



**FOI/PA REQUEST**  
Case No: 2007-0340  
Date Rec'd: 9-21-07  
Specialist: Shepard  
Related Case: \_\_\_\_\_

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO

ENVIRONMENTAL PROTECTION BUREAU

DIVISION OF SOCIAL JUSTICE

ATTORNEY GENERAL

**VIA E-MAIL & TELECOPIER**

September 20, 2007

Darren B. Ash  
Chief F.O.I.A. Officer  
U.S. Nuclear Regulatory Commission  
Mail Stop 807  
1 White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Dear Mr. Ash:

Pursuant to the provisions of the Freedom of Information Act (F.O.I.A.), 5 U.S.C. § 552, I respectfully request that the Nuclear Regulatory Commission provide a copy of the following document, as well as any attachments thereto:

**a 2004 letter report from the United States Geological Survey to the U.S. Nuclear Regulatory Commission regarding seismic reference probability value for Central and Eastern United States (CEUS) nuclear power plant sites**

This USGS letter report is referred to on page one of NRC document ML051450456.

This information is requested by the Office of the New York State Attorney General in the course of its official duties on behalf of the People of the State of New York. Because disclosure of the requested information is in the public interest, I hereby request a fee waiver for a copy of the requested document.

Please e-mail the document to my attention using the e-mail address provided below.

If you have any questions concerning this F.O.I.A. request, please telephone me. Thank you for your attention to this matter.

Respectfully submitted,

/s/

John J. Sipos  
Assistant Attorney General  
(518) 402-2251  
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May 26, 2005

MEMORANDUM TO: Farouk Eltawila, Director  
Division of Systems Analysis and Regulatory Assessments  
Office of Nuclear Regulatory Research

FROM: Michael Mayfield, Director /RA/  
Division of Engineering  
Office of Nuclear Reactor Regulation

SUBJECT: IDENTIFICATION OF A GENERIC SEISMIC ISSUE

REFERENCE: GI-194, "Implications of Updated Probabilistic seismic hazard estimates."  
ADAMS Accession No.: ML032680979

BACKGROUND:

In the above reference document, RES staff addressed the concern related to the adequacy of existing deterministic seismic design criteria for the licensing basis of plants in the Eastern Tennessee Seismic Zone, and concluded that the concerns in GI-194 had been addressed through previous programs. Subsequent to the closure GI-194, the Division of Engineering (DE) staff has been reviewing seismic hazard analyses for several sites in the Central and Eastern United States (CEUS) for early site permit applications (ESP) under 10 CFR Part 52, Subpart A and associated siting evaluation criteria from 10 CFR Part 100.23, "Geologic and seismic siting criteria." Regulatory guidance for the implementation of 10 CFR Part 100.23 is provided in RG 1.165, "Identification and Characterization of Seismic Sources and Determination of Safe Shutdown Earthquake Ground Motion (ML003740084)."

Regulatory Guide 1.165, developed in the early 1990s, specifies a reference probability for exceedance of the safe shutdown earthquake (SSE) ground motion, i.e., seismic hazard, at a median annual value of  $10^{-5}$ . This reference probability value is based on the annual probability of exceeding the SSEs for 29 CEUS nuclear power plant sites and is used to establish the SSEs for future nuclear facilities. Preliminary results from a recent (2004) letter report from the United States Geological Survey (USGS) indicates that the reference probability for the 29 CEUS sites is now about 6 to 7 x  $10^{-5}$ . This increase in the reference probability value is primarily due to recent developments in the modeling of earthquake ground motion in the CEUS.

CONTACT: Goutam Bagchi, NRR/DE/EMEB  
(301) 415-3305

**From:** "John Sipos" <John.Sipos@oag.state.ny.us>  
**To:** <dba1@nrc.gov>  
**Date:** 09/20/2007 3:37:07 PM  
**Subject:** 9.20.07 FOIA request.pdf

Dear Mr. Ash:

Attached please find a FOIA request.

Thank you for your attention to this request.

John Sipos  
518-402-2251