THE CENTER FOR PUBLIC INTEGRITY

FOIA/PA REQUEST
Case No.: 2011-0628
Date Rec'd: 11-12-10
Specialist: Dennis
Related Case:

Nov. 12, 2010
To: U.S. Nuclear Regulatory Commission FOIA office
From: Jim Morris, Center for Public Integrity

Dear FOIA officer:

This is a request under the Freedom of Information Act.

The Center for Public Integrity hereby requests that you provide us copies of the records identified and described below – or of records containing the information identified and described below:

***All correspondence between members of Congress and NRC Chairman Gregory Jaczko regarding the Yucca Mountain site in Nevada from January 2005 to the present.**

Please respond within 20 working days, as the Act provides, or notify me if "unusual" or "exceptional" circumstances apply (as the Act uses those terms).

If you decide to withhold an exempt portion of any record, please release all other segregable parts. If you withhold any record or portion of a record, please specify which statutory exemptions are claimed for each withholding. Please separately state your reasons for not invoking your discretion, as the Act allows, to release the requested information. Please describe each record withheld, including its date and size (e.g., amount of electronic memory or number of paper pages).

If there are any search, review, or duplication fees greater than $25, inform me before you fill the request. But first please consider the Center's requests for fee reduction and fee waiver:

Request for fee reduction as a representative of the news media

The Center for Public Integrity is a 501(c)(3) tax-exempt charity and a news media organization, and therefore this request should be exempt from all fees for search and review. The Center issues dozens of original investigative news reports each year on its website, www.publicintegrity.org. In addition, some of the Center's news reporting has been published in book form, including the *New York Times* bestseller *The Buying of the President 2004*.

This request is being made in connection with the Center's newsgathering functions and not for any other commercial purpose. The Center intends to produce one or more original investigative reports based on analysis of the requested information.

Our reporters covering Congress and congressional committees are credentialed by the Standing Committee of Correspondents of the Congressional Daily Press Gallery. In response to

previous FOIA requests, federal agencies including the Department of State, the Central Intelligence Agency, the Environmental Protection Agency, and the Department of Defense, among others, have exempted the Center from search and review fees as a representative of the news media. The only federal court to consider the issue has also held that the Center "is entitled to treatment as a representative of the news media for purposes of FOIA." Center for Public Integrity v. HHS, No. 06-1818 (D.D.C. Aug. 3, 2007).

Request for fee waiver

In addition, the Center requests a waiver of all duplication fees for this request as permitted under the Act. Disclosure of the requested information to the Center is likely to contribute significantly to public understanding of the operations or activities of the government by illuminating chemical hazards in U.S. workplaces.

The Center for Public Integrity is a nonprofit, nonpartisan, tax-exempt organization that since 1990 has conducted investigative research and reporting on public policy issues in the United States and around the world. The International Consortium of Investigative Journalists was created in 1997 as a project of the Center for Public Integrity. For more information on the Center for Public Integrity and ICIJ please refer to www.publicintegrity.org and www.icij.org.

In reference to our request I am providing the following information addressing the six factors listed in the Department of Justice's FOIA Guide (March 2007): Fees and Fee Waivers, as found online at www.usdoj.gov/oip/foia_guide07/fees_feewaivers.pdf.

1) The subject matter of the requested records concerns the "operations or activities of the government," specifically of OSHA.

2) Release of the requested information "is likely to contribute" to the understanding of your agency by the public. Our research will be advanced by the release of the requested information. Prior to any action on this FOIA request, this information is not freely available to the public.

3) and 4) Due to the nature of our organization, the disclosure under our FOIA request will "contribute to the understanding of the public at large" and "contribute 'significantly' to public understanding of government operations or activities." Using the information produced through this FOIA request and other sources, we intend to produce one or more original investigative reports that explain the actions and operations of government to the general public. Our reports will be posted on our website, www.publicintegrity.org, and will be read by tens of thousands of people worldwide.

5) and 6) The disclosures we request under the Freedom of Information Act primarily serve the public interest and not any commercial interest. As stated above, the Center for Public Integrity is a 501(c)(3) tax-exempt nonprofit organization, and the requested information will be used only in connection with the Center's newsgathering functions.

Please feel free to contact me about any aspect of this request. In principle, the Center is willing to consider ways in which the request might reasonably be narrowed.

Thank you for your attention to this request.

Sincerely,

Jim Morris
Center for Public Integrity
910 17th Street N.W., 7th Floor
Washington, DC 20006-2606
(202) 481-1258
jmorris@publicintegrity.org

FOIA Resource

From: Morris, Jim [jmorris@publicintegrity.org]
Sent: Friday, November 12, 2010 3:55 PM
To: FOIA Resource
Subject: Center for Public Integrity FOIA request
Attachments: Scanned_document_12-11-2010_16-03-18.pdf

Attached is a FOIA request from the Center for Public Integrity. Please contact me at 202-481-1258 with any questions.

Thanks,

Jim Morris