



Nuclear Information and Resource Service

1424 16th Street, N.W., Suite 601, Washington, D.C. 20036 (202) 328-0002

Mr. Donnie H. Grimsley
Division of Rules and Records
Office of Administration and Resources Management
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

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FOIA-90-452
Ret'd 10-4-90

Dear Mr. Grimsley:

Pursuant to the Freedom of Information Act, 5 U.S.C. 522, as amended and 10 C.F.R. 9.8 of the Commission's regulations, the Nuclear Information and Resource Service requests the following documents regarding the Peach Bottom nuclear reactor.

We are requesting the Semi-Annual Effluent Release Reports for January to June of 1975, July to December of 1976 and 1977. We also request any corrections made to these reports.

This information is supposed to be publicly available in the Public Document Room. However the documents listed above are missing from the main PDR. Other Effluent Release Reports from this time period are available.

Pursuant to and in compliance with 10 C.F.R. 9.41 of the Commission's regulations governing requests for waiver of fees, the Nuclear Information and Resource Service, herein after referred to as NIRS, puts forth the following information.

NIRS unsuccessfully attempted to locate the information in the PDR. This information should be available without filing a Freedom of Information Act Request. We see no reason why a fee should be charged for these documents. Furthermore:

NIRS seeks the requested information solely to contribute to and help shape the public debate on nuclear issues.

NIRS intends to use the information in order to assist scientific research of air releases at the Peach Bottom facility.

NIRS is qualified to make use of the requested information. The staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Members of the NIRS staff have published articles

dedicated to a sound non-nuclear energy policy.

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in such national journals as The Progressive, Nuclear Times, Newsday and The Bulletin of Atomic Scientists. NIRS has a working relationship with physicists, engineers, medical doctors and other respected professionals who contribute to the full understanding of technical records.

The information sought by NIRS, is not, to the best of our knowledge, in the public document room. The general public has displayed great interest in nuclear issues and the requested information will certainly increase the public's understanding of this matter.

NIRS has demonstrated its ability and commitment to inform the public on all important nuclear issues. NIRS regularly publishes two journals for which this information will be of use, the Nuclear Monitor and Groundswell. Since 1978, NIRS has been providing information on nuclear issues to the public, the press, members of Congress, state and local government officials as well as hundreds of citizens groups across the country. NIRS provides this information free of charge and has neither a commercial nor a private interest in the agency records sought.

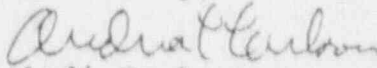
Under the amended fee waiver standard, NIRS is clearly entitled to a full waiver of all search, review and duplication fees. This standard calls for such a waiver, "if disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operation or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. 552 (a) (4) (A) (iii).

In light of the foregoing, NIRS' request meets this standard on its face. NIRS has no commercial interest in this matter, but rather seeks this information to help the general public better understand the role of government in regulating the nuclear industry.

For all the reasons cited above, NIRS' request falls squarely within the Congressional intent in enacting the Freedom of Information Act and the fee waiver provision. We, therefore, ask that the Commission grant a full waiver for this FOIA request.

Thank you for your anticipated cooperation. If you have any questions in regards to this request, please feel free to contact me.

Sincerely,


Andi Carlson