NIRS

Nuclear Information and Resource Service

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July 11, 1994

FREEDOM OF INFORMATION ACT REQUEST

FOIA-94-312

Rec'd 7-14-94

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

FREEDOM OF INFORMATION ACT REQUEST

Mr. Grimsley:

Pursuant to the Freedom of Information Act, 5 U.S.C. 522, as amended, and 10 CFR 9.8 of the Commission's regulations, Nuclear Information and Resource Service, herein after referred to as NIRS, requests documents pertaining to communications between Detroit Edison and U.S. Nuclear Regulatory Commission regarding the removal of Thermo-Lag 330-1 from the Fermi-2 nuclear power station..

Specifically, NIRS requests the following documents;

1.) All documents from the year 1994 to and from Detroit Edison and Nuclear Reactor Regulation's (NRR) Pat Madden referencing the removal of Thermo-Lag 330-1 from the Fermi-2 nuclear power station. This would include all telephone conference minutes and summaries of conversations between Detroit Edision and Mr. Madden.

2.) All documents from the year 1994 to and from Fermi-2 Fire Protection Engineer Robert Kilroy and NRR's Pat Madden referencing the removal of Thermo-Lag 330-1 at Fermi -2 nuclear power station. This request would include all telephone conference minutes and summaries of conversations between Mr. Kilroy and Mr. Madden.

Please consider documents and communications to include reports, studies, test results, correspondence, memoranda, meeting notes, meeting minutes, working papers, graphs, charts, diagrams, notes and summaries of conversations and interviews, computer records and any other form of written communications including NRC internal documents.

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Pursuant to this request, please provide all documents and communications prepared or utilized by, in the possession of, or routed through the NRC related to items 1-2.

Pursuant to and in compliance with 10 C.F.R. 9.41 of the Commission's regulation governing request for waiver of fees, NIRS put forth the following information.

NIRS seeks the requested information solely to contribute to and help shape the public debate on adequate worker and public health and safety.

NIRS intends to use the information in order to advance the concerns for public understanding and safety.

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 in such national journals as The Progressive, Nuclear Times, Newsday and Bulletin of Atomic Scientists. NIRS is quoted as a reliable source of information on nuclear issues in newspapers across the country, including the New York Times, The Washington Post, and The San Francisco Chronicle.

NIRS has a working relationship with fire protection consultants, 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 domain.

The general public has displayed a great interest in nuclear issues and fire safety at nuclear power plants and the requested information will certainly increase the public's understanding of this matter and the role of government in regulating nuclear power and public health .

NIRS has demonstrated its ability and commitment to inform the public on all important nuclear issues. NIRS regularly publishes a trade journal, The Nuclear Monitor, for which this information will be of use. Since 1978, NIRS has provided information on nuclear issues to the public, the press, members of Congress, state and local government officials as well as hundreds of citizen 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, the 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 stated above, the 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 Agency grant a full waiver for this FOIA request.

Thank you for your anticipated cooperation,

Paul Gunter, Director
Reactor Watchdog Project