



PDR(P-37)

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)

FOIA - 90-452

RESPONSE TYPE

FINAL PARTIAL DATE

DEC 19 1990

DOCKET NUMBER(S) (if applicable)

REQUESTOR

Carlson, Andi

PART I. - AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

No agency records subject to the request have been located.

No additional agency records subject to the request have been located.

Requested records are available through another public distribution program. See Comments Section.

Agency records subject to the request that are identified on Appendix(es) _____ are already available for public inspection and copying in the NRC Public Document Room, 2021 L Street, N.W., Washington, DC 20555.

Agency records subject to the request that are identified on Appendix(es) _____ are being made available for public inspection and copying in the NRC Public Document Room, 2021 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room 2021 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Agency records subject to the request that are identified on Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments Section.

Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 2021 L Street, N.W., Washington, DC.

Agency records subject to the request are enclosed.

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

You will be billed by the NRC for fees totaling \$ _____.

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____ No _____.

PART II. A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2021 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

COMMENTS

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Donnie H. Kennedy

9102080326 901219 PDR FOIA CARLSON90-452 PDR



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

FREEDOM OF INFORMATION ACT REQUEST

FOIA-90-452
Rec'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.

9702080272-2pp.

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.

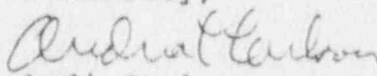
Under the amended fee waiver standard, NIRS is clearly entitled to a full waiver of all search, review and duplication fees. This standard calls for such a waiver, "if disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding 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