

FOIA Resource

From: Donn, Jeff [jdonn@ap.org]
Sent: Tuesday, July 21, 2009 11:19 AM
To: FOIA Resource
Cc: Donn, Jeff
Subject: FOIA request from The Associated Press

FOIA/PA REQUEST

Case No.: 2009-0232
Date Rec'd: 7-21-09
Specialist: Cullen
Related Case: _____

Jeff Donn
National writer
Associated Press
Boston, MA 02110

U.S. Nuclear Regulatory Commission
Attn.: Donna Sealing
FOIA/Privacy Officer Mailstop: T-5 F09
Washington, DC 20555-0001

Dear Ms. Sealing,

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request the following information: the contents of microfiche card 66597 for ADAMS document Accession Number 8301280380, document date 12/27/1982, "Responds to 821108 ltr & newspaper article, clarifying distorted & incomplete picture of nuclear accident probabilities & consequences & modeling uncertainties presented in article," author DIRCKS W J.

I'd like to receive the information in either a common-format electronic version or a paper copy.

I'm making this request as an Associated Press reporter engaged in newsgathering, not commercial activity. As such, I'm only required to pay for the direct cost of duplication after the first 100 pages.

Please waive any applicable fees associated with this request. Through this request, I'm gathering information on the condition of aging nuclear power plants. Release of this information is in the public interest because it will contribute significantly to public understanding of government operations and activities, particularly how the Nuclear Regulatory Commission oversees aging management of nuclear plants. If my fee waiver is denied, I'm willing to pay up to \$10 for this document. If the cost is more than that, please contact me via e-mail at jdonn@ap.org or telephone at 617-316-9253.

If my request is denied in whole or part, please justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I also ask that you provide expedited review of this request, which concerns a matter of urgency. The information sought relates to a currently unfolding story, specifically, the relicensing of nuclear plants. Second, delaying release of the information harms the public interest in knowing what actions are being taken to ensure that safety margins are maintained as plants age. Third, the request obviously concerns federal government activity, as the request seeks information on NRC activities. Finally, as the world's oldest and largest news organization, the AP is a credible requester. I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

If you deny expedited processing, I expect to receive a response to the request within 20 business days, as the statute requires.

Since I'm making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone or e-mail, rather than by mail, if you have questions regarding this request.

Finally, I note that President Obama's January 21, 2009 "Presidential Memorandum for the Heads of Executive Departments and Agencies on the Freedom of Information Act" specifically stated that "In responding to requests under the FOIA, executive branch agencies should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public." Moreover, it held: "All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA."

In the spirit of such cooperation, I look forward to your quick response. Thanks for your help.

Sincerely,

Jeff Donn
Associated Press
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fax: 617-357-4111
jdonn@ap.org

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