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August 24, 2007

VIA FACSIMILE

FOI/PA REQUEST
Case No. 2007-0310
Date Rec'd: 8-24-07
Specialist: BROWN
Related Case: _____

FOIA/Privacy Act Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D8
Washington, D.C. 20555-0001

Re: Freedom of Information Act — Request for Documents Regarding EPA Proposed Rulemaking OAR-2005-0083

To Whom It May Concern:

Environmental Protection Agency ("EPA") Rule 40 C.F.R. 197 was vacated and remanded in part by decision of the United States Court of Appeals for the District of Columbia Circuit in 2004. In 2005, EPA published a modified Proposed Rulemaking in response to that 2004 judicial decision (EPA Docket No. OAR-2005-0083). The period allowed for public comments on this proposed rulemaking expired November 21, 2005. As of the time of this FOIA request, EPA has not published the subject rulemaking in final form. Each of the following requests for documents from Nuclear Regulatory Commission ("NRC"), pursuant to the Freedom of Information Act ("FOIA"), 55 U.S.C. 552, seeks any responsive documents which address, discuss, or relate to, in whole or in part, either the **content** of EPA's pending proposed final rule (OAR-2005-0083) or the **timing** of its issuance in final form (the "relevant subject matter"). This request includes documents generated during the period from November 21, 2005, through the date of this FOIA request (the "relevant time period"). This request pertains to both NRC's Staff and NRC's Commissioners.

Please provide the following described documents¹:

1. All written communications (including emails) or any other documents sent by any employee or representative of NRC to any employee or representative of Department of Energy ("DOE"), EPA, Department of Justice ("DOJ"), or Office of Management and Budget ("OMB") or received by any employee or representative of NRC from any employee or representative of DOE, EPA, DOJ, or OMB during the relevant time period, pertaining in any way to the relevant subject matter.

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2. All written communications or other documents sent by one employee or representative of NRC to another employee or representative of NRC during the relevant time period, pertaining in any way to the relevant subject matter.
3. All notes, memoranda, or other written memorialization by any employee or representative of NRC of any personal conversation, telephone conversation, or statement made by any attendee at any meeting (during the relevant time period, pertaining in any way to the relevant subject matter) by any employee or representative of NRC, DOE, EPA, DOJ, or OMB.
4. All agendas of meetings (whether in person or via telephone conference call) during which the relevant subject matter was discussed and in which one or more employees or representatives of NRC participated during the relevant time period.
5. All calendars and appointment calendars of any employee or representative of NRC reflecting the anticipated or planned or actual dates of meetings during the relevant time period at which the relevant subject matter was discussed or was anticipated to be a topic of discussion.
6. Please identify any documents which are responsive to this FOIA request, but which have been withheld by NRC based upon any claim of exemption or privilege or other reason, and articulate the reason for its withholding.

This request is made on behalf of the State of Nevada.

The requesting party is willing to pay up to a total amount of \$1,000 for search time and document copying costs without the necessity for further approval. The requesting party has specifically made this request as narrow as possible in order to facilitate expeditious and timely response by NRC.

Thank you for your prompt attention to this request. If you have any questions, please contact me at 210-820-2667.

Sincerely,



Charles J. Fitzpatrick

CJF:sm

cc: Mr. Robert R. Loux (via email)
Joseph R. Egan, Esq. (via email)

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1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda; reports; studies; reviews; analyses; presentations; computer spreadsheets; computer codes; working papers; records; notes; letters; notices; confirmations; telegrams; facsimiles; receipts; appraisals; interoffice and intra-office communications; electronic mail (email); contracts; cables; notations or logs of any type of conversation, telephone call, meeting, or other communication; bulletins; printed matter; computer printouts; teletype; invoices; transcripts; diaries; appointment books; returns; summaries; minutes; bills; accounts; estimates; projections; comparisons; messages; or correspondence. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

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August 24, 2007

To: FOIA Office Firm Name: U.S. Nuclear Regulatory Commission City & State: Washington, DC Telephone: 301-415-6878 Fax No.: 301-415-5130	(9)
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From: Charles J. Fitzpatrick

Total number of pages (including this page): 4

Message:

Please call us immediately if the fax you receive is incomplete or illegible.

Please be advised that the information contained in this facsimile is considered to be *confidential* and *proprietary*. If you have received this document in error, please notify *Egan, Fitzpatrick & Malsch* immediately at the above telephone number. We will accept collect calls.