



FOIA/PA REQUEST
Case No: 2003-0378
Date Rec'd: 8-5-03
Action Of: *Rec'd*
Related Cases:

July 25, 2003

Nuclear Regulatory Commission
Carol Ann Reed
FOIA/PA Officer
Washington, D.C. 20555

Freedom of Information Act Request with request for expedited consideration

Dear Ms. Reed:

As we discussed on the telephone today, this restates our July 3, 2003 request. Clarifications are shown below *in italics*.

Pursuant to the federal Freedom of Information Act, 5 U.S.C. s. 552, we request access to, and copies of, all documents or records, for the period from January 20, 2001 to the present, pertaining to the single topic of public access to government information; in particular, your agency's practices in regulating, monitoring, controlling, permitting or otherwise determining public access to any information generated, maintained or controlled by your agency. We mean this request to include, but not be limited to:

1. Since January 20, 2001, any records relating to any decisions, discussions, proposals, analyses, reports, rule-making, agency or departmental directives or orders, Freedom of Information Act instructions or policy memos, or any other matter involving greater public access to any records or information generated, maintained or controlled by your agency.
2. Since January 20, 2001, any records relating to decisions, discussions, proposals, analyses, reports, rule-making, agency or departmental directives or orders, Freedom of Information Act instructions or policy memos, or any other matter involving restricting or altering public access to any records or information generated, maintained or controlled by your agency, or restricting or altering the terms or procedures under which public access is, or will be,

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granted to any records or information generated, maintained or controlled by your agency. We mean this to include both specific cases or situations, such as involving a particular topic or collection of records, as well as matters of policy or procedure that involve records generally.

3. Since January 20, 2001, any records relating to communications of any kind that your agency or department has had with any private or public entity regarding public access to government information of any kind, or the terms or procedures for public access to any government information. We mean this to include both communications originated or received by your agency.
4. Since January 20, 2001, any records relating to briefs, arguments or other legal documents filed by your agency or department in any court case, legal proceeding or administrative action involving access, or terms of access, to any government records or information, regardless of the origin of the records or information.
5. Since January 20, 2001, any records relating to budget proposals or adopted budgets for your agency or department, any portion of which have, or would have, the effect of restricting, limiting or eliminating public access to, or public distribution of, any records or information generated, maintained or controlled by your agency.
6. Since January 20, 2001, any records relating to the ability to classify, or procedures for classifying, as confidential, secret or otherwise non-disclosable any information generated, maintained or controlled by your agency.
7. Since January 20, 2001, any records relating to requirements, or lack of same, to publicly announce any meeting of agency or departmental employees or officials, or advisory groups, or to hold any such meetings in public.

As we mentioned, we do not mean for our request to be limited to these seven items. If your agency generates, maintains or controls any other records relevant to the subject of our request, please also include them in your response.

As we mentioned in our July 14, 2003 clarification to our original request, we do not mean the request to include all FOIA requests received by your agency, plus your agency's responses to the requests. We do, however, mean the request to include communications relating to your agency's information access practices, as detailed in the first paragraph of our request.

We also do not mean this request to include so-called "licensee submissions," such as routine correspondence with the agency's regulated community that includes

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proprietary information legitimately exempt from disclosure. Similarly, we do not mean this request to include material legitimately exempt under applicable privacy provisions.

As we discussed, in general, we are interested in policy matters concerning public access to information, including any records that may be associated with policy documents themselves.

As representatives of the news media, we are required only to pay for the direct cost of duplication after the first 100 pages. Through this request, we are gathering information of current interest to the public because of the public debate now underway on access to government information. We are seeking this information on behalf of *U.S. News & World Report* for dissemination to the general public. As such, we request a waiver of fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. If, however, you do not grant a fee waiver, we agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$50. However, please notify us prior to your incurring any expenses in excess of that amount.

If our request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions of the act. We will also expect you to release all segregable portions of otherwise exempt material. We, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Because we make this request as journalists and the information is of timely value, we would appreciate your communicating by phone, rather than by mail, if you have questions regarding this request. Please use Christopher Schmitt as the primary contact, at 202-955-2032. As the secondary contact, please use Edward Pound, at 202-955-2322.

Request for expedited consideration

Please provide expedited review of this request, which concerns a matter of urgency. As journalists, we are primarily engaged in disseminating information.

The public has an urgent need for information about access to government information. This is a vital issue as the nation responds to challenges following the September 11 attacks. But public access -- a mainstay of democratic society -- is also a significant issue generally. Today, on an almost daily basis, lawmakers and public policymakers confront the question of how public access should be provided. Through better understanding of this issue, members of the public would be better informed in communicating with legislators and policymakers as they consider this important matter. There is widespread, exceptional and immediate public interest in this area, which also raises questions about public confidence in their government institutions. Thus, delays in

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processing this request could prevent the more informed judgments and communications on which a healthy democracy depends.

We certify that our statements concerning the need for expedited review are true and correct to the best of our knowledge and belief.

We look forward to your reply within 20 business days, as the statute requires, and we thank you for your assistance.

Sincerely yours,

Christopher H. Schmitt
Senior writer

Edward T. Pound
Assistant managing editor