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April 27, 2018

FOIA Officer  
Mail Stop T-2 F43  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
Posted to FOIAonline

Re: Freedom of Information Act Request (Holtec International HI-STORE  
Consolidated Interim Storage Facility Project, Docket No. 72-1051 (requesting  
information on NRC Staff/Holtec staff meeting of 5/24/2018)

Dear FOIA Officer:

On behalf of Don't Waste Michigan ("DWM"), an organization I represent, and pursuant to the Freedom of Information Act (5 U.S.C. § 552 *et seq.*) and NRC FOIA regulations (10 C.F.R. Part 9), I hereby request that certain records related to the Holtec International application to NRC for a license to build and operate a consolidated interim spent fuel storage facility in Lea County, New Mexico be released to me as public records.

Accordingly, pursuant to FOIA, DWM requests that the documents described in Section 1 below be provided through the NRC portal as released under FOIA. Sections 2 and 3 below request a waiver of search and copy fees and expedited consideration.

### **1. Document request**

DWM specifically requests the following documents be released by the NRC:

- Any and all minutes and notes kept by, and copies of documents received or exchanged by, the NRC Staff from a meeting convened April 24, 2018 at the Nuclear Regulatory Commission offices in Rockville, MD that involved NRC Staff and personnel from Holtec International, Inc. The purpose of the meeting was to discuss Holtec's proposed response to the NRC's request for additional information for thermal analysis for Certificate of Compliance No. 1040 for the HI-STORM UMAX, Amendment No. 3.

- Any and all correspondence between any personnel of Holtec International and the NRC Staff pertaining to the aforementioned meeting that was sent, or received, from April 24, 2018 through the date of this FOIA request.

DWM further requests, on a continuing basis, that any documents prospectively exchanged by and between the NRC Staff and Holtec personnel on the subject of the aforesaid meeting be made available to DWM and the public as a matter of course. Discussions about how to analyze the thermal differences in spent fuel deliveries using various cask types is important to be disclosed for the public to acquire a complete scientific understanding of the dangers and risks of the disposal scheme. The public should not have to engage in endless FOIA requests to gain access to information where the public's interest in disclosure outweighs a fig leaf assertion by Holtec that proprietary information is under discussion.

We ask that all documents requested in this letter be provided, if possible, in electronic/digital format.

As required by FOIA, responsive documents should be produced in their entirety if their content is non-exempt pursuant to FOIA. Also, as required by FOIA and 10 C.F.R. § 9.19, documents containing exempt information must be redacted to disclose all non-exempt material. NRC may withhold only those limited portions that are exempt from disclosure under FOIA.

## **2. Fee waiver request**

Pursuant to 10 C.F.R. § 9.41, DWM asks that any searching and copying fees incurred as a result of this search be waived because DWM satisfies the NRC's criteria in 10 C.F.R. § 9.41(b) for a fee waiver.

DWM seeks the requested information as part of its investigation of certain aspects of the Holtec Consolidated Interim Storage Facility application, for the purposes of commenting and formal intervention in the anticipated NRC licensing proceeding. The requested information will assist DWM in formulating contentions in support of an intervention petition. The availability of the documents under the auspices of FOIA will further enable DWM to seek public disclosure of any redacted information. That will promote DWM's interests, aid the preservation of due process in the licensing case, along with promoting the safety and environmental protection aims of the Atomic Energy Act, the National Environmental Policy Act, and NRC regulations and procedures. Without this information being made available pursuant to FOIA, DWM's members, and members of the public, will be placed at a disadvantage in participating effectively in the licensing process.

NRC has given official notice that the public has only until May 29, 2018, to submit comments concerning the scope of the environmental impact statement that NRC must prepare. DWM will also make the information released freely available to the public, without charge, through bulletins so that its members and the public can be informed and participate in the licensing process. DWM is a nonprofit incorporated Michigan membership group. DWM has no commercial interest in this FOIA request.

## **3. Request for expedited consideration**

Pursuant to 10 C.F.R. § 9.25(e), DWM requests expedited consideration of this FOIA

request because there is a compelling need for prompt disclosure of the requested information. The Federal Register notice commencing the 60-day time period for intervention in the Holtec licensing proceeding is imminent. The information requested is necessary and essential in order for DWM to intervene and properly support its contentions. The NRC strictly enforces intervenor deadlines and requires a high degree of technical specificity in the drafting of contentions. Taken as a whole, these circumstances comprise a compelling need for immediate disclosure of the requested information. **We therefore request timely processing of the within requests, followed by a 60-day period deferral of the deadline for filing of intervention petitions.**

We look forward to receiving your response as quickly as possible on an expedited basis, and at the very latest, within 10 working days, given the short time period for filing a petition to intervene. If you have any questions, please contact me via phone or email as indicated on the letterhead.

Thank you for your prompt attention to this request.

Sincerely,

/s/ Terry J. Lodge

Terry J. Lodge

Counsel for Don't Waste Michigan

#### **CERTIFICATION OF NEED FOR EXPEDITED PROCESSING**

I, Terry J. Lodge, certify that the statements in this letter regarding the timing of the Holtec licensing proceeding and the need of Don't Waste Michigan and its members, and the general public for a reasonable time to review the documents sought in this FOIA request in order to participate meaningfully in the proceeding are true and correct to the best of my knowledge. Further, I certify that in my judgment, these circumstances establish a compelling need for immediate disclosure of the requested information.

April 27, 2018

/s/ Terry J. Lodge

Terry J. Lodge

Counsel for Don't Waste Michigan