

FOIA Resource

From: Donn, Jeff [jdonn@ap.org]
Sent: Friday, September 11, 2009 12:49 PM
To: FOIA Resource
Cc: Sheehan, Neil; Donn, Jeff
Subject: FOIA request from The Associated Press

FOIAPA REQUEST
Case No.: 2009-0275
Date Rec'd: 9-11-09
Specialist: Stennis
Related Case: _____

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 copies of photos described to me by NRC communications officer Neil Sheehan in a Sept. 10, 2009, email as Indian Point 1 photos that are: "purported to show active Indian Point corrosion were taken in 2006 and 2007. The photo of a valve was taken in April 2006 and the photo of a check valve was taken in July 2007. They were taken as part of the groundwater contamination evaluation/remediation project commenced at the plant in August 2005."

I would like to receive the information in electronic format. The person who provided these photos to the NRC tells me he has waived all confidentiality constraints on his allegations via an email to the NRC _ I believe to Mel Gray, Branch 2 Chief.

I am making this request as a reporter with The Associated Press and this request is made as part of newsgathering and not for commercial use.

Please waive any applicable fees. Through this request, I am gathering information on aging issues at nuclear plants. Release of this information is in the public interest because it will contribute significantly to public understanding of government operations and activities, particularly because it can illustrate how underground piping is subject to corrosion as context for how the issue is regulated. If my fee waiver is not granted, I am willing to pay up to \$50 for the documents. If the cost is more than that, please contact me per the contact information below.

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 on the life extension of commercial nuclear plants. Second, delaying release of the information harms the public interest in knowing what actions are being taken to grant license extensions. Third, the request obviously concerns federal government activity, as the request provides important context to how the NRC regulates inspection of underground piping. Also, as the world's oldest and largest news organization, please note that 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.

As I am 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.

Thank you for your help.

Best,

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National writer

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