

**FOIA/PA REQUEST**

Case No.: 2008-0083
Date Rec'd: 1-7-08
Specialist: Sheppard
Related Case: _____

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

January 4, 2008

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

Dear FOIA/PA Officer:

Pursuant to the Freedom of Information Act and related regulations, (FOIA), I respectfully request that the Nuclear Regulatory Commission ("NRC") provide copies of the following 7 CDs which are identified in Appendix A of the NRC's response to the State of New York's FOIA request 2008-0028, attached hereto:

2 CDs regarding "results for Y6797, Evaluation of 2002 USGS National Seismic Hazard Assessment" (See letter dated 3/31/04 from A. Frankel, USGS to A. Murphy, NRC, Appendix A, No. 3)

1 CD regarding "4/05/04 results for Y6797, Evaluation of 2002 USGS National Seismic Hazard Assessment" (See letter dated 4/06/04 from A. Frankel, USGS to A. Murphy, NRC, Appendix A, No. 4)

1 CD regarding "a correction to previously sent seismic hazard results" (See letter dated 4/22/04 from A. Frankel, USGS to A. Murphy, NRC, Appendix A, No. 6)

1 CD regarding "corrected seismic hazard results for the 29 sites" (See letter dated 6/30/04 from A. Frankel, USGS to A. Murphy, NRC, Appendix A, No. 7)

2 CDs regarding "work done to date for FY 2005" (See letter dated 12/14/04 from A. Frankel, USGS to A. Murphy, NRC, Appendix A, No. 10)

We request that NRC produce all the contents of the CDs in CD format in accordance with the provisions of 5 U.S.C. § 552(a)(3)(B) which instructs federal agencies that "[I]n making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format" As indicated in Appendix A, the NRC received the records encompassed by this request in CD format. Duplication of those requested CDs can be readily accomplished by duplicating or "burning" their contents onto other CDs.

This information is requested by the Office of the New York State Attorney General in the course of its official governmental duties on behalf of the People of the State of New York. Because disclosure of the requested information is in the public interest (as opposed to a commercial interest), we hereby request a fee waiver for copies of the above requested CDs. See 5 U.S.C. § 552 (a)(4)(A)(iii) (“Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in 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 the requester.”).

If you have any questions concerning this FOIA request, please telephone me directly at (518) 474-7175. Thank you for your attention to this matter.

Very truly yours,

Linda A. Friedman
Legal Assistant
Environmental Protection Bureau

cc: Assistant Attorney General John Sipos

**APPENDIX A
RECORDS RELEASED IN THEIR ENTIRETY**

| <u>No.</u> | <u>Date</u> | <u>DESCRIPTION/(PAGE COUNT)</u> |
|------------|-------------|---|
| 1. | 02-19-04 | Ltr A. Frankel, USGS, to A. Murphy, NRC, re: monthly status report for January, 2004 (2 pages) |
| 2. | 03-19-04 | Ltr A. Frankel, USGS, to A. Murphy, NRC, re: monthly status report for February, 2004 (2 pages) |
| 3. | 03-31-04 | Ltr A. Frankel, USGS, to A. Murphy, NRC, forwarding 2 CDs re: results for Y6797, Evaluation of 2002 USGS National Seismic Hazard Assessment (1 page) |
| 4. | 04-06-04 | Ltr A. Frankel, USGS, to A. Murphy, NRC, forwarding a CD re: 4-05-04 results for Y6797, Evaluation of 2002 USGS National Seismic Hazard Assessment (1 page) |
| 5. | 04-19-04 | Ltr A. Frankel, USGS, to A. Murphy, NRC, re: monthly status report for March, 2004 (2 pages) |
| 6. | 04-22-04 | Ltr A. Frankel, USGS, to A. Murphy, NRC, forwarding a CD re: correction to previously sent seismic hazard results (1 page) |
| 7. | 06-30-04 | Ltr A. Frankel, USGS, to A. Murphy, NRC, forwarding a CD re: corrected seismic hazard results for the 29 sites (1 page) |
| 8. | 11-30-04 | Report to the U.S. Nuclear Regulatory Commission on Software Verification for Evaluation and Application of 2002 USGS National Seismic Hazard Assessment (86 pages) |
| 9. | 12-14-04 | Ltr A. Frankel, USGS, to A. Murphy, NRC re: monthly status report for November, 2004 (2 pages) |
| 10. | 12-14-04 | Ltr A. Frankel, USGS, to A. Murphy, NRC, forwarding 2 CDs re: work done to date for FY 2005 (1 page) |
| 11. | Undated | Evaluation of 2002 USGS National Seismic Hazard Assessment Final Report (13 pages) |
| 12. | Undated | Evaluation of 2002 USGS National Seismic Hazard Assessment Final Report (18 pages) |