 10 CFR 50.9 and its purpose. UCS seeks the requested records to verify NRC's intentions and objectives with this regulation and to help the public better understand how RAIs reconcile with the completeness and accuracy of submittals regulatory requirement.

Waiver\_NatureOfPublic: Assuming that our review of the requested records supports the 2.206 petition option outlined above, UCS does not envision pursuing petitions for every RAI issued by the NRC. Instead, there would more likely be a handful of "straw man" petitions to focus NRC's attention to the generic issue. The handful of cases would likely entail reactors where UCS has good relationships with the citizens, local NGOs, and/or media. Thus, this effort would likely be limited to the interested public around a handful of reactors.

Waiver\_MeansOfDissemination: Assuming the review yields the results we anticipate, UCS will likely work with people around a handful of reactors to submit 2.206 enforcement petitions to the NRC. The petitions would likely be posted to the UCS website and/or blog and would also be available from the NRC's website.

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

Waiver\_PrivateCommericalInterest: None.

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