



February 23, 2018

FOIA Officer
Mail Stop T-2 F43
U.S. Nuclear Regulatory Commission
Washington, DC 20555
By posting to FOIAonline

SUBJECT: *Freedom of Information Act Request*

Dear FOIA Officer:

On behalf of Southern Alliance for Clean Energy (“SACE”), and pursuant to the Freedom of Information Act (“FOIA”) (5 U.S.C. § 552 et seq.) and U.S. Nuclear Regulatory Commission (“NRC”) FOIA regulations (10 C.F.R. part 9), we are writing to request certain records relating to a February 15, 2018 letter from Dori L. Willis, NRC Senior Allegation Coordinator to Tom C. Roberts, National Society of Professional Engineers, re: Concerns Regarding Westinghouse Electric Corporation and Virgil C. Summer Nuclear Generating Station Units 2 and 3 (Allegation No. NRO-2017-A-0014) (“Willis Letter”) and its attachment: Statement of Concerns, Allegation No. NRO-2017-A-0014 (ADAMS Accession No. ML18047A025).

For documents already in the public record, we ask you to identify them and provide their ADAMS accession number.

Our document requests are as follows:

SACE seeks certain documents related to the following statement on page 1 of the Attachment to the Willis Letter:

[T]he NRC staff (1) evaluated the pertinent regulations; (2) reviewed the associated Post and Courier news article, the letter from the National Society of Professional Engineers (NSPEs), and the Westinghouse Electric Company LLC’s (WEC’s) legal opinion on the use of Registered Professional Engineers (RPEs); (3) reviewed specific drawings that the reporter of the news article believed required a RPE’s approval; (4) compiled a list of American Society of Mechanical Engineers (ASME) Code requirements specifying RPE review of design reports and design specifications; (5) reviewed Regional and Vendor inspection reports associated with design reports and design specifications; (6) interview a sample of inspectors on the practice of ensuring whether a design report or design specification has been approved by a RPE; (7) reviewed excerpts from the State of South Carolina’s requirements regarding a utility’s use of RPEs; and (8) reviewed NRC guidance in inspection procedures (IPs) to determine if review of RPE documentation approval and personnel qualification are adequately addressed.

In particular, SACE requests:

- a. Identification of “the pertinent regulations” reviewed by NRC;



- b. The Post and Courier news articles reviewed by NRC;
- c. The letter from the NSPEs reviewed by NRC;
- d. WEC's legal opinion on the use of RPEs reviewed by NRC;
- e. Specific drawings that the reporter of the Post and Courier news articles "believed required a RPE's approval" and reviewed by NRC
- f. All ASME Code requirements specifying RPE review of design reports and design specifications reviewed by NRC;
- g. All Regional and Vendor inspection reports associated with design reports and design specifications reviewed by NRC;
- h. All notes and related correspondence regarding interviews of inspectors on the practice of ensuring whether a design report or design specification has been approved by a RPE;
- i. All excerpts from the State of South Carolina's requirements regarding a utility's use of RPEs reviewed by NRC; and
- j. NRC guidance in IPs to determine if review of RPE documentation approval and personnel qualification are adequately addressed.

Request for Documents in Electronic Format

If possible, please provide the requested documents in electronic (pdf) format. And, to expedite processing, please provide the requested documents on a rolling basis.

Request for Redaction of Documents Containing Exempt Information

If you believe that documents, records, or correspondence exist that are responsive to this FOIA request but are, in whole or part, exempt from disclosure pursuant to 10 C.F.R. § 9.17, please identify the items being withheld and state the basis for the denial for each.

Request for Waiver of Fees

Pursuant to federal regulations at 10 C.F.R. § 9.41, SACE hereby requests that all fees in connection with this FOIA request be waived in accordance with 10 C.F.R. § 9.41(c). In support of its request, SACE states as follows:

1) Purpose of request:

The purpose of this FOIA request relates to SACE's fundamental purposes as an environmental organization. SACE is a non-profit, non-partisan, environmental advocacy organization operating throughout the Southeast. The mission of SACE is to educate the public and promote the use of clean energy to protect the quality of life in the Southeast and to preserve its natural resources.

Currently, the public is unaware of the precise legal and factual basis for the NRC's alleged resolution of safety concerns raised by Tom C. Roberts, an official of the National Society of Professional Engineers regarding "the alleged use of unqualified and unlicensed individuals to design aspects of two nuclear reactors at the V.C. Summer site as well as whether the use of

unlicensed engineers led to the demise of the V.C. Summer Project.” Willis Letter at 1. These concerns are of grave concern to the public because they raise questions about the quality of construction of new reactors in the U.S., including Vogtle Units 3 and 4 in Georgia. NRC implicitly recognizes the significance of Mr. Roberts’ concerns by identifying his allegations as one of the “rare cases” in which “dissemination of allegation-related information to a broader audience can be beneficial.” *Id.* While Ms. Willis’ letter generally identifies the type of information that was reviewed and relied on to resolve Mr. Roberts’ concerns, it contains no information about specific regulations, guidance documents, news reports, and interviews. Without more information, it is impossible for the public to evaluate the adequacy of the NRC’s review.

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

SACE’s staff is highly qualified and experienced in the oversight and analysis of nuclear safety at U.S. nuclear reactors, and has intervened in multiple NRC licensing proceedings including Turkey Point Units 3 and 4, Turkey Point Units 6 and 7, and Vogtle Units 3 and 4. Consistent with its long track record, SACE plans to work with its attorneys to fully extract and evaluate the legal and factual source documents produced by NRC in response to its FOIA request. SACE will also publish any relevant information on its website and blogposts (www.cleanenergy.org), which are widely read by the public.

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

SACE’s FOIA request is part of its ongoing program for monitoring and evaluating the safety of nuclear reactors under construction or operating in the southeastern United States. SACE’s staff has many years of experience in analyzing nuclear reactor safety issues, including retaining experts and attorneys to assist SACE in its analytical work and to bring significant safety issues before the NRC.

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

In the Willis Letter, NRC claims to have consulted numerous legal and factual sources to resolve the concerns raised by Mr. Roberts in his complaint, but fails to identify them with any specificity. Thus, it is difficult, if not impossible, to reach any independent conclusion regarding the adequacy of the NRC’s analysis. By providing the missing information, NRC’s response to SACE’s FOIA request will greatly assist the public’s understanding of the actual basis for the NRC’s conclusions.

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

SACE has a membership of 50,000 who periodically receive communications from SACE about nuclear safety issues that concern them. SACE also has a strong program of outreach to the news media, which regularly covers SACE’s concerns. And SACE publishes news of its



investigations into nuclear reactor safety issues on its website and blogposts at www.cleanenergy.org.

6) Means of distribution of the requested information:

SACE will disseminate the disclosed information to the public free of charge through its website, media outreach, educational programs, and events throughout the community.

7) Whether free access to information will be provided:

SACE will provide the information without charge to all members of the public.

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

SACE is a nonprofit charitable organization and therefore has no commercial interest in obtaining the requested information. The sole interest of SACE is to promote an open policy debate on the NRC oversight and enforcement of requirements for the protection of public safety.



Thank you in advance for your timely compliance with this request. If you have any questions, please contact Diane Curran at dcurran@harmoncurran.com or 240-393-9285, or Mindy Goldstein at magolds@emory.edu or (404) 727-3432. We look forward to hearing from you.

Sincerely,

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