

FOIA/FA REQUEST

Case No.: 2005-0190
Date Rec'd: 4-5-05
Specialist: [signature]
Related Case: _____

Environmental Defense Institute

P.O. Box 220 Troy, Idaho 83871 Phone / Fax 208-835-5407

April 5, 2005

Freedom of Information Section
U.S. Nuclear Regulatory Commission Mail Stop T6-D8 Washington, DC 20555-0001

Sent by Certified U.S. Mail and by e-mail to: FOIA@nrc.gov

Re: FOIA Request for information related to Yucca Mountain.

Dear Sir or madam:

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. Section 552 and is submitted on behalf of the Environmental Defense Institute, Inc.

Numerous press articles have related that Chip Groat, director of the U.S. Geological Survey, said e-mails by USGS employees raised serious questions about the review process of scientific studies done six years ago on the Yucca Mountain nuclear waste disposal site in Nevada.

1. Furnish copies of all e-mails and records of the U.S. Geological Survey (USGS) employees relevant to Mr. Groat's concerns which pertain to and question the validity of scientific studies performed in 1998-2000 Yucca Mountain regarding site hydrology and the possibility of water seepage at Yucca Mountain.

2. Provide any and all documents and records indicating in any way that the concerns about the validity of scientific data for Yucca Mountain in the e-mails in paragraph 1 above were communicated to the Nuclear Regulatory Commission or any of the members of any Atomic Safety and Licensing Board prior to March 2005.

Request for Fee Waiver and Statement of Justification

The Environmental Defense Institute, Inc. ("EDI") is an educational, nonprofit organization which publishes a monthly newsletter available to the general public on nuclear issues. Any information obtained through this request will be disseminated through publication. See EDI's website:

<http://www.environmental-defense-institute.org>

The purpose for which the requested information will be used is to contribute significantly to the

public's understanding of the activities and operations of the government. Whether the Yucca Mountain site is available for handling nuclear wastes from the Idaho National Laboratory ("INL") and other commercial nuclear facilities is of national importance. There is the possibility that data falsification with respect to hydrology exists at the INL and an analysis and comparison of Yucca Mountain data falsification with similar practices which may exist at INL will be performed. The public has not been adequately informed of the relationship of INL waste removal which is premised in large part on the availability of Yucca Mountain for receiving those wastes. The unavailability of Yucca Mountain for reasons related to the documents requested may have serious consequences for wastes which remain at INL.

If you regard these records as exempt from required disclosure under FOIA, I request that you exercise your discretion to disclose them nevertheless. If you determine that portions of these records are exempt from disclosure, please state which sections of the FOIA provides authority for the exemption and the reason(s) why the exemption applies to each portion of the specific material withheld. I also request that you segregate the exempt material as precisely as possible and make the remainder of the documents (s) available. I further request that you disclose these materials as they become available to you without waiting until all the records have been assembled.

The FOIA provides that you may waive fees if it "is in the public interest because furnishing the information can be considered as primarily benefitting the public" 5 U.S.C. Section 552 (a)(4)(A). I believe that this request clearly meets this requirement. Moreover the EDI has qualified for fee waiver on numerous previous Department of Energy FOIA's. See Freedom of Information Act Office of Hearings and Appeals Case No. KFA-0291. Since all executive branch departments (i.e. DOE and NRC) must follow the same salutatory provisions for fee waivers, DOE's determination is sufficient for NRC. Therefore, I request that you waive all fees in connection with this request. In the event that fees are not waived, I request that you inform me of the specific basis for such a decision.

I look foreword to hearing from you within ten (10) working days, as provided for in FOIA. Should you need further information concerning this request please contact me by phone at 208-835-5407, in order to speed consideration of this matter.

Sincerely,

Chuck Broschious
Executive Director
Environmental Defense Institute
P.O.Box 220
Troy, ID 83871-0220

From: "Chuck Broschious" <edinst@tds.net>
To: <FOIA@nrc.gov>
Date: Mon, Apr 4, 2005 12:48 PM
Subject: Freedom of Information Request

Attached please find Environmental Defense Institute FOIA request to NRC.
Chuck Broschious
Executive Director
Environmental Defense Institute
edinst@tds.net

CC: "David Mccoy" <mccoydb01@msn.com>