

PSR[®] Physicians for Social Responsibility



United States Affiliate of International Physicians for the Prevention of Nuclear War

December 3, 2010

NRC FOIA/PA Officer
U.S. Nuclear Regulatory Commission
Mailstop T-5 F09
Washington, DC 20555-0001

FOIA/PA REQUEST
Case No.: 2011-0040
Date Rec'd: 12-6-10
Specialist: Hennis
Related Case: _____

Re: Freedom of Information Act Request

Dear NRC FOIA/PA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and 10 C.F.R. § 9.23(b), Physicians for Social Responsibility (PSR) respectfully requests you to provide all records of meetings, other oral communications or written communications since January 1, 2008 between the current Commissioners of U.S. Nuclear Regulatory Commission (Chairman Gregory Jaczko, Kristine Svinicki, George Apostolakis, William Magwood, and William Ostendorff) or their staffs and the following individuals or entities:

- a. Sen. James Inhofe or his staff.
- b. Sen. Harry Reid or his staff.
- c. Appropriations Committee Chairman David Obey or his staff and Ranking Member Jerry Lewis or his staff.
- d. All Members or their staffs of the Energy and Water Development subcommittee of the House Appropriations Committee;
- e. All Members or their staffs of the House Energy and Commerce Committee;
- f. Select Committee on Energy Independence and Global Warming Chairman Ed Markey or his staff and Ranking Member James Sensenbrenner or his staff.
- g. Science and Technology Committee Chairman Bart Gordon or his staff and Ranking Member Ralph Hall or his staff.
- h. Natural Resources Committee Chairman Nick Rahall or his staff and Ranking Member Doc Hastings or his staff.

- i. Budget Committee Chairman John Spratt or his staff and Ranking Member Paul Ryan or his staff.
- j. U.S. Energy Secretary Steven Chu or his staff.
- k. Deputy Energy Secretary Daniel Poneman or his staff.
- l. The former and current Director of the Office of Budget at the Department of Energy or her/his staff.
- m. Employees, directors, attorneys or other representatives of the Nuclear Energy Institute.

This request excludes speeches, testimony and any correspondence posted on the NRC website at <http://www.nrc.gov/reading-rm/doc-collections/congress-docs/correspondence/>. PSR understands that some of these records have been requested in other FOIAs. In cases of redundancy with documents identified in a closed FOIA case, please direct us to the appropriate FOIA/PA request number(s) on ADAMS.

For purposes of this request, the term “record” means: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, telegrams, teletypes, facsimiles, papers, forms, records, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazines or newspaper articles or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail, meaning any electronically transmitted text or graphic communication created upon and transmitted or received by any computer or other electronic device, and all materials stored on compact disk, computer disk, diskette, hard drive, server, or tape; (3) any audio, aural, visual, or video records, recordings, or representations of any kind, including without limitation all cassette tapes, compact disks, digital video disks, microfiche, microfilm, motion pictures, pictures, photographs, or videotapes; (4) any graphic materials and data compilations from which information can be obtained; (5) any materials using other means of preserving thought or expression; and (6) any tangible things from which data or information can be obtained, processed, recorded, or transcribed. The term “record” also includes any drafts, alterations, amendments, changes, or modifications of or to any of the foregoing.

If it is your position that records exist that are responsive to this request, but that those records (or portions of those records) are exempt from disclosure pursuant to 10 C.F.R. § 9.17, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the non-exempt portions of the records.

Request for Waiver of Fees

PSR hereby requests that all fees in connection with this FOIA request be waived in accordance with 10 C.F.R. §§ 9.39(a) and 9.41(c). As provided in § 9.41(c), the NRC must:

waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records made under § 9.23(b), it can determine that disclosure of the information in the agency records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Federal Government and is not primarily in the commercial interest of the requester.

PSR satisfies the NRC's criteria for a fee waiver in the following respects:

- a. The requested disclosures concern the operations and activities of the Federal Government because they seek information regarding the nature and extent of Congressional and private industry involvement in NRC regulatory matters.
- b. The disclosure of the requested documents will significantly contribute to the public's understanding of the operations and activities of the NRC with respect to nuclear regulatory matters. In particular, the documents will shed light on the question of whether the NRC has sufficient independence from political and industry influence to impartially exercise its regulatory responsibilities. PSR believes it is extremely important to ensure that the authority of the NRC to enforce federal health and safety laws is not compromised by outside political and business pressures. Disclosure of all contacts between NRC Commissioners and political and business entities is essential to protect the independence of the agency.

PSR intends to communicate the information it obtains to its members and the general public through its website, www.psr.org.

- c. The materials will not be used for PSR's commercial use or gain. PSR's whose sole purpose in requesting the documents is to educate itself, its members, and the general public regarding the NRC's regulatory process.

PSR is a nonprofit organization with 50,000 members and e-activists, 30 chapters, and a database of 250,000 concerned citizens dedicated to improving national policy formulation and decision-making about security, energy and the environment through the combined efforts of credible, committed health professionals and our active and concerned citizen members. PSR believes that the NRC must be an independent regulatory body in order to fulfill its mission to "regulate the

civilian uses of nuclear materials in the United States to protect public health and safety, the environment, and the common defense and security.”

PSR intends to use the requested information in furtherance of its goal of educating the public on the risks associated with nuclear energy. PSR will disseminate the disclosed information to the public through both its website, www.psr.org, and its extensive media campaign, as well as through educational programs and events. Accordingly, we request that you waive all fees for locating and duplicating the requested records. If, however, a waiver is not granted, then please advise us of the amount of any proposed search, review, and reproduction charges before those activities are carried out.

We will expect a response within 20 business days, as provided by 5 U.S.C. § 552(a)(6)(A)(i). If you have any questions regarding this request, please contact me at (202) 587-5242.

Thank you very much for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Michele Boyd". The signature is written in a cursive, flowing style.

Michele Boyd
Director, Safe Energy Program

FOIA Resource

From: Morgan Pinnell [mpinnell@psr.org]
Sent: Friday, December 03, 2010 5:16 PM
To: FOIA Resource
Subject: FOIA request
Attachments: PSR FOIA to NRC FINAL.pdf

To Whom It May Concern:

Please see the attached FOIA request for information.

Thank you,

Morgan Pinnell

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Morgan Pinnell
Safe Energy Program Manager
Physicians for Social Responsibility
Phone: 202-587-5232
Email: mpinnell@psr.org
Website: www.nuclearbailout.org