

Project On Government Oversight

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FOIA/PA REQUEST

Case No.: 2005-0235
Date Rec'd: 5-17-05
Specialist: Carmonkey
Related Case: _____

May 11, 2005

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

Re: Freedom of Information Act Request

Dear Ms. Carol Ann Reed :

I am making this **expedited** request under the Freedom Of Information Act ("FOIA"), 5 U.S.C. § 552(a)(6)(E). Please provide all records or information (including reports, supporting documents, guard interviews, and e-mails) pertaining to a recent investigation performed by NRC Headquarters regarding guard fatigue at the Beaver Valley Power Station located in western Pennsylvania.

I request **expedited** processing of the requested records because of an ongoing investigation into the safety and security of our nations nuclear power facilities. POGO has been working with power station guards and therefore we have a compelling need to learn the results of the fatigue study to evaluate this extremely important security issue.

I request a waiver of all costs associated with fulfilling this submission pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records will further the "public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest" of POGO. Specifically, POGO intends to use the requested records to highlight and contribute to the public's understanding of the security operations or activities of the NRC and its licensees.

POGO investigates, exposes, and seeks to remedy systemic abuses of power, mismanagement, and subservience by the federal government to powerful special interests. Founded in 1981, POGO is a politically-independent, nonprofit watchdog that promotes a government that is accountable to the citizenry. POGO disseminates information about its activities to thousands of concerned citizens, policymakers, and the media via email, direct mail,

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and its web site www.pogo.org, which receives over 40,000 unique visitors monthly. The information provided by the agency will be used for the following activities: publication by email and on our website; publication in reports and newsletters issued by POGO; publication in the newsletters of affiliated nonprofit organizations; efforts to educate Congress, the Executive Branch, and other policymakers in Washington, DC; or investigational projects conducted in conjunction with the news media.

If this request is denied in full or in part, please cite the exemptions pursuant to 5 U.S.C. § 552(b) that justify the denial. If an exemption applies, however, please consider exercising the agency's discretionary release powers to disclose the records. Additionally, please release all reasonably segregable portions of the records that do not meet an exemption.

I look forward to your response within 20 days of the receipt of this request, unless, in the case of "unusual circumstances," the time limitation is "extended by written notice." I am aware that I have a right to appeal if this request is wholly or partially denied or if the agency fails to respond within 20 days, and that, if successful, a federal district court may assess "reasonable attorney fees and other litigation costs." 5 U.S.C. § 552(a)(4)(E).

Please contact me if this request requires further clarification. Thank you for your prompt attention to this matter.

Sincerely,



Danielle Brian
Executive Director
pogo@pogo.org