

FOIA Resource

From: uid no body [nobody@www.nrc.gov]
Sent: Tuesday, August 26, 2008 3:31 PM
To: FOIA Resource
Subject: WWW Form Submission

FOI/PA REQUEST
Case No. 2008-0360
Date Rec'd 8-26-08
Specialist A. Holahan
Related Case _____

Below is the result of your feedback form. It was submitted by

() on Tuesday, August 26, 2008 at 15:30:30

FirstName: David

LastName: Lochbaum

Company/Affiliation:

Address1: 1825 K Street NW, Suite 800

Address2:

City: Washington

State: DC

Zip: 20006-1232

Country: United_States

Country-Other:

Email: dlochbaum@ucsusa.org

Phone: 202-331-5430

Desc: TVA response dated on or about February 11, 2008, to NRC's Bulletin 2007-01 (Security Officer Inattentiveness)

FeeCategory: Educational

MediaType:

FeeCategory_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInform: on

Expedite_UrgencyToInformText: The NRC has a public comment period (NRC-2008-0413) dated July 22, 2008, ending September 5, 2008, soliciting public comments on security information openness and transparency. I requested the record being sought from the NRC's Public Document Room on or about August 15, 2008, but was told it was classified. I appealed to Patricia Holahan in NSIR. Ms. Holahan informed me

earlier today that the NRC staff confirmed that TVA's response was properly classified. UCS seeks a redacted version of this with-held response to inform our comments to the NRC's public comment period. UCS has responses to the same NRC bulletin from Exelon that is entirely publicly available. We'd like to understand why answers to the same NRC questions are completely public in one case and completely with-held in the other. That understanding will enable us to provide more constructive comments in response to the NRC's solicitation.

Waiver_Purpose: UCS seeks the record in order to provide better, more constructive comments to a July 22, 2008, notice in the Federal Register by the NRC for comments on the agency's openness and transparency with respect to security information. We'd also use the record to provide subsequent commentary to the US Congress on the same issue.

Waiver_ExtentToExtractAnalyze: UCS has many of the publicly available responses to NRC Bulletin 2007-01. We have Exelon's entire response, we have the transmittal letters and public attachments from the Callaway and South Texas Project responses, and we have the transmittal letters from the Indian Point and Vermont Yankee responses. The responses are to the same five questions posed by the NRC in Bulletin 2007-01, which is publicly available and posted on the NRC's website. We seek a fully with-held response to try to understand how Exelon's entire response can be publicly available yet none of TVA's response be publicly available. It should be roughly the same nature and extent of answers to the same five questions. Understanding this apparent inconsistency will enable us to provide more meaningful comments in response to the NRC's solicitation for public comments on openness and transparency.

Waiver_SpecificActivityQuals: UCS has already been contacted by individuals and public interest groups around the country about our response to this NRC solicitation. In the past, we've circulated our draft comments for others to sign-on or endorse in their own comments. While the timing on this solicitation precludes us from seeking sign-ons in advance, UCS will disseminate our comments via e-mail to individuals, public interest groups, and reporters around the country to share our insights. In addition, UCS has often been invited to testify before the US Congress on security issues. In February 2008, for example, UCS testified before the US Senate hearing on security officer attentiveness at Peach Bottom. We'd very likely include insights we learn from the record sought in future Congressional testimony.

Waiver_ImpactPublicUnderstanding: UCS expends considerable effort helping the public understand the NRC's processes to help focus the dialogue more productively on actual issues in dispute, rather than wasting time on process awareness matters. In this specific case, it is hard to understand how one licensee can provide a full, totally publicly available response to NRC and another can completely with-hold its response to the NRC to the same set of questions, and both be right. UCS seeks to understand why such disparate outcomes occurred for the same NRC source request. Equipped with this understanding, UCS will better be positioned to help the public understand if one licensee gamed a response so as to hide its information or whether that licensee interpreted the NRC's questions to require a deeper, fuller response such that the level of security information was more detailed than in the publicly available response. Once we understand the reasons for disparate outcomes, we !
can engage the NRC and the public on future actions to resolve any issues.

Waiver_NatureOfPublic: UCS has more than 70,000 members and our website, www.ucsusa.org, is visited by tens of thousands of people each week. The nuclear safety information we post to our website is available to members and non-members alike.

Waiver_MeansOfDissemination: First, we will include insights we gain from the record sought in our comments provided to the NRC in response to its Federal Register solicitation. Those comments will likely be submitted to www.regulations.gov and available in public ADAMS. UCS is currently re-designing our website and is not posting new information to the website except on a limited basis. Once the web re-design is completed in September or so, we will post our comments to our website where members and non-members will have equal access to them.

Waiver_FreeToPublicOrFee: There will be no charge for our comments.

Waiver_PrivateCommericalInterest: None.
