

FOIA/PA REQUEST

Case No.: 2004-0277
Date Rec'd: 6-25-04
Specialist: F. Hall
Related Case: 2003-0358

NUCLEAR INFORMATION AND RESOURCE SERVICE

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Washington, DC 20036
Tel. 202 328 0002 <http://www.nirs.org>

June 25, 2004

Chief
Division of Freedom of Information and Publication Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555

BY EMAIL: foia@nrc.gov

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA); 5 U.S.C. 552(b), et seq., Nuclear Information and Resource Service (NIRS) hereby requests information for the subject matter described as follows. This request covers but is not limited to all draft and final reports, correspondence, memoranda, notes, records of telephone contacts, electronic communications including fax transmissions and Email, or other written records, whether in paper or computer files, preserved via the use of any medium (e.g., paper documents, final notes, or word processors or computer discs, diskettes, hard drives, or network systems.) In addition, this request includes studies, analyses, work papers, internal or external communications of any sort, testimony, press releases, reports, memoranda of the like concerning, recording or in any way related to:

- 1) All communications within the timeframe of July 14, 2003 through June 25, 2004 to and from the Nuclear Regulatory Commission (NRC) Office of the Commission regarding 10 CFR 50 Appendix R III.G.2 and non-compliant "operator manual actions" at U.S. nuclear power reactors.
- 2) All communications within the timeframe of July 14, 2003 through June 25, 2004 to and from the Office of the Executive Director of Operations regarding 10 CFR 50 Appendix R III.G.2 and non-compliant "operator manual actions" at U.S. nuclear power reactors.
- 3) All communications within the timeframe of July 14, 2003 through June 25, 2004 to and from the Office of Nuclear Reactor Regulation regarding 10 CFR 50 Appendix R III.G.2 and non-compliant "operator manual actions" at U.S. nuclear

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power reactors.

4) All communications within the timeframe of July 14, 2003 through June 25, 2004 to and from the Office of Enforcement regarding 10 CFR 50 Appendix R III.G.2 and non-compliant "operator manual actions" at U.S. nuclear power reactors.

5) All communications within the timeframe of July 14, 2003 through June 25, 2004 to and from the Office of General Counsel regarding 10 CFR 50 Appendix R III.G.2 and non-compliant "operator manual actions" at U.S. nuclear power reactors.

6) All communications within the timeframe of July 14, 2003 through June 25, 2004 to and from the Regional Offices of NRC (Regions 1, 2, 3 and 4) regarding 10 CFR 50 Appendix R III.G.2 and non-compliant "operator manual actions" at U.S. nuclear power reactors.

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 1-6.

For any portion of the request that you deem appropriate to deny, NIRS requests that you describe the information that is denied, identify the exception to the FOIA on which you rely, and explain how that exception applies to the withheld information.

Pursuant to federal regulations at 10 CFR 9.41, NIRS requests that any searching and copying fees incurred as a result of this search be waived, and provides the following information in response to the eight criteria listed in Section 9.41(b):

1) Purpose of request:

The purpose of the request is to gather information on fire protection compliance issues in the nuclear industry in conjunction with the NRC rulemaking underway on operator manual actions in lieu of operable fire barriers and adequate cable separation per 10 CFR 50 Appendix R III.G.2. The requested information is currently not publicly available through the agency's public document room nor NRC's Agency-wide Document Access Management System (ADAMS).

2) Extent to which NIRS will extract and analyze the substantive content of the records:

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 and publications as The Progressive, Nuclear Times, and Newsday. NIRS is quoted as a reliable source of information on public safety and nuclear power policy issues in newspapers across the country, including the New York Times, The Washington Post, The San Francisco Chronicle.

NIRS has a working relationship with attorneys, nuclear engineers, fire protection engineers, fire fighters and other respected professionals who contribute to the full understanding of industry compliance and agency enforcement of fire protection regulations and the public safety risks associated with a fire in a nuclear power station.

3) Nature of the specific activity or research in which the records will be used and NIRS qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding:

NIRS seeks the requested information solely to contribute to and help shape the public debate on nuclear industry compliance and NRC enforcement policy of fire protection regulations. NIRS intends to use the information in order to advance the concerns for public understanding of on nuclear industry compliance and NRC enforcement of fire protection regulations.

4) Likely impact on the public's understanding of the subject as compared to the level of understanding of the subject prior to disclosure:

The public understanding of the issues regarding industry compliance and agency enforcement policy of fire protection regulations will be enhanced by the contribution of this information.

5) Size and nature of the public to whose understanding a contribution will be made:

NIRS has an active membership of over 6500 throughout the United States. Several thousand additional members periodically receive mailings from NIRS. NIRS provides resource material to electronic and print media outlets with very broad outreach to our constituency and interested public. Additionally, NIRS has a web site (www.nirs.com) which receives on the average of 1000 visitors per day where postings on this issue will be made available.

6) Means of distribution of the requested information:

NIRS will use its own newsletter publication of The Nuclear Monitor and our media contacts in both the electronic and print media outlets to provide very broad outreach to the public. NIRS will also share information with other interested parties concerned about regarding industry compliance and agency enforcement of fire protection regulations. Additionally, NIRS will post information on its web site (www.nirs.com) which receives on average of 1000 visitors per day.

7) Whether free access to information will be provided:

NIRS will provide the information without charge to all members of the public. Information prepared from the FOIA requested will be posted on the web site for downloading free of charge. NIRS will also provide a copy of information to all interested parties without charge.

8) No commercial interest by NIRS or any other party:

NIRS has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of NIRS is to promote a policy debate regarding industry compliance and agency enforcement of fire protection regulations.

Sincerely,

Paul Gunter, Director
Reactor Watchdog Project
NIRS